

Memorandum



CITY OF DALLAS

DATE March 14, 2019

Honorable Mayor and Members of the City Council:

TO Mayor Pro Tem Casey Thomas, II (Chair), Deputy Mayor Pro Tem Adam Medrano (Vice Chair), Councilmember Omar Narvaez, Councilmember Mark Clayton, Councilmember B. Adam McGough, Councilmember Carolyn King Arnold

SUBJECT **City of Dallas' Response to DISD Trustee Foreman's Request (February 4, 2019 Meeting)**

On Monday, February 4, 2019, Dallas ISD Board Member Trustee Joyce Foreman, briefed the Human and Social Needs Council Committee on an update regarding the state of Dallas ISD and the number of charter schools within the school system. DISD Trustee Foreman asked the City to conduct a study addressing the impact of charter schools within the City of Dallas and specifically, within the communities they are located. Staff were directed to address the feasibility of the study requested to determine the City's role in conducting such as the City does not have jurisdiction over public education. Additionally, staff were also requested to evaluate the City's zoning and permitting process with regard to charter schools and explore the option of imparting a moratorium on charter schools.

Staff has determined that the requests made were not feasible due to the following restrictions:

- 1) Request falls outside of City's purview
- 2) Lack of budget capacity and human resources to manage the study
- 3) Request does not meet the conditions to adopt a moratorium

In order to complete a study of this nature, staff needed to determine what the scope of would include along with the associated expenses. Staff determined that since the City of Dallas does not provide oversight of public or private education within the City, the impact study requested should, in fact, be conducted by the provisional body, Dallas ISD. The scope of the impact study falls outside of the purview of the City of Dallas.

During the FY2019 budget preparation, staff did not request or allocate funding for such a study to be conducted by the City. Currently, there are no funds budgeted for this type of effort. If requested by City Council, staff can explore the costs associated with the requested study and provide a proposal for a budget enhancement for FY 2020.

The Texas Local Government Code Section 212.133 spells out the procedures for a municipality to adopt a temporary moratorium on commercial or residential development. A municipality must (1) have public hearings regarding any proposed moratorium; (2) provide notice of those hearings in a newspaper of general circulation; and (3) make specific written findings regarding the need for the moratorium.

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State law provides three justifications for a municipality to adopt a moratorium, upon which the written findings are required, and include: (1) a moratorium on property development to prevent a shortage of essential public facilities; (2) a moratorium on property development because of a significant need for other public facilities, including police and fire; or (3) a moratorium on commercial property development because existing commercial development ordinances/regulations are inadequate to prevent new development from being detrimental to public health, safety, or welfare of the residents of the municipality. All three justifications require a written summary describing the evidence supporting the proposed moratorium.

A moratorium under Items (1) or (2) above expires within 120 days and to extend the moratorium, city council would be required to hold public hearings and adopt additional findings. A moratorium under Item (3) above expires within 90 days and may not exceed an aggregate of 180 days. Moreover, a moratorium does not affect an application for a project in progress under Texas Local Government Code Chapter 245.

Thus, the city may only consider a moratorium on all development or all commercial development for one of the justifications listed above, including that it is necessary to prevent a shortage of essential public facilities, police and fire facilities, or demonstrating that new development would be detrimental to public health, safety, welfare.

Please contact me should you have any additional questions or concerns.



Nadia Chandler Hardy
Assistant City Manager and Chief Resilience Officer

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors