



CITY OF DALLAS

Memorandum

DATE April 4, 2014
TO The Honorable Chair and Members of the Charter Review Commission
SUBJECT Chapter III Section 17
Prohibitions on Officers and Employees Running for Office

As requested at the April 1, 2014 meeting, following are suggested amendments the prohibition on officers and employees running for public office.

1. The suggestions are:
 - a. Clarify that the prohibition on running for other offices applies to municipal judges, all board and commission members, and any officer of the city.
 - 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. (See Texas Local Government Code §150.041.)

2. The current language is:

“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.”

3. The proposed language is:


“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.]”~~

4. The explanation of the amendments is:
 - a. Subsection (a) has been amended to clarify that the rule applies to both boards and commissions.
 - b. Subsection (a) has been amended to clarify that it applies to municipal judges, DART board members, and DFW Airport board members.
 - b. Subsection (c) has been deleted because Texas Local Government Code §150.041 prohibits a city from terminating an employee who runs for public office. The amendment to Subsection (c) was approved at the April 1, 2014 meeting.



JOHN ROGERS
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