

SPECIAL MEETING OF THE DALLAS CITY COUNCIL

May 15, 2005

05-1546

Item 1: Receive report of the Ad Hoc City Council Canvassing Committee and adopt a resolution and order accepting the canvassing committee's report declaring the results of the May 7, 2005 general and special elections - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the resolution.

Motion seconded by Councilmember Lill and unanimously adopted. (Hill, Thornton-Reese, Fantroy absent)

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 May 15, 2005
 

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**RESOLUTION AND ORDER**

WHEREAS, the city council has received the report of the canvassing committee appointed to canvass the results of the election held on May 7, 2005, pursuant to Ordinance Nos. 25907 and 25908, as amended, for the purpose of electing 14 members of the city council and deciding one proposition, and the city council after examining the report finds it correct in all respects; Now, Therefore,

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

SECTION 1. That the city council after having duly examined the report of the canvassing committee finds that it is a true and correct tabulation of the election results; that the election held on May 7, 2005, pursuant to Ordinance Nos. 25907 and 25908, as amended, was duly ordered and notice given in accordance with law; that the election was held in the manner required by law; that only duly qualified resident voters of the city of Dallas voted in the election; and that returns of the election have been made by the proper officers.

SECTION 2. That the canvass of the returns of the election and the tabulation of votes cast FOR and AGAINST in answer to Proposition No. 1 submitted on the official ballot, as stated by the report of the canvassing committee, are hereby approved and adopted.

SECTION 3. That a majority of the votes cast at the election were against Proposition No. 1, as described in Ordinance No. 25908, as amended, and that proposition is, therefore, defeated and declared not to be adopted.

SECTION 4. That the canvass and tabulation of votes cast at the election for 14 members of the city council, held May 7, 2005, discloses that the following candidates received a majority of the votes cast at the election in their respective places:

Place 1 -	Elba Garcia
Place 3 -	Ed Oakley
Place 4 -	Maxine Thornton Reese
Place 5 -	Donald W. Hill
Place 6 -	Steve Salazar
Place 7 -	Leo V. Chaney, Jr.
Place 9 -	Gary Griffith

APPROVED \_\_\_\_\_  
 HEAD OF DEPARTMENT

APPROVED \_\_\_\_\_  
 CITY CONTROLLER

APPROVED \_\_\_\_\_  
 CITY MANAGER

May 15, 2005

- Place 10 - Bill Blaydes
- Place 11 - Linda Koop
- Place 13 - Mitchell Rasansky

SECTION 5. That it is, therefore, declared and ordered that Elba Garcia has been elected Member of Council, Place 1; Ed Oakley has been elected Member of Council, Place 3; Maxine Thornton Reese has been elected Member of Council, Place 4; Donald W. Hill has been elected Member of Council, Place 5; Steve Salazar has been elected Member of Council, Place 6; Leo V. Chaney, Jr. has been elected Member of Council, Place 7; Gary Griffith has been elected Member of Council, Place 9; Bill Blaydes has been elected Member of Council, Place 10; Linda Koop has been elected Member of Council, Place 11; and Mitchell Rasansky has been elected Member of Council, Place 13.

SECTION 6. That the canvass and tabulation of votes cast at the election discloses that no candidate for Place 2, 8, 12, or 14 received sufficient votes to be elected to the city council, and that it is necessary in conformity with the city charter and the Texas Election Code, as amended, to call another election for the purpose of voting upon candidates to fill Places 2, 8, 12, and 14 on the city council.

SECTION 7. 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.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., Interim City Attorney

By   
 Assistant City Attorney

APPROVED BY  
CITY COUNCIL

MAY 15 2005

  
 City Secretary

5/13/05

**REPORT OF CANVASSING COMMITTEE AND  
RESOLUTION AND ORDER APPROVING REPORT**

TO THE HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, your committee of the city council appointed on February 23, 2005 to canvass the returns of the election held in the city of Dallas on May 7, 2005, for the purpose of electing 14 members of the city council and submitting to the qualified voters of the city a question relating to amending the Charter of the City of Dallas, hereby report that we have carefully canvassed the returns of the election, and we submit the tabulated statement of the votes received by the respective candidates and the proposition, attached hereto as Exhibit A.

In accordance with Ordinance No. 25908, as amended, the following proposition was submitted to the qualified voters of the city of Dallas:

**PROPOSITION NO. 1**

Amendment of Sections 1, 2, 3, 3A, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of Chapter III; Sections 1, 2, and 3 of Chapter IIIA; Sections 4, 6, 7, 8, and 10 of Chapter IV; Section 1 of Chapter V; Chapter VI; Sections 1, 2, and 3 of Chapter VII; Sections 1, 4, 6, 7, and 8 of Chapter VIII; Sections 2 and 3 of Chapter IX; Chapter IXA; Sections 1 and 2 of Chapter X; Sections 1, 2, 3, 4, 6, 7, and 9 of Chapter XI; Sections 1, 2, 3, 4, and 7 of Chapter XII; Sections 1, 2, 4, 6, 7, and 9 of Chapter XIII; Chapter XIV title; Sections 1 and 4 of Chapter XV; Sections 1, 4, 5, 9, 10, 11, and 12 of Chapter XVI; Sections 2, 3, 4, 5, and 8 of Chapter XVII; Sections 1, 3, 4, 5, 6, 8, and 9 of Chapter XVIII; Section 11 of Chapter XIX; Section 11 of Chapter XX; Sections 8 and 10 of Chapter XXI; Sections 1, 6, and 11 of Chapter XXII; Section 6 of Chapter XXIII; and Sections 4, 6, 7, 9, 10, 13, 14, 17, and 19 of Chapter XXIV of, and addition of new Chapters IV and XXVII to, the Charter of the City of Dallas, all of which would: (1) eliminate the office of the city manager and transfer to the mayor, who would become the chief executive and administrative officer of the city, all powers formerly held by the city manager, including providing professional and secretarial assistance to the city council; conducting investigations;

calling for special audits; appointing the municipal court clerk; submitting the annual city budget to the city council and performing other duties relating to budget appropriations and capital expenditure programs; providing for and receiving statements of payments and receipts from the city treasurer and certifying money in the city treasury; supervising the police and fire departments, including hiring, disciplining, and discharging the police chief, the fire chief, and all employees in those departments; supervising all other city departments formerly under the city manager, including hiring, disciplining, discharging, and coordinating the work of the heads and employees of those departments; hearing employee disciplinary appeals and approving trial board appeals to district court; requesting and receiving reports from all departments on their activities, including reports from the city auditor; submitting the city's comprehensive plan to the city council; executing city contracts and other legal instruments; and submitting bids on behalf of the city for property at tax sales; (2) transfer to the mayor certain powers currently held by the city council, including nominating the mayor pro tem, subject to council confirmation, with a vice mayor pro tem being nominated and appointed by the city council; appointing, discharging, and setting the compensation of the city attorney; appointing and discharging the city secretary; appointing municipal judges and the administrative judge, subject to council confirmation; removing municipal judges and appointing and removing associate municipal judges, without council confirmation; adopting municipal court work rules, without city attorney review being required; establishing, discontinuing, and changing city departments and offices; appointing all members and adjunct members of the civil service board, subject to council confirmation, and appointing the board chair, removing board members, and filling vacancies without council confirmation; appointing all members of the park and recreation board, subject to council confirmation, and appointing the board president without council confirmation; adopting park and recreation board rules and regulations, requiring reports from the board, and assigning grounds and properties for the board to control, maintain, and manage; providing positions for the park and recreation department; appointing the members of city boards and commissions, subject to council confirmation, and removing board and commission members without council approval; establishing criteria for fire limits and for building construction and repair in the city, including setting permit fees; condemning and removing dangerous structures; establishing and maintaining public libraries, subject to council approval; and determining how the municipal radio and television broadcasting station and other communication systems may be used, including appointing members to a radio and television stations commission with council confirmation; (3) give the mayor new powers and duties, including taking official actions by issuing orders that must be maintained as permanent city records; signing and approving every ordinance, resolution, and motion of the council before it can take effect, provided that an ordinance, resolution, or motion becomes effective if the mayor fails to sign it within five days after adoption; voting on council confirmations of mayoral appointments; acting in an emergency; and prescribing general rules and regulations governing the general conduct of city departments; (4) make certain changes relating to the mayor's office, term, compensation, and duties, including eliminating all charter references to the mayor as Place 15 on the city council; deleting the definition of a mayor's term as any period in excess of 731 days; providing that the mayor's salary be paid per annum in equal

semi-monthly installments instead of biweekly like other council members; excluding the mayor from city council attendance requirements under which a council member's compensation may be reduced if he misses more than 10 percent of regular city council meetings; providing for a mayor pro tem and vice mayor pro tem to act in the case of the death, resignation, or permanent disability of the mayor, or whenever there is a vacancy in the office of mayor; requiring an election to fill a mayoral vacancy to be held within 30 days after the vacancy occurs; authorizing the city council, by a two-thirds vote, to remove the mayor for misconduct, inability, or willful neglect in the performance of official duties and to suspend the mayor for up to 30 days pending an impeachment charge; requiring the mayor to post a bond conditioned on the faithful performance of the duties of the office; and eliminating the mayor's duty to provide for annual state of the city reports; (5) restrict certain powers of the city council, including eliminating a city council member's ability to run for the office of mayor at the end of his council term limits; prohibiting a city council member from giving orders to or interfering with appointees and subordinates of the mayor, including the city attorney and city secretary; eliminating council power to provide a council assistant to represent the mayor and council at ceremonial occasions; eliminating council power to prescribe by ordinance the duties of the municipal court clerk and the fire chief; eliminating council power to adopt civil service board rules and regulations and to designate a secretary to the trial board; and eliminating council power to waive a requirement that city boards and commissions have 15 or more members; (6) increase certain powers and duties of the city secretary, including allowing the city secretary to discharge assistants without city council consent; and requiring the city secretary to countersign bonds issued by the city, the registry and records of which bonds are to be kept with city council records; (7) make certain other conforming and nonsubstantive changes; and (8) provide for these charter amendments to go into effect on September 1, 2005, except that those amendments that require preclearance by the United States Department of Justice will take effect on the first day of the fourth month following the month in which the Department of Justice issues a letter interposing no objection to the implementation of these amendments.

It appears that the following number of votes were cast respectively FOR and AGAINST on Proposition No. 1:

**PROPOSITION NO. 1**

FOR	41,158
AGAINST	65,978

From this tabulation it appears that Proposition No. 1 was not approved by the qualified voters of the city of Dallas participating in the election.

On the basis of the statement of the returns of the election, it appears that candidates received the following number of votes:

For Member of Council, Place 1:

Elba Garcia	1,897
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For Member of Council, Place 2:

Monica Barros-Greene	1,192
Pauline Medrano	1,357
Se-Gwen Tyler	447

For Member of Council, Place 3:

Khaleef Hasan	1,956
Ed Oakley	5,431

For Member of Council, Place 4:

Dwaine R. Caraway	4,156
Maxine Thornton Reese	5,454

For Member of Council, Place 5:

Yolanda Faye Williams	2,120
Donald W. Hill	6,096
Camile D. White	606

For Member of Council, Place 6:

Linus Spiller	282
Steve Salazar	1,236

For Member of Council, Place 7:

Leo V. Chaney, Jr.	5,018
Kevin Felder	1,670

## For Member of Council, Place 8:

James L. Fantroy	2,576
Clara McDade	546
E. Ruth Steward	193
Al Lipscomb	2,594
Theresa G. Washington	721
Adrian W. Drake	489

## For Member of Council, Place 9:

Albert T. Turner	2,638
Gary Griffith	7,009

## For Member of Council, Place 10:

Joseph Glogowski	1,170
Bill Blaydes	6,973

## For Member of Council, Place 11:

Danny Harrison	3,071
Linda Koop	3,956

## For Member of Council, Place 12:

Mike Mansfield	551
Matt Bach	1,059
Tony Fleo	2,701
Ron Natinsky	3,488

## For Member of Council, Place 13:

Mitchell Rasansky	8,155
Write-in	170




For Member of Council, Place 14:


P. D. Sterling	244
Angela Hunt	4,150
Kathy Ingle	3,148
Candy Marcum	2,597

It appears that Elba Garcia, candidate for Place 1; Ed Oakley, candidate for Place 3; Maxine Thornton Reese, Candidate for Place 4; Donald W. Hill, candidate for Place 5; Steve Salazar, candidate for Place 6; Leo V. Chaney, Jr., candidate for Place 7; Gary Griffith, candidate for Place 9; Bill Blaydes, candidate for Place 10; Linda Koop, candidate for Place 11; and Mitchell Rasansky, candidate for Place 13, received a majority of the votes cast at the election in their respective places.

It appears that no candidate for Place 2, 8, 12, or 14 received sufficient votes to be elected to the city council.

  
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 Mayor Pro Tem John Loza, Chair

  
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 Councilmember Lois Finkelman

  
 \_\_\_\_\_  
 Councilmember Sandy Greyson

  
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 Councilmember Veletta Lill

**CANVASSING COMMITTEE OF THE CITY  
 COUNCIL OF THE CITY OF DALLAS**