

AD HOC JUDICIAL NOMINATIONS
DALLAS CITY COUNCIL COMMITTEE AGENDA

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CITY SECRETARY
DALLAS, TEXAS

MONDAY, JANUARY 8, 2018
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA STREET
DALLAS, TEXAS 75201
12:00 P.M. – 12:45 P.M.

Chair, Council Member B. Adam McGough
Vice Chair, Council Member Philip T. Kingston
Domestic Violence Task Force Chair, Council Member Jennifer S. Gates
Mayor Pro Tem Dwaine R. Caraway
Deputy Mayor Pro Tem Adam Medrano
Council Member Sandy Greyson
Council Member Kevin Felder

Call to Order

1. Recommendations for
Judicial Hearing Office Positions

Judge Daniel F. Solis
Municipal Court

Adjourn



B. Adam McGough, Chair
Ad Hoc Judicial Nominations Committee

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

NOTICE: Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

Recommendations for Judicial Hearing Officer Positions

Ad Hoc Judicial Nominations Committee
January 8, 2018

Daniel F. Solis, Administrative Judge
Judiciary
City of Dallas



Presentation Overview

- Overview of the Civil Adjudication process in the Municipal Court
- Recommend appointment of 1 full-time and 3 part-time Judicial Hearing Officers
 - Requires passage of ordinance appointing Hearing Officers
 - Requires full City Council approval

Background/History

- In 2005, the City of Dallas created the Civil Adjudication Court
- In September 2016, the Dallas City Council adopted Ordinance 30236 amending Chapter 27
 - Provides for a Hearing Officer be appointed by the Dallas City Council

Amendments to Chapter 27

- Allow for the appointment of 1 Hearing Officer and a maximum of 5 Associate Hearing Officers
- Previously the Hearing Officers were appointed by Administrative Judge
- Changes provides for recommendations from Administrative Judge
- Appointed by City Council

Purpose of the Civil Court

- Preside over 13,000 cases filed annually
- Promote code compliance
- Provide speedy, fair, and impartial hearings
- Increase communication and public awareness of code standards
- Provide funding for Dallas Tomorrow Fund and Animal Welfare Fund

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Criminal vs Civil Cases

	Criminal Trial	Civil Hearings
Number of Judges/Hearing Officers	12 Full Time Judges (11 current staff) 18 part time Judges (16 current staff)	1 Full Time Hearing Officer 5 Associate Hearing Officers (3 current staff)
Location	Municipal Building (2014 Main) 5 Community Courts (throughout City)	Municipal Building (2014 Main)
Time for Disposition	Trial Setting 30 – 60 days	99% disposed of within 31 – 60 days
Type of Hearing	Jury Trial or Trial by Court	Administrative Hearing
Number of Dockets	144	15
Pleadings	Strict requirements for complaint	Pleading by citation
Burden of Proof	Beyond a reasonable doubt	Preponderance of evidence
Witness Required to Attend	Yes	No, unless requested. 27-16.18(d)
Failure of Defendant to Appear	Arrest Warrant	Default Judgment
Court Costs and Fees	Yes	None
Minimum Number of Appearances	2	2

Duties and Responsibilities

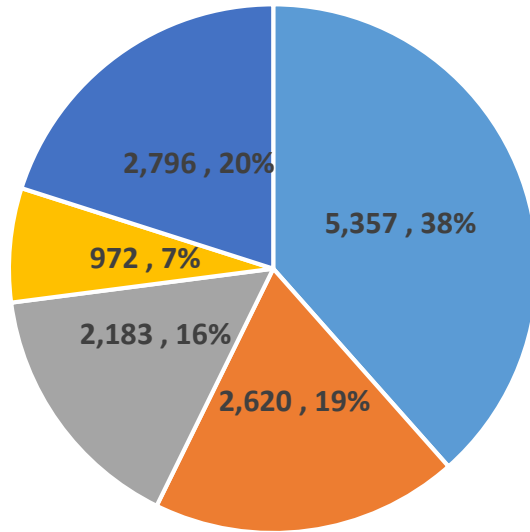
- Administrate procedures of premises, property, and certain other violations of Chapter 27 “Minimum Property Standards”
- Administrate hearings for the adjudication of an civil citation
- Civil citation is rebuttable proof of the facts that it states
- Examine any witness and consider evidence
- Issue orders to find persons liable or not liable for the violation

Duties and Responsibilities

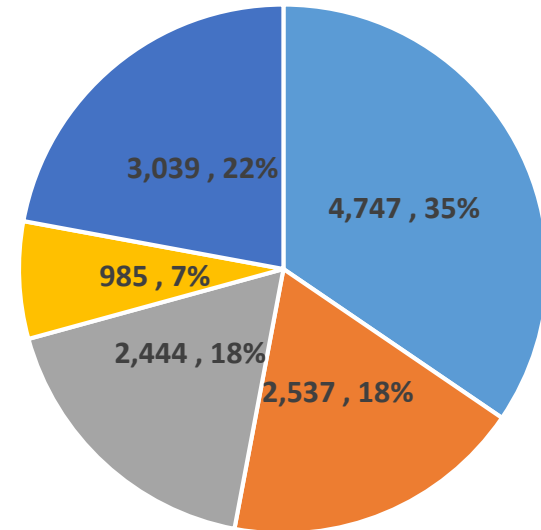
- Assess fees if found liable
- Assess an additional \$36 administrative penalty for each violation
- Appealed to Municipal Court Judge

Civil Citations Filed by Offense Type

FY 2015-16
Total Citations = 13,928

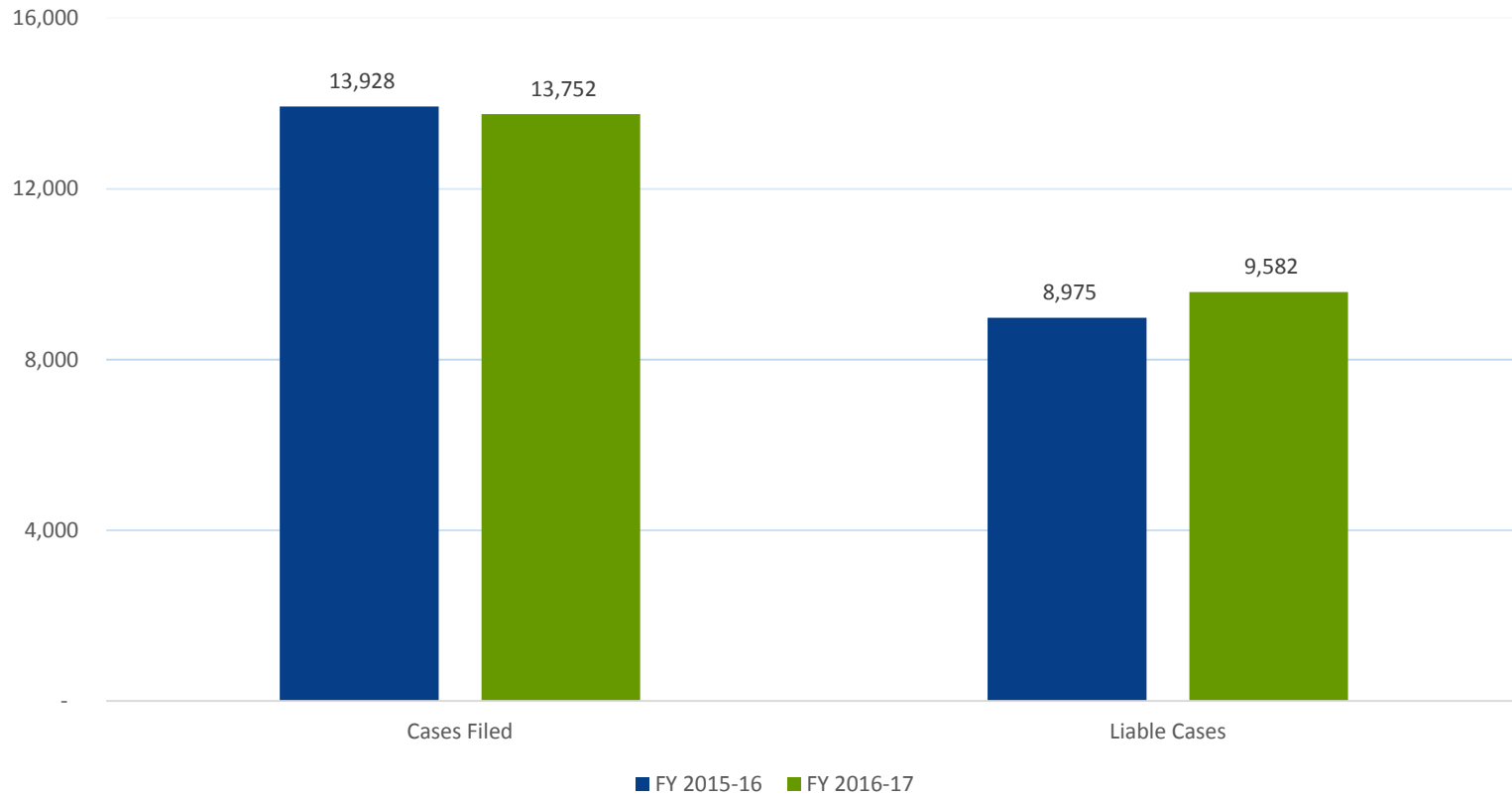


FY 2016-17
Total Citations = 13,752

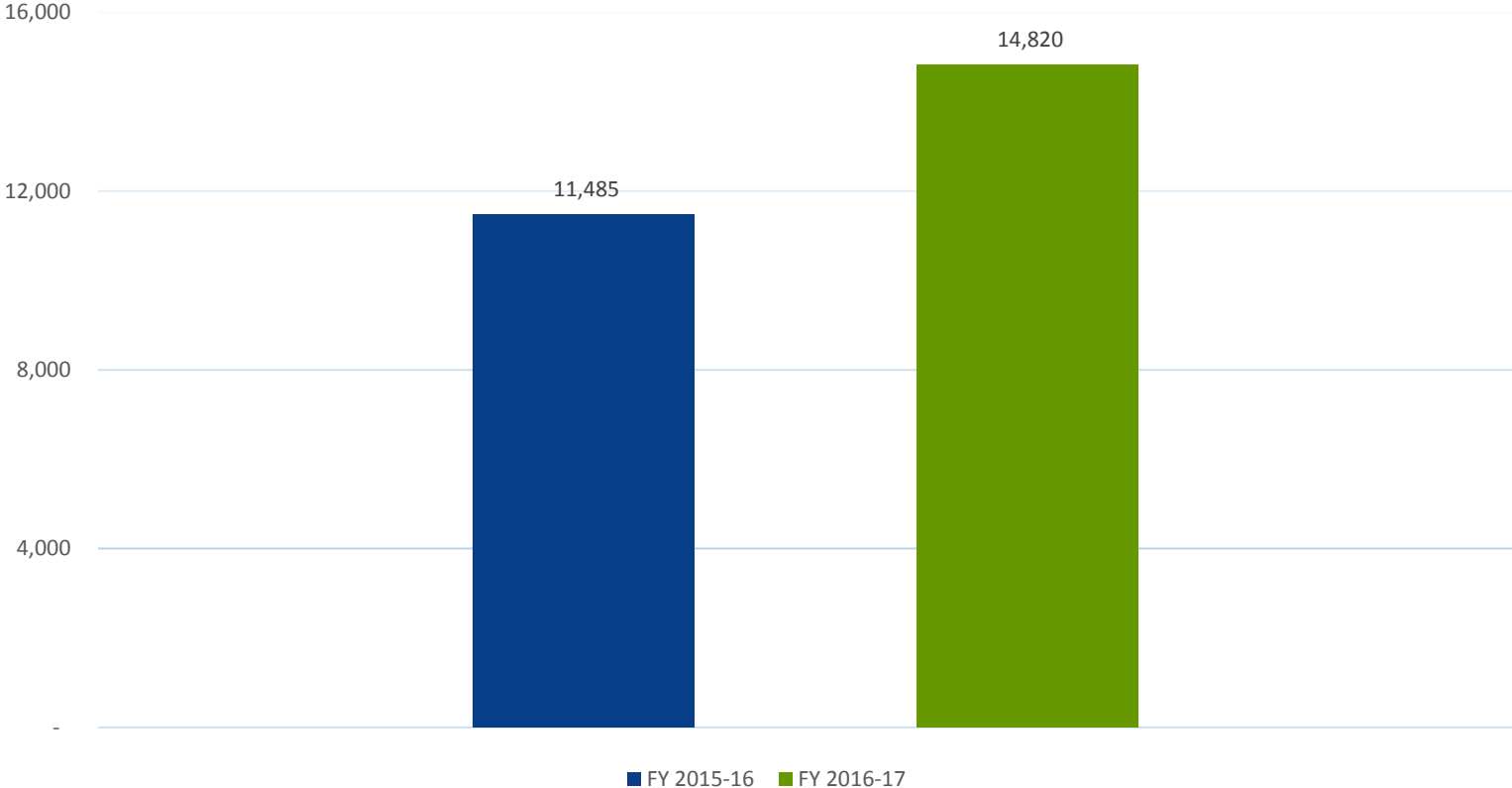


- Bulky trash
- High weeds
- Failure to maintain premises free of litter
- Vegetation in alley, street, or sidewalk
- Miscellaneous

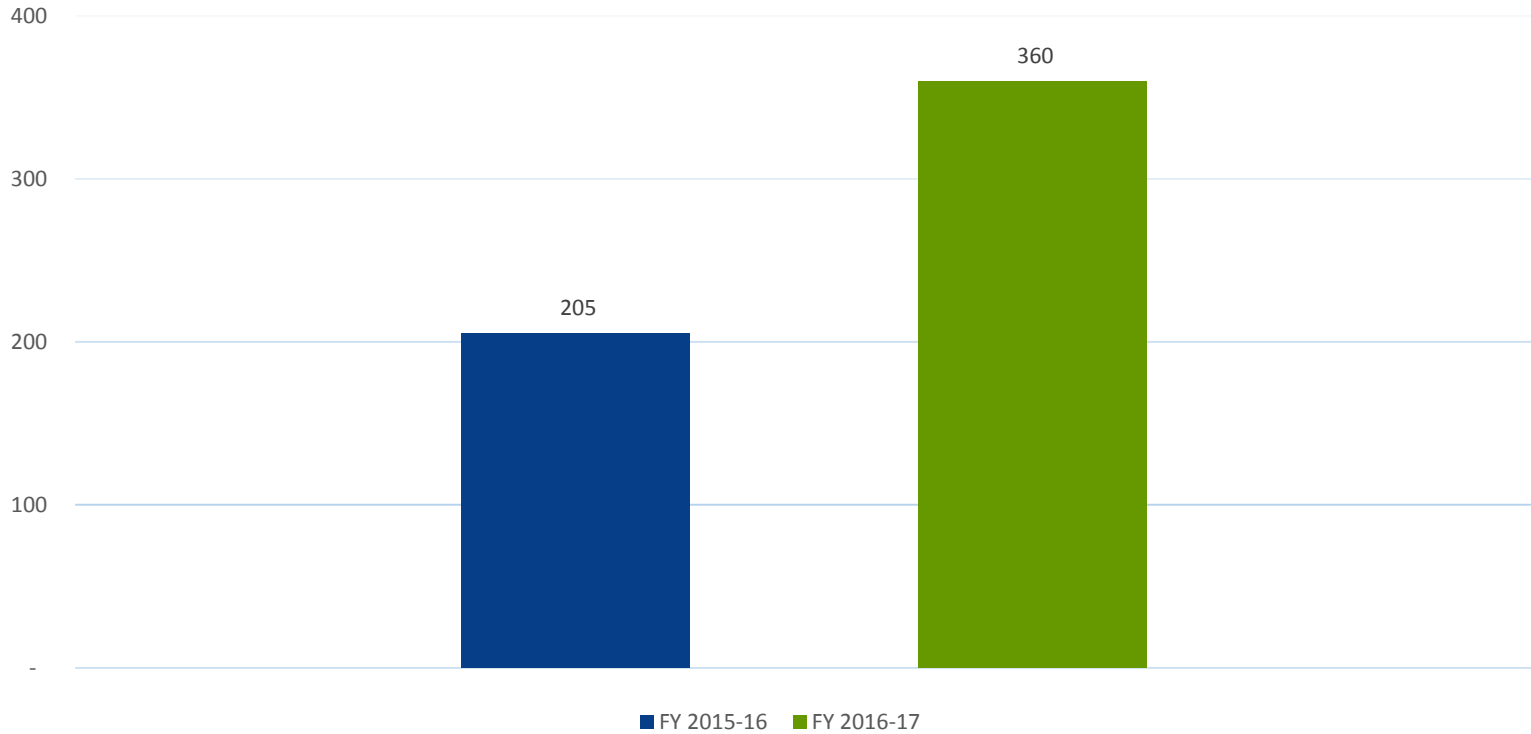
Civil Cases Filed vs Liable Cases



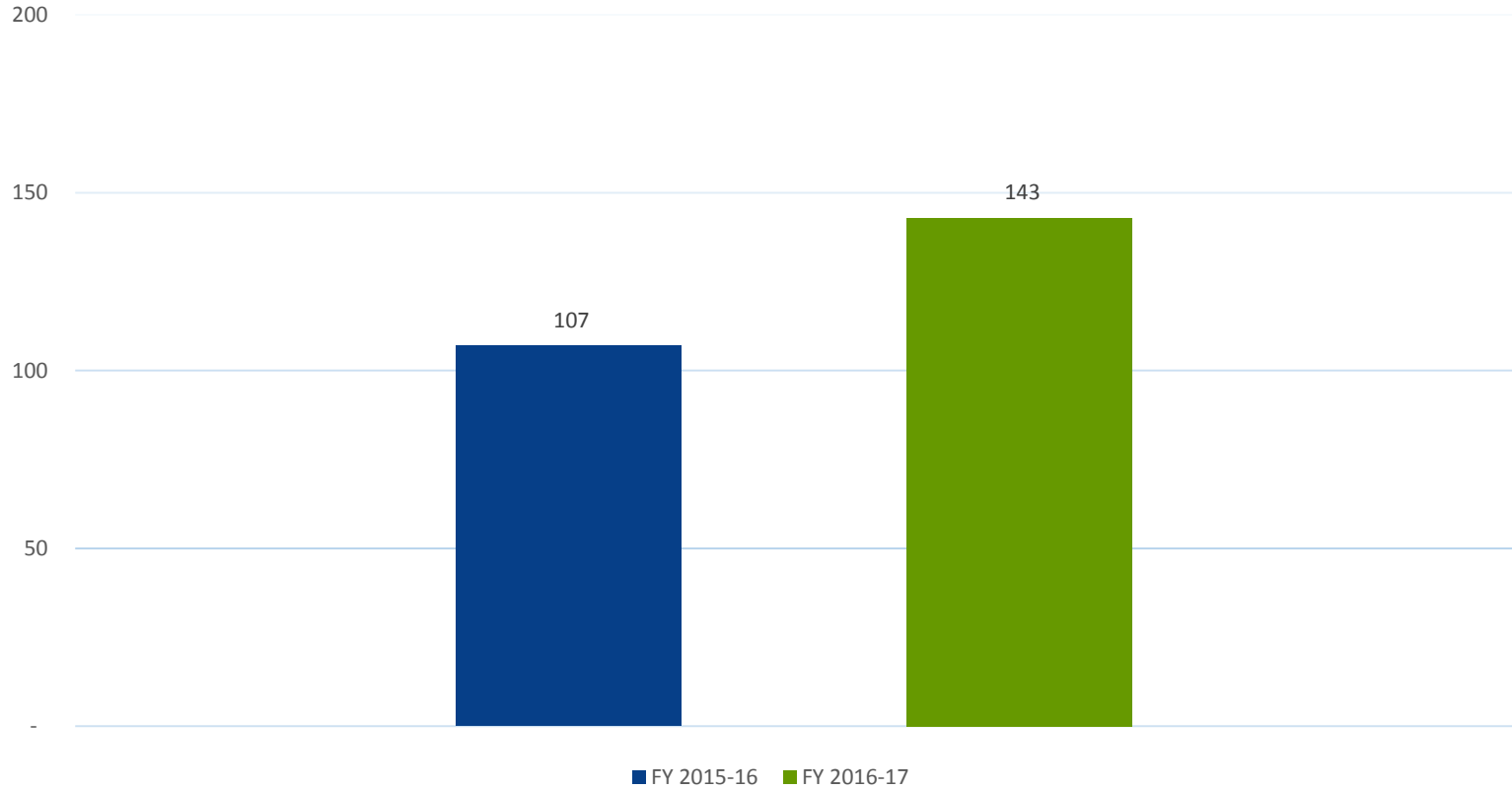
Civil Pre-Trials



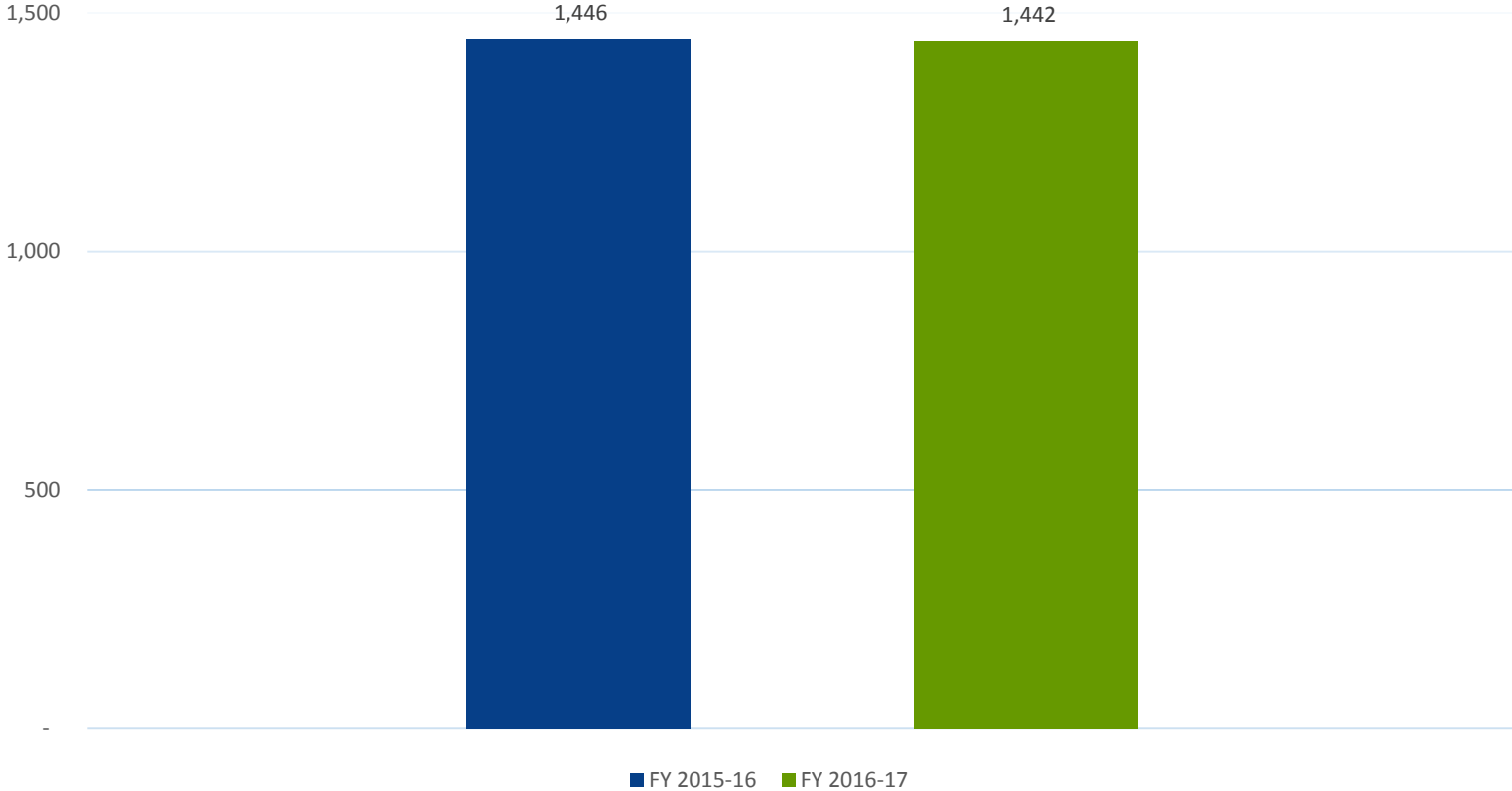
Civil Hearings



Not-Liable Cases



Non-Suit Cases



Recommendation

- Administrative Judge recommends the Ad Hoc Judicial Nominations Committee forward to City Council for consideration and approval:
 - Appointment of 1 full-time Hearing Officer
 - Kathryn Hoang
 - Appointment of 3 Associate Hearing Officers
 - Joseph Ramirez Miller
 - Randall Scott
 - Christina Tsevoukas

Recommendations for Judicial Hearing Officer Positions

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