

Memorandum



CITY OF DALLAS

DATE May 16, 2014

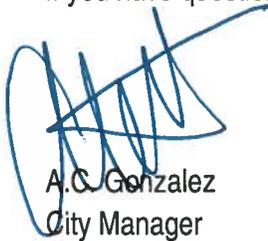
TO Honorable Mayor and Members of the City Council

SUBJECT **Charter Review Commission's Recommended Amendments to the Dallas City Charter**

The May 21, 2014 briefing agenda includes a discussion of the 2014 Charter Review Commission's Recommended Amendments to the Dallas City Charter. You will be briefed by Chairman Rafael Anchia joined by First Vice Chair Levi Davis and Second Vice Chair Lois Finkelman.

The Charter Review Commission's Recommended Amendments to the Dallas City Charter are attached for your review. The June 11, 2014 agenda will include an action item to order a Charter Election for November 4, 2014.

If you have questions or need additional information, please contact my office.



A.C. Gonzalez
City Manager

Attachment

c: Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, (I) First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager

Joey Zapata, Assistant City Manager
Charles M. Cato, (I) Assistant City Manager
Theresa O'Donnell, (I) Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, (I) Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

2014 Charter Review Commission



BRIEFING TO THE DALLAS CITY COUNCIL
MAY 21, 2014

CHAIR RAFAEL ANCHIA
FIRST VICE CHAIR LEVI DAVIS
SECOND VICE CHAIR LOIS FINKELMAN

Presentation Purpose

2

An overview of:

- Charter Review Requirements
- 2014 Commission Process
- Commission's Proposed Amendments
- Next Steps

Charter Review Requirement

3

- Dallas City Charter Chapter II Section 3 requires that the Charter be reviewed by a Charter Review Commission every ten years.
- On January 15, 2014, the Dallas City Council adopted a resolution that established a Charter Review Commission and appointed 16 commissioners.
 - The Mayor appointed the Chair.
 - The Chair selected the first and second vice chairs.

Charter Review Commissioners

4

- Rafael M. Anchia
(Chair)
- Levi H. Davis
(First Vice Chair)
- Lois G. Finkelman
(Second Vice Chair)
- Jan Hart Black
- Mary Elizabeth Cedillo-Pereira
- Robert A. Chereck
- M. Eva Elvove
- Michael Northrup
- Thomas P. Perkins, Jr.
- Jeanne L. Phillips
- Diane Ragsdale
- Paul D. Rich
- Robert R. Stimson
- Mary K. Suhm
- Walter A. Walne
- Max W. Wells

Communications Strategy

5

The Commission began its work in late January 2014 and held weekly work sessions.

- A bilingual media strategy was adopted.
- Public testimony was taken at five community meetings – one in each quadrant of the city and a final meeting at City Hall.
- Translation services were offered at the community meetings.
- A webpage was developed to house Commission materials.
- All meetings, including community meetings, were broadcast live and available online for citizen review.
- An email address was created to accept comments from the public.

Solicitation of Suggestions

6

- The City Council, City Managers, City Secretary, City Auditor, City Attorneys, City departments and the public were invited to submit suggested amendments to the Charter.
- The “Suggested Amendments List” became the working list of items for consideration by the Commission.
- The Commission divided the “Suggested Amendments List” into three categories of items:
 - Policy
 - Operational
 - Technical
- And considered the following factors:
 - Whether an item had previously resulted in litigation?
 - Whether an item would be better served through code revisions or ordinance changes?
 - The number of ballot items.

Work Sessions

7

As it considered items from the “Suggested Amendments List,” the Commission received information on a variety of matters:

- Background on 2002 and 2005 Charter Review processes;
- The city auditor, the city secretary, the city attorney, and the chief financial officer provided information about operational impacts of suggested amendments;
- The civil service board chair, the director of civil service, and representatives of uniformed groups addressed suggested changes to the civil service sections of the Charter;

Work Sessions

8

- Local, state, and national experts provided information on redistricting in other jurisdictions; staff and former redistricting commission members briefed the Commission on the 2011 redistricting process; citizens testified about changes to improve the process;
- City staff provided data regarding mayor and council compensation and terms in cities with manager/council forms of government.

2014 Charter Review Commission

9

Proposed Amendments

Proposed Policy Amendments

10

- Clarify that the prohibition against running for office while holding a city position applies to municipal judges, officers of the city, and board and commission appointees (including DART and DFW Airport Board members).
- Require broader publication and posting of notices relating to meetings, budgets, contracts, elections, and ordinances.
- Clarify that a municipal judge automatically resigns if he/she announces candidacy for public office.
- Allow the Civil Service Board to designate the secretary of the Trial Board.
- Clarify the rules regarding prohibited interests in city contracts:
 - Exempts board and commission members, but makes it clear that board and commission members, including DART board members, must comply with applicable conflicts of interest and ethics rules in the city code and under state law.
 - Makes clear that DART appointees may not have a financial interest in contracts with the city;
 - Exempts ownership of an interest in a mutual or common fund, such as pension or 401k plans;
 - Exempts contracts for general services or benefits if services or benefits are available to city officials or employees on the same terms they are available to the public;

Proposed Policy Amendments

11

Reform the Redistricting Process

- Current Charter redistricting language creates an obvious tension.
 - Ch. IV, §5(b)(2): “A member of the city council is not eligible for appointment to the redistricting commission.”
 - Ch. IV, §5(b)(3): “The city council shall adopt the plan as submitted or shall modify and adopt the plan, ...
- Commission attempted to strike a balance between the independence asserted in §5(b)(2) and the council involvement permitted by §5(b)(3).

Proposed Policy Amendments

12

Reform the Redistricting Process

- The Commission heard from local, state, and national experts on redistricting.
 - **Professor Steve Bickerstaff:** Founder of Bickerstaff and Heath, one of the premier election law firms in the country; assisted with the Austin redistricting effort.
 - **Professor Justin Levitt:** A national expert in constitutional law and the law of democracy, with particular focus on election administration and redistricting.
 - **National Association of Latino Elected and Appointed Officials Educational Fund.**
 - **National Association for the Advancement of Colored People:** Written testimony from the NAACP Western Regional Director before the National Commission on Voting Rights (Jan. 2014).
 - **Greater Dallas Asian-American Chamber of Commerce.**
 - **Former members of 2011 Redistricting Commission:** Ruth Morgan and Bill Betzen.

Proposed Policy Amendments

13

Reform the Redistricting Process

- Feedback received:
 - Concerns about transparency at the commission level.
 - Need for members of the redistricting commission to reflect the diversity of the Dallas area:
 - ✦ 2011 Redistricting Commission: 4 African-American members, 3 Hispanic members, and 8 Caucasian members.
 - ✦ 2011 City Council: 4 African-American members, 3 Hispanic Members, and 8 Caucasian members.
 - ✦ 2010 Census Data for Dallas: 25% African-American, 42% Hispanic, 29% White (Non Hispanic), 3.09% Asian.
 - Need for proper guidance: What to avoid and what to aim for?
 - Concerns about the approval process once the proposed redistricting map is given to City Council for consideration.

Proposed Policy Amendments

14

Reform the Redistricting Process

- Proposal includes reforms to accomplish the following:
 - Increase independence;
 - Increase community participation;
 - Achieve meaningful diversity;
 - Codify redistricting principles; and
 - Increase transparency of the process.

Proposed Policy Amendments

15

The Proposed Redistricting Process

- Develops an applicant process and determines qualifications for applicants;
- Identifies persons ineligible to serve:
 - Interested parties and political insiders
- Each Council member selects one commissioner from a pool of qualified applicants. Four additional commissioners are selected by the entire City Council to balance the redistricting commission;

Proposed Policy Amendments

16

The Proposed Redistricting Process Cont'd

- Establishes guidelines for drawing districts;
- Prohibits commissioners from running for city council for the next two election cycles or serving on a city board for two years;
- Prohibits communication between council members, applicants to the commission, and redistricting commissioners during the redistricting process, except in open meetings;
- Requires a written explanation, 72 hours public notice, and three-fourths vote of city council to modify the proposed map.

Proposed Policy Amendments

17

Increase Mayor and Council Member Compensation

- Dallas currently ranks 3rd among top 5 Texas Cities:
 1. Houston: Mayor (\$209,138); Council (\$55,770)
 2. Austin: Mayor (\$81,344); Council (\$69,885)
 3. Dallas: Mayor (\$60,000); Council (\$37,500)
 4. Fort Worth: Mayor (\$29,000); Council (\$25,000)
 5. San Antonio: Mayor (\$4,040); Council (\$1,040)
- And among the top 10 cities with a council/manager form of government, Dallas ranks 5th.
 - Highest: Las Vegas – Mayor (\$136,489); Council (\$75,827)
 - Lowest: San Antonio

Proposed Policy Amendments

18

Increase Mayor and Council Member Compensation

- Four approaches were considered:
 - Increase council compensation to an amount equal to the Dallas City employee (professional and uniform) average, \$57,810.
 - Increase council compensation according to the Consumer Price Index (CPI), \$79,541.84 and \$49,530.49 respectively.
 - Increase council compensation to at least 120% of Dallas area median income for a family of four, \$81,500.
 - Increase council compensation to an amount equal to the median Dallas household income (per *American Community Survey*), \$42,400.

Proposed Policy Amendments

19

Increase Mayor and Council Member Compensation

- Initial vote: Increase Council compensation based the on CPI.
- After hearing from the community, the Commission voted to reconsider.
- Final recommendation:
 - \$60,000 for Council Members and \$80,000 for Mayor.
 - Effective upon the next Council election in June 2015.

Proposed Operational Amendments

20

The Commission is recommending several changes to City Department operations:

- Require the City Secretary's record management system to permanently retain all minutes, final orders, and electronic recordings of the City Council and certain boards and commissions.

- Dallas City Council
- Board of Adjustment
- Dallas Citizens Police Review
- Civil Service Board
- Ethics Advisory
- City Planning And Zoning Commission

- Landmark Commission
- Parks and Recreation Board
- Permit and License Appeal Board
- Redistricting Commission
- Charter Review Commission

Proposed Operational Amendments

21

- **Allow the City Secretary 45 days to review a petition.**
 - Current 30-day verification requirement strains city staff.
- **Specify that city contracts are executed upon signature of the City Manager and approval by the City Attorney.**
 - Publication of an ordinance or resolution authorizing a contract does not constitute execution of a contract.

Proposed Technical Amendments

22

Technical Amendments to the Charter are recommended for the following reasons:

1. Match actual practice
2. Conform to state law
3. Conform to the city code
4. Correct terms
5. Correct spelling
6. Correct cross-references

Next Steps

23

- June 11, 2014 – Proposed Dallas City Council vote on ordinance to order Charter Election.
- June 25, 2014 – Last City Council date to vote on ordinance to order Charter election.
- August 18, 2014 – Last day to submit an election measure to Dallas County Election’s Office for inclusion on the November 2014 ballot.
- November 4, 2014 – Election on Charter amendments.

Charter Review Commission



Recommended Amendments to the Dallas City Charter presented to the Dallas City Council

May 21, 2014

TABLE OF CONTENTS

Tab 1: Letter from the Chair

Tab 2: Summary of suggested amendments

Tab 3: Charter language changes

Tab A: Chapter III. City Council

Section 4. Compensation of the members of the City Council

Section 6. Regular meetings

Section 10. Council vote

Section 11. Election and duties of the Mayor Pro Tem and Deputy Mayor Pro Tem

Section 17. Prohibiting holding or running for other office

Section 19. Independent audit

Section 20. City Treasurer and selection of city depository

Tab B: Chapter IIIA. City Secretary

Section 3. Duties of the City Secretary

Tab C: Chapter IV. Elections and referendums

Section 5. District limits

Tab D: Chapter V. Recall of City Council members

Section 1. Petition for recall of City Council members

Tab E: Chapter VIII. Municipal Courts

Section 4A. Removal of municipal judges.

Tab F: Chapter XI. The budget and financial procedure relating thereto

Section 3. Annual appropriation ordinance

Section 4. Transfer of appropriations

- Section 5. Appropriation of excess revenue
- Section 6. Expenditures only pursuant to appropriations
- Section 8. Payment of obligations
- Section 11. Obligations; when void
- Section 13. Disposition of funds

Tab G: Chapter XV. Planning and zoning

- Section 1. Comprehensive planning
- Section 4. Duties of Zoning Commission
- Section 7. Alternate members of the Board of Adjustment

Tab H: Chapter XVI. Civil service and personnel

- Section 12. Trial board
- Section 16. No discrimination based on race, sex, religious or political opinions; prohibiting certain political activity on the part of employees

Tab I: Chapter XVIII. Ordinances and resolutions

- Section 7. Publication of ordinances
- Section 12. City Secretary to examine petition
- Section 15. Promulgation of ordinances before election

Tab J: Chapter XIX. Assessment and collection of taxes

- Section 1. Property subject to taxation

Tab K: Chapter XX. Public improvements and assessments

- Section 2. Improvement ordered by resolution
- Section 11. State law adopted as to water and sewer system improvements

Tab L: Chapter XXII. Public contracts

Section 1. Signatures and appropriations

Section 2. Contract letting

Section 11. Financial interest of employee or officer prohibited

Tab M: Chapter XXIV. Miscellaneous provisions

Section 13. Appointment and tenure of commissions

Tab 4: Suggestions denied

Tab 5: Resolution creating the Commission and list of members



Charter Review Commission

May 21, 2014

Honorable Mayor and Members of the City Council
1500 Marilla Street 4BN
Dallas, Texas 75201

Re: Report of the Charter Review Commission

Honorable Mayor Rawlings and Members of the City Council:

As Chair of the 2014 Charter Review Commission, I am pleased to submit to the Dallas City Council for consideration the enclosed report and recommendations.

The Commission concluded its work on Tuesday, May 6. On Wednesday, May 21, I, along with Vice Chairs Levi Davis and Lois Finkelman, will brief the City Council, via PowerPoint, on the recommendations contained in the report and the reasoning behind some of the larger policy decisions. The PowerPoint presentation will be distributed at the Wednesday meeting.

Over the last four months the Commission has worked diligently in weekly work sessions to address issues brought to our attention by the Mayor, City Council, City officers, and Dallas citizens. To ensure interested members of the public had full and open access to the process, the Commission convened community meetings in all four quadrants of the city and at City Hall, broadcasted our weekly work sessions on Dallas City News Network (DCNN), posted Commission materials on the city website and, offered translation services at public meetings. As a means of informing our deliberations, we also received data and heard from city staff and subject matter experts. With the help of all these measures, the commission developed a list of recommendations that we believe will serve to improve our great city.

The enclosed report includes, among others, proposed recommendations related to 1) Mayor and City Council compensation; 2) redistricting reform; 3) prohibiting city officers, including municipal judges, DART board members, and DFW board members, from running for public office while holding a city position; 4) requiring broader publication of notices regarding budgets, contracts, elections, and ordinances; 5) clarifying that municipal judges automatically resign if they run for public office; and 6) requiring permanent retention of the minutes, orders, and recordings of city council and certain boards and commissions. The Commission also recommended several technical amendments to bring the charter in conformity with current state law, city code, actual practice, and to correct terms, spelling errors and cross-references.

As noted earlier, the Commission has recommended the permanent retention of the minutes, orders, and recordings of certain boards and commissions. As such records are essential to the business and history of the city and to the public, the Commission also offers a separate, but related, non-charter recommendation: that City Council undertake a comprehensive audit of the current city record retention program. While not included among the charter recommendations, the Commission believes the broader record retention issue warrants further attention.

The Commission acknowledges that these are merely our recommendations, but respectfully requests that you give them due consideration, as they reflect the conscientious effort and thoughtful deliberations of the Commission as well as the constructive input of the public. Thank you for the opportunity to serve the City of Dallas.



Rafael Anchia
Chair



Levi Davis
First Vice Chair



Lois Finkelman
Second Vice Chair

Enclosure

c: Commissioner Jan Hart Black
Commissioner Liz Cedillo-Pereira
Commissioner Robert Chereck
Commissioner Eva Elvove
Commissioner Michael Northrup
Commissioner Tom Perkins
Commissioner Jeanne Phillips
Commissioner Diane Ragsdale
Commissioner Paul Rich
Commissioner Bob Stimson
Commissioner Mary Suhm
Commissioner Alan Walne
Commissioner Max Wells

AMENDMENTS TO THE DALLAS CITY CHARTER
RECOMMENDED BY THE CHARTER REVIEW COMMISSION

Items in bold are policy issues

Items underlined are changes to city department operations

Items in italics are technical corrections

(Comments are in parentheses)

<u>Citation</u>	<u>Description</u>
III §4	Increase councilmember compensation. (Councilmember compensation increased to \$60,000 and Mayor's compensation increased to \$80,000. Increase will be effective at the next city council election in June 2015.)
III §6	<i>Delete the final sentence, which requires City Council to meet every week.</i> (City Council does not meet every week.)
III §10	<i>Allow city councilmembers to abstain from voting if required by any law.</i> (The provision currently requires councilmembers to abstain if they are voting on their own official conduct or if they have a financial conflict of interest.)
III §11	<i>Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor.</i> (The proposed amendment clarifies that the Mayor Pro Tem assumes the duties of the Mayor if the Mayor is unable to discharge the powers and duties of the office.)
III §17	(a) Clarify that the prohibition on running for other offices applies to municipal judges and commission members as well as board members. (b) Make the prohibition on running for other offices apply to DART board members and DFW board members. (c) <i>Amend the charter and code of ethics to conform to state law, which prohibits a city from terminating an employee who runs for public office.</i> (The provision currently provides that board members and city officers forfeit their position if they become a candidate for public office. The proposed amendment amends Subsection (a) to apply to city board and commission members and city appointees to the DART board and the DFW board. The proposed amendment deletes Subsection (c) because Texas Local Government Code §150.041 provides that a city may not prohibit a city employee from becoming a candidate for public office.)

- III §19
- (a) *Change reference to “accounts, records, and transactions” to “annual financial statements” because that is what is actually audited.*
 - (b) *Require the firm that conducts the audit to be registered with the State of Texas.*
 - (c) *Certification of budget estimates is the duty of the city’s internal auditor, not the external independent auditor.*
 - (d) **Require the audited financial statements to be posted on the city’s website and maintained in the central and branch libraries.**

(This provision concerns independent audits of the city’s annual financial statements.)

- III §20
- (a) *Clarify that the Chief Financial Officer is responsible for management of the city’s financial assets.*
 - (b) *Move responsibility for deposit of funds from XI §13 to this section.*
 - (c) *Require that deposits be made promptly in a commercially reasonable manner, rather than within 24 hours.*

(References to the city treasurer or city controller have been changed to the chief financial officer. The proposed amendments require that monies received by the city be deposited promptly in a commercially reasonable manner in city depositories.)

IIIA §3

Require the City Secretary’s record management system to permanently retain all minutes, final orders, and any electronic recordings of the city council and certain boards and commissions.

(Ensures that records of certain city boards and commissions will be permanently available for public inspection.)

IV §5

Revise the redistricting process.

(The proposed amendments include: (1) a widely-publicized application process, (2) qualifications for applicants, (3) persons who are not eligible to be applicants, (4) auditor review of applications, (5) each city councilmember appoints one member and city council appoints four additional members, (6) guidelines for drawing district lines, (7) prohibits commissioners from running for city council for the next two terms or serving on a city board for two years, (8) prohibits city councilmember contact with commissioners, except in open meetings, (9) training and staffing for the commission, (10) public input on proposed maps, and (11) requires a written explanation, 72 hours public notice, and three-fourths vote of city council to modify the proposed map.)

V §1(3)

Allow the City Secretary 45 days to review a petition.

(This will increase the time the City Secretary has to review signatures on a petition for recall of a city council member from 30 days to 45 days. A similar amendment was made to XVIII §12.)

- VIII §4A (a) **Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office.**
(b) **Add a cross-reference to III §17.**
(Clarifies that a municipal judge may be removed from office if the judge becomes a candidate for any public office. Adds a cross-reference to III §17, which prohibits city officers from holding or running for public office.)
- XI §3 **Require the annual appropriation ordinance to be posted on the city’s website and maintained in the central and branch libraries.**
(This is one of several amendments that requires additional public notice of city documents.)
- XI §4 *“Unencumbered” is misspelled.*
- XI §5 *The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.*
- XI §6 *The reference to the City Secretary is incorrect; the Chief Financial Officer provides any notice.*
- XI §8 *Change “City Controller” to “Chief Financial Officer.”*
(The position formerly titled as “City Controller” is now titled as “Chief Financial Officer.”)
- XI §11 *The cross-reference to Section 10 is not correct.*
- XI §13 *Delete this section and move responsibility for deposit of funds to III §20.*
(The proposed amendment requires that monies received by the city be deposited promptly in a commercially reasonable manner in city depositories.)
- XV §1(2) *The comprehensive plan is amended by ordinance, not resolution.*
(Dallas Development Code §51A-1.108(d) provides that the comprehensive plan may be amended by ordinance.)
- XV §4 **Require notice of city plan commission meetings to be posted on the city’s website.**
(This is one of several amendments that requires additional public notice of city documents.)
- XV §7 *Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).*

- XVI §12(a) **Allow the Civil Service Board to designate the secretary of the Trial Board, rather than City Council.**
- XVI §12(c) *Change the time from 10 days to 10 working days to be consistent with the Personnel Rules.*
(Allows officers and employees 10 working days to appeal to the trial board, in keeping with Dallas City Code Chapter 34.)
- XVI §16(a) (a) *Include all protected classes (color, age, marital status, sexual orientation, national origin, disability).*
(b) *Add gender identity, gender expression, and genetic characteristics as additional classes.*
(Revises the list of employee groups protected from discrimination to match Dallas City Code §34-35. Also adds gender identity, gender expression, and genetic characteristics to the list of protections.)
- XVI §16(d) *Amend the section to conform to Wachsman v. Dallas.*
(Amends the section to allow police and fire employees to engage in political activities to the extent permitted by law, in keeping with the holding in Wachsman v. Dallas.)
- XVIII §7 **Require ordinances to be published on the city’s website unless otherwise required by law.**
(This is one of several amendments that requires additional public notice of city documents.)
- XVIII §12 Allow the City Secretary 45 days to review a petition.
(This will increase the time the City Secretary has to review signatures on petitions for referendums from 30 days to 45 days. A similar amendment was made to V §1(3).)
- XVIII §15 **Require ordinances to be submitted to voters to be posted on the city’s website and maintained in the central and branch libraries.**
(This is one of several amendments that requires additional public notice of city documents.)
- XIX §1 (a) *Change the reference to the tax assessor and collector to the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located.*
(b) *Change the date from July 1st to July 25th.*
(c) *Delete the phrase “or as soon thereafter as practicable.”*
(The amendment reflects that the Texas Tax Code provides that the appraisal district will prepare the list of taxable property and submits it to the city by July 25th.)

- XX §2 (a) *Improvements are ordered by ordinance.*
 (b) *Delete the second sentence stating that notice of a council resolution is not required.*
 (Public improvements are ordered by ordinance, rather than a resolution. Deletes sentence that waives notice, so that notice will be provided as required by law.)
- XX §11 *The reference to Texas Local Government Code Chapter 402 is no longer current.*
 (The section gives the city the power to make any improvements to water and sewer systems allowed by state law.)
- XXII §1 (a) Specify that the exclusive means of executing a contract on behalf of the city is by signature of the city manager with approval by the city attorney.
 (b) Add a statement that publication of an ordinance or resolution to make it effective after passage does not constitute execution of the ordinance or resolution as a contract unless the ordinance or resolution expressly states publication acts as execution.
 (Clarifies that an ordinance or resolution authorizing a contract is not in itself a contract. A contract is created only when the actual contract is signed by the city manager.)
- XXII §2(a) **Require notice of contract letting be posted on the city’s website.**
 (This is one of several amendments that requires additional public notice of city documents.)
- XXII §11 (a) *Change the term “officer” to “official” to be consistent with Dallas City Code Chapter 12A.*
 (b) **Exempt ownership of an interest in a mutual or common investment fund.**
 (c) **Exempt contracts for general services or benefits made available on the same terms that they are made available to the general public.**
 (d) **Exempt board and commission members, but require that they comply with conflict of interest and ethics provisions in state law or the city code.**
 (This section prohibits city officials and employees from having a financial interest in contracts with the city. The amendments change the term “officer” to “city official” to match to Dallas City Code Chapter 12A, the Code of Ethics. The amendments provide the prohibition does not apply to ownership of an interest in a mutual or common fund, such as the city’s pension plan or 401K plan. The amendment exempts contracts for general services or benefits, such as renting a city facility, that are made on the same terms that they are made available to the public. The amendments provide that the prohibition on interests in city contracts do

not apply to board and commission members, but that they must still comply with conflict of interest and ethics provision in state law and Dallas City Code.)

XXIV §13(a)

Change September to August, and allow City Council to begin the nomination process, rather than make the appointments.

(The amendment reflects that nominations for boards and commissions are started in August, rather than being completed in September.)

CHAPTER III. CITY COUNCIL

Current language:

SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a “year” means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member’s compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.

Recommendation: Increase councilmember compensation. The increase will be effective at the next city council election in June 2015.

Proposed language:

“SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) Effective at the beginning of the council terms in June 2015 [~~October 1, 2001~~], each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 [~~37,500~~] for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$80,000 [~~60,000~~] for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a “year” means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.”

Charter Review Commission Action:

Final vote: May 6, 2014

Approved by vote of 9-7

CHAPTER III. CITY COUNCIL

Current language:

SEC. 6. REGULAR MEETINGS.

(a) On the day the members of the city council take office, they shall meet at the building designated as the official city hall, and thereafter all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.

(b) For purposes of this Charter, a regular meeting of the city council means a weekly meeting of the full city council at which city council members vote or are briefed on matters of interest to the city.

Recommendation: Delete the final sentence, which requires City Council to meet every week.

Proposed language:

“SEC. 6. REGULAR MEETINGS.

(a) On the day the members of the city council take office, they shall meet at the building designated as the official city hall, and thereafter all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. [~~At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.~~]

(b) For purposes of this Charter, a regular meeting of the city council means a [~~weekly~~] meeting of the full city council at which city council members vote or are briefed on matters of interest to the city.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER III. CITY COUNCIL

Current language:

SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, or where his or her financial interests are involved, and in these instances, the member shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

Recommendation: Allow city councilmembers to abstain from voting if required by any law.

Proposed language:

“SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, where required by law, or where his or her financial interests are involved, and in these instances, the member shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER III. CITY COUNCIL

Current language:

SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.

The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in the case of the absence or inability of the mayor to perform the duties of office, who shall, during that time, be vested with all the powers belonging to the mayor. The council shall also elect one of its members as deputy mayor pro tem to act in the absence of both the mayor and the mayor pro tem and to exercise the powers of the mayor during that time.

Recommendation: Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor.

Proposed language:

“SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.

The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor if [in the case of the absence or inability of] the mayor is unable to discharge the powers and duties of the office [to perform the duties of office], who shall, during that time, be vested with all the powers belonging to the mayor. The council shall also elect one of its members as deputy mayor pro tem to act if [in the absence of] both the mayor and the mayor pro tem are unable to discharge the powers and duties of the office and to exercise the powers of the mayor during that time.”

Charter Review Commission Action:

Initial vote: April 1, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER III. CITY COUNCIL

Current language:

SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board appointed by the council or any appointive officer of the city becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city.

(b) A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the city council or if he or she becomes a candidate for election to any different place on the city council that requires taking office prior to the end of his or her elective term.

(c) If any employee of the city becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that would conflict with his or her position as an employee of the city, the employee shall immediately forfeit his or her place or position with the city. **NOTE: See Section 12A-10 of the Dallas City Code for judicial interpretation of this section.**

Recommendations:

- (a) Clarify that the prohibition on running for other offices applies to municipal judges and commission members as well as board members.
- (b) Make the prohibition on running for other offices apply to DART board members and DFW board members.
- (c) Amend the charter and code of ethics to conform to state law, which prohibits a city from terminating an employee who runs for public office.

Proposed language:

“SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board or commission appointed by the council or any appointive officer of the city, including municipal judges, city appointees to the Dallas Area Rapid Transit Board, and city appointees to the Dallas/Fort Worth International Airport Board, becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city.

(b) A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the

city council or if he or she becomes a candidate for election to any different place on the city council that requires taking office prior to the end of his or her elective term.

~~[(e) If any employee of the city becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that would conflict with his or her position as an employee of the city, the employee shall immediately forfeit his or her place or position with the city. *NOTE: See Section 12A-10 of the Dallas City Code for judicial interpretation of this section.*]~~”

Charter Review Commission Action:

Initial votes: April 1, 2014 and April 8, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER III. CITY COUNCIL

Current language:

SEC. 19 INDEPENDENT AUDIT.

The city council shall cause an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three years next preceding, have held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate. The auditor or auditors to make the audit shall be selected by the city council, and shall be responsible to the council. The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city manager in the annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the previous year. The report of such auditor or auditors for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of such report of the auditor or auditors shall also be published once in a newspaper of general circulation in the city. The original report of the auditor or auditors shall be kept among the permanent records of the city.

Recommendations:

- (a) Change reference to “accounts, records, and transactions” to “annual financial statements” because that is what is actually audited.
- (b) Require the firm that conducts the audit to be registered with the State of Texas.
- (c) Certification of budget estimates is the duty of the city’s internal auditor, not the external independent auditor.
- (d) Require the audited financial statements to be posted on the city’s website and maintained in the central and branch libraries.

Proposed Charter Language:

“SEC. 19 INDEPENDENT AUDIT.

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. [~~an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three years next preceding, have held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate.~~]

The auditor [~~or auditors to make the audit~~] shall be selected by the city council, and shall be responsible to the council. [~~The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city manager in the annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year.~~] The report of such auditor and the financial statements and related audit opinion [~~or auditors~~] for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of the annual financial statements and the audit report [~~such report of the auditor or auditors~~] shall also be published once in a newspaper of general circulation in the city. The financial statements and audit opinions shall be posted on the city's website and a physical copy shall be maintained in the central and branch libraries. The original report of the auditor or auditors shall be kept among the permanent records of the city.”

Charter Review Commission Action:

Initial votes: March 4, 2014 and April 22, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER III. CITY COUNCIL

Current language:

SECTION 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The city treasurer shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city may require the city treasurer to hypothecate securities in such amount as it shall prescribe.

(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance with state law, select and designate more than one depository. The city treasurer shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the city controller, after authorization of the city council. The city treasurer shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council, at such times as the city manager or council may require and in such form as the city manager may prescribe. The city treasurer shall perform such other acts and duties as the city manager may prescribe.

Recommendations:

- (a) Clarify that the Chief Financial Officer is responsible for management of the city's financial assets.
- (b) Move responsibility for deposit of funds from XI §13 to this section.
- (c) Require that deposits be made promptly in a commercially reasonable manner, rather than within 24 hours.

Proposed Charter Language:

“SECTION 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The chief financial officer [~~city treasurer~~] shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city shall [~~may~~], in accordance with state law, require designated city depositories [~~the city treasurer~~] to hypothecate securities in such amount as it shall prescribe.

(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance

with state law, select and designate more than one depository. The chief financial officer [~~city treasurer~~] shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the chief financial officer [~~city controller~~], after authorization of the city council. All monies received by any person, department, or agency of the city for or in connection with affairs of the city shall be deposited promptly in a commercially reasonable manner in city depositories. The chief financial officer [~~city treasurer~~] shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council, at such times as the city manager or council may require and in such form as the city manager may prescribe. The chief financial officer [~~city treasurer~~] shall perform such other acts and duties as the city manager may prescribe.”

Charter Review Commission Action:

Initial votes: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER IIIA. CITY SECRETARY

Current language:

SEC. 3. DUTIES OF THE CITY SECRETARY.

The city secretary shall:

(1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;

(2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program;

(3) operate the city's archives and records storage facility for the storage of inactive city records until such time as those records may be disposed of and identify, preserve, and serve as custodian of the city's historical records;

(4) inspect or direct the city records management officer to inspect the city records and report to the city council and the city manager any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law;

(5) administer oaths;

(6) attest contracts, assessment certificates, and other legal instruments when executed by the authorized officers of the city;

(7) serve as the election official for all city elections; and

(8) perform such other duties as may be required of the city secretary by this Charter, the city council, or state law.

Recommendation: Require the City Secretary's record management system to permanently retain all minutes, final orders, and any electronic recordings of the city council and certain boards and commissions.

Proposed language:

“SEC. 3. DUTIES OF THE CITY SECRETARY.

The city secretary shall:

(1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;

(2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program, and the records management program shall include permanent retention of minutes, final orders and any electronic recordings of the city council and of the following boards and commissions: board of adjustment, charter review commission, city plan commission, Dallas citizens' police review board, civil service board, ethics advisory commission, landmark commission, park and recreation board, permit and license appeal board, and redistricting commission;

(3) operate the city's archives and records storage facility for the storage of inactive city records until such time as those records may be disposed of and identify, preserve, and serve as custodian of the city's historical records;

(4) inspect or direct the city records management officer to inspect the city records and report to the city council and the city manager any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law;

(5) administer oaths;

(6) attest contracts, assessment certificates, and other legal instruments when executed by the authorized officers of the city;

(7) serve as the election official for all city elections; and

(8) perform such other duties as may be required of the city secretary by this Charter, the city council, or state law.”

Charter Review Commission Action:

Initial vote: May 6, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER IV. ELECTIONS AND REFERENDUMS

Current language:

SEC. 5. DISTRICT LIMITS.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than the date of receipt of any federal census, each member of the city council shall appoint one member of a redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the commission's work.

(2) A member of the city council is not eligible for appointment to the redistricting commission. 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 or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.

(3) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter. Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. If neither of such actions is taken within 45 days, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(4) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.

Recommendation: Revise the redistricting process.

Proposed language:

“SEC. 5. DISTRICTS [LIMITS] AND REDISTRICTING.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than January 31 of the year following the federal decennial census [the date of receipt of any federal census], the city secretary shall initiate and widely publicize a 60-day application process with outreach to diverse communities to encourage participation. All applications must be submitted in writing or electronically.

(2) Applicants must have the following qualifications:

(A) Applicants must be registered to vote and must have voted in two of the last three city elections for city council members.

(B) Applicants must have been residents of Dallas for the last six months before the date of application.

(C) Applicants must have knowledge of and support the Voting Rights Act.

(D) Applicants must have the relevant expertise, a capacity to serve with impartiality, the ability to work collaboratively, an understanding of the underlying legal principles of redistricting, a knowledge and appreciation of the diverse racial and ethnic demographics in Dallas, and a will to serve the greater good.

(3) The following persons are not eligible to serve on the redistricting commission:

(A) A member of the city council or the spouse of a member of the city council or any family member within the third degree of consanguinity or affinity.

(B) A person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the application date.

(C) The campaign manager, treasurer, or staff member of any federal, state, county, or city office during the five years before the application date.

(D) A registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government.

(E) A person or spouse of a person who has a contractual relationship with the city, works for the city, works for or with any member of the city council, or has a contractual relationship with any member of the city council or the spouse of a city council member.

(F) A person who, in accordance with this Charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

(4) By April 1 of the year following the federal decennial census, the city secretary's office shall review each application for completeness and shall forward the complete applications to an independent outside auditor's office to determine compliance with the qualifications and to eliminate applicants that do not qualify. By June 1, the independent outside auditor's office shall forward a list of all qualified applicants to the mayor and city council. The list will indicate the city council district where the applicant lives.

(5) In making their appointments, members of the city council and the mayor shall use the following process: E[e]ach member of the city council shall appoint one member of the redistricting commission from the qualified applicant pool. The city council shall also select four additional members of the redistricting commission from the qualified applicant pool to ensure geographic, racial, ethnic, and gender diversity; special expertise; and city-wide perspective. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

(6) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

~~(7[2]) [A member of the city council is not eligible for appointment to the redistricting commission.]~~ A member of the redistricting commission is not eligible to be a candidate for a place on the city council, except the mayor, in the next two succeeding city council general elections of the city, and may not be appointed ~~[or elected to the city council or]~~ to any other official board or commission of the city for a period of two ~~[one]~~ years after service on the redistricting commission.

(8) City council members may not have contact, directly or indirectly, with any applicants for the redistricting commission, a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

~~(9[3])~~ Before the redistricting commission commences work, the city will provide training from knowledgeable and professional trainers on Dallas demographics, the legal principles of redistricting, including the Voting Rights Act, and the process for performing redistricting, including the use of computer software to draw district lines. Upon request, the city shall provide support staff and equipment and other resources, as necessary for the redistricting commission to perform its duties. The redistricting commission shall solicit broad public participation in the redistricting process. The hearing process shall include hearings to receive public input before the redistricting commission draws any maps and hearings following the drawing and display of any redistricting commission maps. The redistricting commission shall display the proposed maps for public comment in a manner designed to achieve the widest public access reasonably possible, and for a reasonable time before approval by the redistricting commission. In addition, the redistricting commission shall make available a report that identifies for each district: boundaries, population, racial and ethnic composition, and compactness measures. [The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.]

(10) Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any

modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed plan must be approved by a vote of three-fourths of the members of the city council. If no ~~[neither of such]~~ action[s] is taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(11[4]) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.”

Charter Review Commission Action:

Initial vote: April 21, 2014

Final vote: May 6, 2014

Approved by vote of 15-1

CHAPTER V. RECALL OF CITY COUNCIL MEMBERS

Current language:

SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS

(3) Within 30 days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.

Recommendation: Allow the City Secretary 45 days to review a petition.

Proposed language:

“SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS

(3) Within 45 [~~30~~] days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.”

Charter Review Commission Action:

Initial vote: April 15, 2014

Motion to Reconsider: April 21, 2014

Final vote: May 6, 2014

Approved by vote of 9-7

CHAPTER VIII. MUNICIPAL COURTS

Current language:

SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

A full-time or associate municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council, that the municipal judge failed to comply with, or maintain compliance with:

- (1) any residency requirements for municipal judges established by city council ordinance; or
- (2) any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law.

Recommendations:

- (a) Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office.
- (b) Add a cross-reference to III §17.

Proposed language:

“SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

A full-time or associate municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council, that the municipal judge ~~[failed to comply with, or maintain compliance with]~~:

- (1) does not meet any residency requirements for municipal judges established by city council ordinance; [ø]
- (2) does not meet any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law; or
- (3) becomes a candidate for nomination or election to any public office (see Section 17 of Chapter III of this Charter).”

Charter Review Commission Action:

Initial vote: April 8, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.

Recommendation: Require the annual appropriation ordinance to be posted on the city's website and maintained in the central and branch libraries.

Proposed language:

“SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a newspaper of general circulation in the city, on the city's website and physical copies will be maintained in the central and branch libraries, with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.”

Charter Review Commission Action:

Initial vote: April 22, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time transfer an unincumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.

Recommendation: “Unencumbered” is misspelled.

Proposed language:

“SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time transfer an unencumbered [~~unincumbered~~] balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 5. APPROPRIATION OF EXCESS REVENUE.

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with Subdivisions (4) and (5) of Section 1 hereof, the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.

Recommendation: The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.

Proposed language:

“SEC. 5. APPROPRIATION OF EXCESS REVENUE.

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with [~~Subdivisions (4) and (5) of~~] Section 1 of Chapter XI of this Charter [~~hereof~~], the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the city secretary shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year.

Recommendation: The reference to the City Secretary is incorrect; the Chief Financial Officer provides any notice.

Proposed language:

“SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the chief financial officer [~~city secretary~~] shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year.”

Charter Review Commission Action:

Initial vote: April 21, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 8. PAYMENT OF OBLIGATIONS.

The city controller shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The city controller may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the city controller upon oath or affirmation relative thereto, which oath or affirmation the city controller may administer. If the city controller knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the city controller and the city controller's sureties shall be individually liable to the city for the amount thereof.

Recommendation: Change "City Controller" to "Chief Financial Officer."

Proposed language:

"SEC. 8. PAYMENT OF OBLIGATIONS.

The chief financial officer [~~city controller~~] shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The chief financial officer [~~city controller~~] may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the chief financial officer [~~city controller~~] upon oath or affirmation relative thereto, which oath or affirmation the chief financial officer [~~city controller~~] may administer. If the chief financial officer [~~city controller~~] knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the chief financial officer [~~city controller~~] and the chief financial officer's [~~city controller's~~] sureties shall be individually liable to the city for the amount thereof."

Charter Review Commission Action:

Initial vote: April 21, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 11. OBLIGATIONS; WHEN VOID.

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order, as provided in Section 10 of this chapter, or fasten upon the city any liability in excess of such limits, or relieve any party from an exact compliance with a contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or to the exceptions contained in Section 12 of this chapter.

Recommendation: The cross-reference to Section 10 is not correct.

Proposed language:

“SEC. 11. OBLIGATIONS; WHEN VOID.

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order~~[, as provided in Section 10 of this chapter]~~, or fasten upon the city any liability in excess of such limits, or relieve any party from an exact compliance with a contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or to the exceptions contained in Section 12 of this chapter.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

**CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING
THERE TO**

Current language:

SEC. 13. DISPOSITION OF FUNDS.

The city controller shall pay over into the city treasury all moneys collected by the city controller and belonging to the city within 24 hours after receiving such moneys. Upon failure to do so, the city controller and the sureties on the city controller's bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.

Recommendation: Delete this section and move responsibility for deposit of funds to III §20.

Proposed language:

“SEC. 13. RESERVED [~~DISPOSITION OF FUNDS~~].

~~[The city controller shall pay over into the city treasury all moneys collected by the city controller and belonging to the city within 24 hours after receiving such moneys. Upon failure to do so, the city controller and the sureties on the city controller's bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.]”~~

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XV. PLANNING AND ZONING

Current language:

SEC. 1. COMPREHENSIVE PLANNING.

(2) ADOPTION. Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment, or reject the same.

Recommendation: The comprehensive plan is amended by ordinance, not resolution.

Proposed language:

“SEC. 1. COMPREHENSIVE PLANNING.

(2) ADOPTION. Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by ordinance [~~resolution with or without amendment~~], or reject the same.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XV. PLANNING AND ZONING

Current language:

SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

- (1) Adopt, subject to approval of the city council, such rules and regulations as they deem best to govern their actions, proceedings and deliberations, including the time and place of meeting.
- (2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.
- (3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.
- (4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, to require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places of adequate width and size; to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as they may deem best in the interest of the general public. In connection with the planning and the platting of property, the zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, streets and alleys of adequate width to be provided for that purpose.
- (5) Make recommendations to the city manager and the city council on matters affecting the physical development of the city.
- (6) Advise and make recommendations on the comprehensive plan and the implementation thereof as may be requested by the city manager and the city council.
- (7) Exercise all other responsibilities as may be provided by law.

Recommendation: Require notice of city plan commission meetings to be posted on the city's website.

Proposed language:

“SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

(1) Adopt, subject to approval of the city council, such rules and regulations as they deem [~~deed~~] best to govern their actions, proceedings and deliberations, including the time and place of meeting.

(2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.

(3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing and on the city’s website[~~, or as otherwise provided by state law or this charter~~].

(4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, to require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places of adequate width and size; to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as they may deem best in the interest of the general public. In connection with the planning and the platting of property, the zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, streets and alleys of adequate width to be provided for that purpose.

(5) Make recommendations to the city manager and the city council on matters affecting the physical development of the city.

(6) Advise and make recommendations on the comprehensive plan and the implementation thereof as may be requested by the city manager and the city council.

(7) Exercise all other responsibilities as may be provided by law.”

Charter Review Commission Action:

Initial vote: April 22, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XV. PLANNING AND ZONING

Current language:

SEC. 7. ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.

In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.

Recommendation: Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).

Proposed language:

“SEC. 7. RESERVED. [~~ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.~~”

~~In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.]”~~

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current language:

SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The city council shall designate a secretary to the trial board.

Recommendation: Allow the Civil Service Board to designate the secretary of the Trial Board, rather than City Council.

Proposed language:

“SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The civil service board [~~city council~~] shall designate a secretary to the trial board.”

Charter Review Commission Action:

Initial vote: April 21, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current language:

SEC. 12. TRIAL BOARD.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.

Recommendation: Change the time from 10 days to 10 working days to be consistent with the Personnel Rules.

Proposed language:

“SEC. 12. TRIAL BOARD.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 working days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current language:

SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, sex, political or religious opinions or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.

Recommendations:

- (a) Include all protected classes (color, age, marital status, sexual orientation, national origin, disability).
- (b) Add gender identity, gender expression, and genetic characteristics as additional classes.

Proposed language:

“SEC. 16. NO DISCRIMINATION [~~BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS~~]; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, color, age, religion, gender [sex], marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political [~~or religious~~] opinions or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current language:

SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by state law. *NOTE: See Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983) for judicial interpretation of this section.*

Recommendation: Amend the section to conform to Wachsman v. Dallas.

Proposed language:

“SEC. 16. NO DISCRIMINATION [~~BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS~~]; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by [state] law. [*NOTE: See ~~Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983) for judicial interpretation of this section.~~*”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

Current language:

SEC. 7. PUBLICATION OF ORDINANCES.

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city, unless otherwise provided by state law or this Charter, in which event the specific provisions shall be followed.

Recommendation: Require ordinances to be published on the city's website unless otherwise required by law.

Proposed language:

“SEC. 7. PUBLICATION OF ORDINANCES.

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city and on the city's website, unless otherwise required [~~provided~~] by state law or this Charter, in which event the specific provisions shall be followed.”

Charter Review Commission Action:

Initial vote: April 22, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS

Current language:

SEC. 12. CITY SECRETARY TO EXAMINE PETITION.

Within 30 days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay.

Recommendation: Allow the City Secretary 45 days to review a petition.

Proposed language:

“SEC. 12. CITY SECRETARY TO EXAMINE PETITION.

Within 45 [~~30~~] days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay.”

Charter Review Commission Action:

Initial vote: April 15, 2014

Final vote: May 6, 2014

Approved by vote of 9-7

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

Current language:

SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in a newspaper of general circulation in the city and published once at least 10 days prior to election.

Recommendation: Require ordinances to be submitted to voters to be posted on the city's website and maintained in the central and branch libraries.

Proposed language:

“SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be posted on the city's website and printed in a newspaper of general circulation in the city and published once at least 10 days prior to election. Physical copies of the ordinance or proposition shall be maintained in the central and branch libraries.”

Charter Review Commission Action:

Initial vote: April 22, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

Current language:

SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the tax assessor and collector on or before the first day of July of each year or as soon thereafter as practicable, to make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.

Recommendations:

- (a) Change the reference to the tax assessor and collector to the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located.
- (b) Change the date from July 1st to July 25th.
- (c) Delete the phrase “or as soon thereafter as practicable.”

Proposed language:

“SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. Pursuant to the Texas Tax Code, [It shall be the duty of] the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located [tax assessor and collector] on or before the 25th [first] day of July of each year shall [or as soon thereafter as practicable, to] make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

Current language:

SEC. 2. IMPROVEMENT ORDERED BY RESOLUTION.

The city council shall have power by resolution to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such resolution shall be conclusive of the public necessity and benefits of making the improvements. No notice of such action by the city council is required to make it valid. The resolution must, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The city secretary shall, immediately upon the passage of the resolution, furnish a copy to the county clerk of Dallas County, Texas, as provided in Chapter 314 of the Texas Transportation Code, as amended, to be filed as therein provided. In addition, the city secretary shall furnish a copy of the resolution to the tax assessor and collector, who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway or highways to be improved that the proceeding is pending. Any failure by the city secretary to furnish a copy of the resolution to the tax assessor and collector, or any failure by the tax assessor and collector to indicate the pendency of such a proceeding upon a tax statement, shall not affect the validity of the proceeding under this chapter, nor of any assessment thereafter levied pursuant to this chapter.

Recommendations:

- (a) Improvements are ordered by ordinance.
- (b) Delete the second sentence stating that notice of a council resolution is not required.

Proposed language:

“SEC. 2. IMPROVEMENT ORDERED BY ORDINANCE [~~RESOLUTION~~].

The city council shall have power by ordinance [~~resolution~~] to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such ordinance [~~resolution~~] shall be conclusive of the public necessity and benefits of making the improvements. Notice of the ordinance and a public hearing must be provided as required by state law. [~~No notice of such action by the city council is required to make it valid.~~] The ordinance [~~resolution~~] must, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The city secretary shall, immediately upon the passage of the ordinance [~~resolution~~], furnish a copy to the county clerk of Dallas County, Texas, as provided in Chapter 313 [~~314~~] of the Texas Transportation Code, as amended, to be filed as therein provided. In addition, the city secretary shall furnish a copy of the ordinance [~~resolution~~] to the tax assessor and collector, who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway or highways

to be improved that the proceeding is pending. Any failure by the city secretary to furnish a copy of the ordinance [~~resolution~~] to the tax assessor and collector, or any failure by the tax assessor and collector to indicate the pendency of such a proceeding upon a tax statement, shall not affect the validity of the proceeding under this chapter, nor of any assessment thereafter levied pursuant to this chapter.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

Current language:

SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS.

All of the powers conferred by Chapter 402, Subchapter D of the Texas Local Government Code, as amended, and other applicable state laws, authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law.

Recommendation: The reference to Texas Local Government Code Chapter 402 is no longer current.

Proposed language:

“SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS

All of the powers conferred by [~~Chapter 402, Subchapter D of the Texas Local Government Code, as amended, and other~~] applicable state laws, authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XXII. PUBLIC CONTRACTS

Current language:

SEC. 1. SIGNATURES AND APPROPRIATIONS.

No contract, other than purchase orders for supplies and equipment and change orders authorized in accordance with Section 6, Chapter XXII of this Charter, shall be binding upon the city unless it has first been signed by the city manager and approved by the city attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed.

Recommendations:

- (a) Specify that the exclusive means of executing a contract on behalf of the city is by signature of the city manager with approval by the city attorney.
- (b) Add a statement that publication of an ordinance or resolution to make it effective after passage does not constitute execution of the ordinance or resolution as a contract unless the ordinance or resolution expressly states publication acts as execution.

Proposed language:

“SEC. 1. SIGNATURES AND APPROPRIATIONS.

No contract, other than purchase orders for supplies and equipment and change orders authorized in accordance with Section 6, Chapter XXII of this Charter, shall be deemed executed on behalf of the city nor shall it be binding upon the city unless it has first been signed by the city manager and approved by the city attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed. The publication of an ordinance or resolution to make it effective as an ordinance or resolution in accordance with Section 7, Chapter XVIII of this Charter does not execute the ordinance or resolution as a contract unless the ordinance or resolution expressly so provides.”

Charter Review Commission Action:

Initial vote: April 15, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XXII. PUBLIC CONTRACTS

Current language:

SEC. 2. CONTRACT LETTING.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder.

Recommendation: Require notice of contract letting be posted on the city's website.

Proposed language:

“SEC. 2. CONTRACT LETTING.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be posted on the city's website and published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder.”

Charter Review Commission Action:

Initial vote: April 22, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

CHAPTER XXII. PUBLIC CONTRACTS

Current language:

SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit the officer's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

Recommendations:

- (a) Change the term "officer" to "official" to be consistent with Dallas City Code Chapter 12A.
- (b) Exempt ownership of an interest in a mutual or common investment fund.
- (c) Exempt contracts for general services or benefits made available on the same terms that they are made available to the general public.
- (d) Exempt board and commission members, but require that they comply with conflict of interest and ethics provisions in state law or the city code.

Proposed language:

"SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No city official [~~officer~~] or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as a city official [~~an officer~~] or employee. Any violation of this section shall constitute malfeasance in office, and any city official [~~officer~~] or employee guilty thereof shall thereby forfeit the city official's [~~officer's~~] or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

(d) This section does not apply to an ownership interest in a mutual or common investment fund that holds securities or other assets unless the person owns more than 10 percent of the value of the fund.

(e) This section does not apply to contracts for general services or benefits if the services or benefits are made available to the city official or employee on the same terms that they are made available to the general public.

(f) This section does not apply to a nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board. A nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board, must comply with any applicable conflict of interest or ethics provisions in the state law and the Dallas City Code.”

Charter Review Commission Action:
Initial votes: May 4, 2014 and April 8, 2014
Final vote: May 6, 2014
Approved by vote of 16-0

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

Current language:

SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During September of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.

Recommendation: Change September to August, and allow City Council to begin the nomination process, rather than make the appointments.

Proposed language:

“SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During August [~~September~~] of each odd-numbered year, the city council shall begin the nomination process for [~~appoint~~] all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.”

Charter Review Commission Action:

Initial vote: March 4, 2014

Final vote: May 6, 2014

Approved by vote of 16-0

AMENDMENTS TO THE DALLAS CITY CHARTER DENIED

* These items were denied by implication because: (1) a related suggestion was approved or denied, or (2) the item was not taken up for discussion.

<u>Citation</u>	<u>No/Date</u>	<u>Description</u>
II §1	(No 4-8*)	Limit the ability of the city to privatize governmental functions.
II §1(34)	(No 4-8*)	Limit the ability of the city to enter into long-term contracts to sell water to other cities.
II §3	(No 4-8*)	Amend the charter review process.
III §1	(No 4-8*)	Change councilmember terms to three three-year terms, or to two four-year terms, or two three-year terms.
III §1	(No 4-8*)	Change the mayor's term to one six-year term.
III §1	(No 4-8*)	Increase the length of the mayor and councilmember terms.
III §2	(No 4-8*)	Do not expand the Mayor's powers.
III §2	(No 4-8*)	Create a strong-mayor system without a city manager.
III §3	(No 4-8*)	Delete the requirement that councilmembers be current on taxes and liabilities due to the city. [See <u>Hunt v. Longview</u>, 932 F. Supp. 828 (1995).]
III §3A	(No 4-8*)	Change councilmember terms to three three-year terms, or to two four-year terms, or two three-year terms.
III §3A	(No 4-8*)	Change the mayor's term to one six-year term.
III §3A	(No 4-8*)	Stagger councilmember terms.
III §3A	(No 4-8*)	Increase the number of councilmember terms.

III §3A	(No 4-8*)	Prohibit former city councilmembers from running for city council again unless they have been out of office for four years or more.
III §4	(No 4-8*)	Delete the reduction in salary for councilmember absences.
III §4	No (4-22)	Increase councilmember compensation to \$60,000.
III §4	No (4-22)	Increase the mayor’s compensation to \$90,000.
III §4	No (4-22)	Increase councilmember compensation to between \$60,000 to \$70,000.
III §4	No (4-22)	Increase councilmember compensation to \$75,000.
III §4	No (4-22)	Increase councilmember compensation to \$100,000 and the mayor’s compensation to \$150,000, effective eight years from now, so that no current councilmember will receive the increase.
III §8	(No 4-8*)	Limit on the duration or frequency of open mic speakers.
III §15	(No 4-8*)	Expand prohibition in interference with staff to include the city attorney, city secretary, and city auditor.
III §16	(No 4-8*)	Allow expulsion of city councilmembers for a violation of Chapter 12A, “Code of Ethics.”
III §18	(No 4-8*)	<u>Expand the first sentence to include performance of contracts, proper use of city monies, validity of claims against the city. Allow the persons authorized by City Council or the City Manager to conduct investigations, subpoena witnesses, and compel production of papers. Expand materials that can be subpoenaed to include tangible property and electronic information. Allow City Council to delegate the power to punish contempt to municipal court. Allow the City Attorney to seek an order from municipal court, county court, or district court to enforce a subpoena or finding contempt of the subpoena.</u>
III §18	No (3-4)	<i>Amend the city code to provide penalties for contempt of a city investigation.</i>

IIIA §1	(No 4-8*)	<u>Clarify the appointment duration for the city secretary. Provide that the City Secretary can be removed from office by two-thirds vote of city council, instead of majority vote. Make compensation provision for City Secretary match compensation provisions for other city officers. Require City Council to appropriate a discrete budget amount to perform the duties of office.</u>
IIIA §3	(No 4-8*)	<u>Make the City Secretary create her own budget independent from the City Manager. Make the City Secretary responsible for all hiring of employees in the department. Add duty of reviewing appointments to boards and commissions and administering the appointment process.</u>
IV §5	No (4-21)	Make the redistricting commission independent of city council.
IV §5	No (4-21)	Allow city council to appoint the redistricting commission, but make the redistricting commission more responsive to citizens.
IV §5	No (4-21)	Allow redistricting commissioners to serve only once.
IV §5	No (4-21)	Require the redistricting commission to provide written reasons for moving any district lines.
IV §5	No (4-21)	Delete redistricting from the charter and allow state and federal law to control.
IV §7	No (5-6)	<u>Require candidates for city council to submit the filing fee along with the petition.</u>
VI §1	No (4-21)	Allow the City Manager to be removed by majority vote of City Council, rather than two-thirds vote.
VII §3	(No 4-8*)	<u>Make the City Attorney create his own budget independent from the City Manager. Make the City Attorney responsible for all hiring of employees in the department.</u>
VIII §1	(No 4-8*)	Clarify that municipal judges are officers of the city.

VIII §4	(No 4-8*)	Change the term of municipal judges to four years. State that the administrative judge maintain administrative control and oversight over the municipal judges. State that the annual report will detail the performance of municipal court judges and the state of the municipal court system.
IX §1	(No 4-8*)	<u>Amend the title of the section to make it consistent with other sections. State that the City Auditor does independent, objective appraisals. State reporting relationship to City Council. Remove two-year term. Clearly state at-will employment status, and require two-thirds vote of City Council to remove the auditor. State that City Council sets compensation. Clarify that City Council must appropriate a discrete budget amount for City Auditor to perform his duties.</u>
IX §1	(No 4-8*)	Allow the City Auditor to be removed by majority vote of City Council, rather than two-thirds vote.
IX §1	(No 4-8*)	<u>Make the City Auditor be hired and fired by City Council and report to City Council.</u>
IX §3	(No 4-8*)	<u>Have the City Auditor’s budget set by City Council separately from the general budget.</u>
IX §3	(No 4-8*)	<u>Have City Council accept an audit schedule proposed annually by the City Auditor.</u>
IX §3	(No 4-8*)	<u>Have City Council accept or reject recommendations resulting from audits. If audit results are accepted, the recommendations must be implemented by the City Manager within some time period. If we use an outside auditor, the City Auditor would be the outside auditor’s direct report, and the recommendations from that audit would be subject to the same process.</u>
IX §3	(No 4-8*)	<u>Establish duty for auditor to organize and administer the office. Require annual, risk-based audit plan. Revise list of duties to conform to current government auditing standards. Move responsibility for special audits to this section, and allow only at request of city council or city manager, and limit definition of “officer” for this purpose.</u>

IX §3	(No 4-8*)	<u>Make the City Auditor create his own budget independent from the City Manager. Make the City Auditor responsible for all hiring of employees in the department.</u>
IX §3	(No 4-8*)	<u>Give the Auditor the power to audit nonprofit organizations that receive money from the city.</u>
IX §4	(No 4-8*)	<u>Move special audit requirements to IX §3. Rename section as “Access to Records and Property.” Clarify Auditor’s right to access records, property, operations, etc. Require a “right-to-audit” clause in all city contracts, and authorize the Auditor to inspect contractors records, property, operations, etc.</u>
XI §1	(No 4-8*)	<u>Change the date for the annual budget estimate to no later than August 15th, rather than the specific date. Delete the reference to uniform forms and add in the format required by the city manager. Change the comparison from the last two years to the last year.</u>
XI §3	(No 4-8*)	<u>Delete the requirement for a separate schedule of items that were omitted or changed.</u>
XI §4	No (3-4)	<i>Budgets are done per department, not “division or purpose.”</i>
XI §4	No (4-21)	Allow City Council to transfer funds without the recommendation of the City Manager.
XI §6	No (4-21)	<u>It is not necessary to notify the City Manager of appropriations. The final clause regarding multi-year appropriations might be better in XI §3.</u>
XI §8	(No 4-8*)	Eliminate personal liability of the Chief Financial Officer for the actions of others.
XI §10	(No 4-8*)	<u>Add “grants” to the list of actions, because grants often require the expenditure of funds before reimbursement is requested from the granting agency.</u>

XI §15	(No 4-8*)	<u>Add a new subsection that requires the ordinance that approves a contract must contain a provision stating that the ordinance and the contract will be construed strictly in accordance with their terms. Add a new subsection no other action or inaction by the city can create any contractual right; that contractual rights are created only by a written contract.</u>
XV §6	(No 4-8*)	<u>The city does not have an urban development commission.</u>
XV §8	(No 4-8*)	Revise the thoroughfare plan amendment process.
XV §8	No (3-4)	<i>Delete notice of thoroughfare plan amendments to surrounding property owners. It is covered in the Dallas Development Code §51A-9.201.</i>
XVI	(No 4-8*)	Delete all civil service provisions, so that all employees are at-will.
XVI §2	(No 4-8*)	Make the director of civil service a position hired by the city manager and reporting to the city manager.
XVI §4(b)(1)	(No 4-8*)	<u>Change the notice of any public meeting of the Civil Service Board from seven days to 72 hours.</u>
XVI §11(b)	(No 4-8*)	<u>Harmonize the language to be consistent with the time periods and appeal process in the Personnel Rules.</u>
XVI §16(b)(c)	(No 4-8*)	Clarify that the restrictions do not apply if it is the employee's own election campaign.
XVII §1	(No 4-8*)	Keep the Park Board as it currently is with the director hired by the Park Board rather than the city manager.
XVII §1	(No 4-8*)	Put the Park and Recreation Department under the City Manager.
XVII §4	(No 4-8*)	Make the Park Board a city board under the supervision of the City Manager.
XVII §6	(No 4-8*)	<u>Is this provision still needed, since the Park Department no longer has park police?</u>
XVII §9	(No 4-8*)	<u>Delete this section because it conflicts with other sections that require approval of appropriations by the City Council.</u>

XVIII §4	(No 4-8*)	Allow ordinances that have been adopted by referendum to be amended or repealed by City Council after some period of time.
XVIII §14	No (4-15)	Provide that an ordinance adopted by petition may be amended or repealed by City Council after some period of time.
XIX	(No 4-8*)	Add a new section allowing taxes for single-use bags and for street maintenance. (See Texas Constitution Art. XI §5 and Texas Tax Code §302.102, which allow cities to collect taxes authorized by their charters.)
XXI §3	(No 4-8*)	<u>Is there a conflict between the 10 year maturity in XXI §3 and the 40 year maturity in XXI §8? Delete XXI §3(b), and allow the maturity to be set by the Financial Management Performance Criteria and as approved by city council.</u>
XXI §8	(No 4-8*)	<u>Is there a conflict between the 40 year maturity in XXI §8 and the 10 year maturity in XXI §3?</u>
XXII §1	(No 4-8*)	<u>Include contracts for “minor” services as a type of contract that does not need to be signed by the city manager and reviewed by the city attorney. “Minor” would be \$2,000 or less. Alternatively, delete the phrase “for supplies and equipment” so that all contracts (except purchase orders and change orders) must be signed by the city manager and reviewed by the city attorney.</u>
XXII §1	(No 4-8*)	<u>Delete the phrase “for supplies or equipment,” so that rules for purchase orders will be controlled by AD 4-5 or the city code.</u>
XXII §1	(No 4-8*)	<u>Amend the phrase “no further contracts shall be signed” to clarify that City Council can approve a subsequent contract or amend an existing contract by administrative action for up to 50,000 more.</u>
XXII §9	(No 4-8*)	<u>Allow bid bonds to be required at the discretion of the city.</u>
XXII §11(a)	No (4-1)	Delete the prohibition and let the City’s code of ethics or state law control.
XXIII §2	No (3-4)	<i>Add claims for breach of contract.</i> (See Dallas City Code §2-86)

XXIV §13	No (4-1)	Allow councilmembers to nominate board and commission members, but the mayor makes the actual appointment.
XXIV §15	(No 4-8*)	Allow termination notice to city council appointees pursuant to the terms of their employment contract.
XXIV §17	(No 4-8*)	Provide the members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision.
XXIV §17(a)	No (4-1)	The Charter states that a person may not serve on more than two city boards or commissions. Dallas City Code §8-1.4(b), however, states that a person may not serve on more than one city board or commission, except that Dallas City Code §8-1.4(c) states that a person may serve on two boards of TIF reinvestment zones. The Charter also states that a person forfeits the board or commission position if they miss more than three meetings. Dallas City Code §8-20 states that a person forfeits the board or commission position if they miss three meetings.
Various	No (3-4)	<i>Change “City Treasurer” and “City Controller” to “Chief Financial Officer.”</i>
Various	No (4-22)	<i>Wherever there is a publication requirement, change the requirement to publication as allowed by state law.</i>
Various	(No 4-8*)	Delete any obsolete boards.
None	(No 4-8*)	Allow the city attorney to hire outside counsel to represent councilmembers who are accused of violating the code of ethics.
None	(No 4-8*)	Create sanctions for repeated filing of frivolous ethics complaints.
None	(No 4-8*)	Add a mission statement for the city that the city will be more pedestrian friendly.
None	(No 4-8*)	Require city councilmembers to vote on all agenda items.

None

No (3-4)

Make the definition of "commission" consistent throughout the charter and city code.

WHEREAS, the Dallas City Charter Chapter II Section 3 requires that the Charter be reviewed by a Charter Review Commission at intervals of not more than 10 years, the first review to occur by no later than November 8, 2015; and,

WHEREAS, the City Council has determined the need to establish a Charter Review Commission and appoint the members of the Charter Review Commission; **Now, Therefore,**

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

Section 1. That there is hereby created a Charter Review Commission.

Section 2. That the Charter Review Commission shall be composed of the 16 members listed on the attached Exhibit A. The Mayor shall appoint the chair, and the vice-chair shall be selected by the Charter Review Commission.

Section 3. That the Charter Review Commission shall not be a board as defined by Dallas City Code Chapter 8, but members shall be considered as City Officials for purposes of Section 12A-3, "Improper Economic Benefit," Section 12A-4, "Unfair Advancement of Private Interests," and Section 12A-6, "Confidential Information," of Dallas City Code Chapter 12A, "Code of Ethics".

Section 4. That the Charter Review Commission shall determine the time and place for its meetings and, meetings shall be open to the public.

Section 5. That the cost to maintain the Charter Review Commission shall be incurred by the City, and the Charter Review Commission shall be assisted by City staff and external experts as required.

Section 6. That the Charter Review Commission shall submit minutes of the meetings to the City Council and City Secretary.

Section 7. That the Charter Review Commission shall complete its review and report to the City Council no later than June 4, 2014.

Section 8. That this resolution will take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

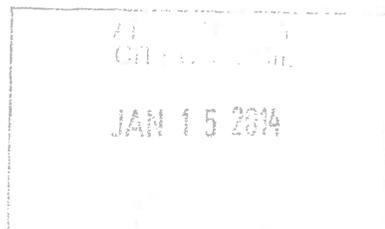


EXHIBIT A

CHARTER REVIEW COMMISSION

Rafael M. Anchia (Chair)

Jane (Jan) H. Black

Mary E. Cedillo-Pereira

Robert A. Chereck

Levi H. Davis

M. Eva Elvove

Lois G. Finkelman

Michael Northrup

Thomas P. Perkins, Jr.

Jeanne L. Phillips

Diane Ragsdale

Paul D. Rich

Robert R. Stimson

Mary K. Suhm

Walter A. Walne

Max W. Wells