

Memorandum



Date February 14, 2014

To The Honorable Chair and Members of the Charter Review Commission

Subject 2002-2003 Charter Review Commission Recommended Changes – Non-Placement on November 8, 2005 Special Election Ballot

At your February 4, 2014 meeting, an overview was presented to you which covered the 2002-2003 Charter Review recommendations and a comparison on whether or not each recommendation was placed on the November 8, 2005 Special Election ballot. As a result, a request was made you be provided with information that explained why certain recommendations were not presented for voter approval.

The attached provides the information requested. The information was compiled by reviewing agenda materials and conducting a comparison of one report to the other and listening to available meeting audio. Specific timeframes are noted at the bottom the report. In total, there are several hours of audio; and a very careful summary of the comments, views and analysis have been compiled and noted in the report under each application recommendation. Recommendations have been grouped for easier review and discussion.

Reference was made on providing minutes of the meetings. The minutes prepared, submitted and approved by the City Council have always been "action minutes." As such, these minutes simply provide key points as to the agenda item being discussed/considered, motion, second, and final action on the item. The minute page applicable to the meetings reviewed and referenced at the end of the attached report are included. Audios will be provided upon request.

The report will be discussed in further detail at your February 18, 2014 meeting. In the interim, if you have any questions, please don't hesitate to contact me.



Rosa A. Rios
City Secretary

Attachments

c: Bilierae Johnson, Assistant City Secretary
John Rogers, Assistant City Attorney
Anna Holmes, CRC Liaison, City Manager's Office

**2002 - 2003 Charter Review Commission Recommendations
Report for Non-Inclusion on the November 8, 2005 Special Election Ballot**

	Chapter	Section	Proposition (in Brief)	Non-Inclusion on Ballot
5	III (City Council)	1 (Composition of City Council)	Change term of city council members other than the mayor from two years to four years.	The commission simply recommended that regardless of the "term breakdown," an 8 consecutive year term be retained. A term longer than two years could result in elected officers deciding, while in office, that the term was too long; this could result in special elections.
6	III (City Council)	3A (Limitation of Terms)	Change term limits for city council members other than the mayor from four two-year terms to two four-year terms.	
20	IV (Elections and Referendums)		In all applicable sections of Chapter IV, change council terms from two years to four years.	
19	IV (Elections and Referendums)	[3 (General Election)]	Adopt the proposed language for Chapter IV, Elections and Referendums, Section 3, General Election.	

7	III (City Council)	4A (New) (Elected Officials Compensation Commission)	Create Elected Officials Compensation Commission as described in Appendix B.	Political issue: (1) In the ballot initiative environment, appears city council was going to do to do something to enhance themselves to set up a commission to give more money. Not placing the item on the ballot, would show voters city council is not trying to enhance themselves in any way; and (2) city council had just recently received a substantial pay raise in 2001 and they did not want to go to the voters and ask for another pay raise. City in an economic crunch and taxes are being raised. Voters should have the say.
11	III (City Council)	(District Offices for Council)	Council members may establish district offices, to be located in city-owned facilities.	Mixed positions; some felt those council members with districts outside of the downtown area should have district offices, while others felt discretionary money available to the city council should be used to improve their district; city should allocate funds to operate city hall offices.

	Chapter	Section	Proposition (in Brief)	Non-Inclusion on Ballot
9	III (City Council)	New	Add a new Section, Council Meeting Agenda, that enables the mayor, the city manager, or three members of the city council may place any item on any city council agenda. [Note: Later incorporated into City Council Rules of Procedure]	Internal policy. Later incorporated into the City Council Rules of Procedure.
			Add provision: "The mayor, the city manager, or three members of the city council may place any item on any city council agenda. The city council may establish rules limiting the consideration of items previously voted upon or tabled." [Note: Later incorporated into City Council Rules of Procedure]	
12	III (City Council)	20 (City Treasurer)	Deletes the office of City Treasurer.	The additional language provided the "chief financial officer of the city" shall serve as the city treasurer. Therefore, there was no need to delete reference to the position of "City Treasurer."
			City Manager shall have authority to designate an employee of the City as City Treasurer. Also amends language relating to selection of depository for city funds. See Appendix C.	
22	VI (The City Manager)	1 (Appointment; Removal; Compensation)	Insert provision clarifying that majority of full council must approve appointment of the city manager.	Redundant. Language already exists that "The council shall appoint a city manager..." which would have to be a majority.
24	IX (City Auditor)	1 (Selection of City Auditor) (Appointment; Removal; Compensation)	Change section title to "Appointment; Removal; Compensation"	Each city council term, the governing body can determine on its own how the appointment, removal and compensation of the city auditor is to occur. Additional language was incorporated (and adopted 11/8/05) in other areas.
			The " Special Audit " will become Section 4 . The recommendation provides for wording changes that clarify this section.	
30	IX (City Auditor)	4 (New) (Special Audit)	The " Special Audit " will become Section 4 . The recommendation provides for wording changes that clarify this section.	Not a "new" item; this was actually an existing item (#3) renumbered to Item 4 when a new Item 2 (Assistants and Employees) was added.

	Chapter	Section	Proposition (in Brief)	Non-Inclusion on Ballot
13	III (City Council)	21 (New) (Code of Ethics)	Insert provision: "The city council shall adopt a code of ethics as authorized by Section 1(49) of Chapter II of this charter.	Redundant in that Chapter II, Section 1 (Powers of the City), language exists under Subsection (49) that the City already has the power "To provide a code of ethics by ordinance which shall be binding on all officers, employees, and elective and appointive officials as provided herein, setting out the acts, conduct and financial interest which shall be considered to be in conflict with the position they hold and providing the procedure for enforcing the same. This may be either in addition to, or incorporated into personnel rules and regulations as pertain to various employee." Still have much work to do on the proposed ethics code to promote strong ethics and it should not be tied to the Charter.
41	XXII (Public Contracts)	11 (Financial Interest of Employee or Officer Prohibited)	Amend current provision regarding prohibition of financial interest in city contracts by city officers and employees.	This was a commission recommendation; however, after further discussion, the request for consideration was withdrawn at the time the final report was submitted to the city council as it was found the provision would relax the prohibition and would allow the city council to waive this provision for board/commission members by ordinance that had contracts with the city. This left the current language in the charter.
37	XV (Planning and Zoning)			The commission agreed a comprehensive plan was needed and that this be the responsibility of the city manager, who would consult with elected officials and other interested parties. City Council did not want to tie the comprehensive land use plan to the charter. Referred to City Plan Commission. A comprehensive plan is now in place.

	Chapter	Section	Proposition (in Brief)	Non-Inclusion on Ballot
42	XXIV (Miscellaneous Provisions)	13(a)	Change requirement regarding appointment date for board and commission members from "during August" to "beginning in August" of each year.	The proposed language was later changed (8-17-05) to reflect that appointments shall take place in "September" rather than August and that the term should not exceed two years from October 1 rather than September.

Meeting Material, Audio Reviewed

Meeting Date	SEC File No.	Agenda Item/Topic
August 18, 2003	03-1783	Briefing C: Charter Review Commission [Presentation/Overview of Final Report]
December 15, 2004	04-3558	Briefing B: Dallas City Charter Discussion [Charter Review by Mayor, City Attorney and City Secretary]
April 13, 2005	05-1209	Item 106: A resolution relating to the placement of proposed Charter amendments on a November 8, 2005 ballot in the event that no Charter amendments are approved by the voters at the May 7, 2005 Charter amendment election (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, Councilmembers Dr. Garcia, Oakley, Dr. Thornton-Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson, Rasansky, and Lill via Mayor Miller)
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
June 15, 2005	05-1823	Briefing C: City Charter Amendments [Overview by City Attorney]
August 3, 2005	05-2126	Briefing A: Proposed Amendments to the Dallas City Charter [Continuation of June 15, 2005 discussions/overview by City Attorney]
August 17, 2005	05-2386	Briefing A: Proposed Amendments to the Dallas City Charter - Prohibiting Discrimination on the Basis of Sexual Orientation in City Employment - Limiting Mayoral Contributions by City Contractors - Other Proposed Amendments
August 24, 2005	05-2527	Addendum Item 9: An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 8, 2005, for the purpose of submitting to the qualified voters of the City proposed amendments to the Dallas City Charter

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1783

Briefings: C. Charter Review Commission

David Laney, chair, Charter Review Commission, briefed the city council on the item.

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 15, 2004

04-3558

Briefings: B. Dallas City Charter Discussion

- 1) Summary of Recommendations from Charter Review Commission, City Attorney, City Secretary, Mayor, and Blackwood, et al. Petition**
- 2) Current City of Dallas Charter**
- 3) Recommendations from the Charter Review Commission**
- 4) City Attorney's Recommendations**
- 5) City Secretary's Recommendations**
- 6) Mayor's Recommendations**
- 7) Notice of Intent to Circulate Petition (Blackwood, et al.)**

Mayor Miller, city attorney and city secretary briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 13, 2005

05-1209

Item 106: A resolution relating to the placement of proposed Charter amendments on a November 8, 2005 ballot in the event that no Charter amendments are approved by the voters at the May 7, 2005 Charter amendment election (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, Councilmembers Dr. Garcia, Oakley, Dr. Thornton-Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson, Rasansky, and Lill via Mayor Miller)

The following individuals addressed the city council regarding the resolution:

Al Lipscomb, 830 Clearwood Dr.
David Marquis, 3110 W. Kiest

Councilmember Oakley moved to approve the resolution.

Motion seconded by Councilmember Garcia.

After discussion, Mayor Miller called the vote on the motion:

Voting Yes:	[11]	Loza, Hill, Garcia, Oakley, Salazar, Blaydes, Griffith, Finkelman, Greyson, Rasansky, Lill
Voting No:	[3]	Miller, Thornton Reese, Chaney
Absent:	[1]	Fantroy

Mayor Miller declared the motion adopted.

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)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

JUNE 15, 2005

05-1823

Briefings: C. City Charter Amendments

The city attorney briefed the council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

August 3, 2005

05-2126

Briefings: A. Proposed Amendments to the Dallas City Charter

The city manager briefed the city council on the item.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

August 17, 2005

05-2386

- Briefings:
- A. Proposed Amendments to the Dallas City Charter
 - Prohibiting Discrimination on the Basis of Sexual Orientation in City Employment
 - Limiting Mayoral Contributions by City Contractors
 - Other Proposed Amendments

The city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 24, 2005

05-2527

Addendum addition 9: **November 8, 2005 Special Election**

- * An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 8, 2005, for the purpose of submitting to the qualified voters of the City proposed amendments to the Dallas City Charter - Financing: This action has no cost consideration to the City

Councilmember Oakley moved to pass the ordinance.

Motion seconded by Councilmember Koop.

Councilmember Rasansky moved to substitute for Councilmember Oakley's motion a motion to separate the Mayor's compensation from Proposition 1 and add Proposition 14 for the Mayor's compensation.

Motion seconded by Councilmember Hunt.

After discussion, Mayor Miller called the vote on Councilmember Rasansky's substitute motion:

Voting Yes: [7] Miller, Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt
Voting No: [8] Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney, Fantroy

Mayor Miller declared the motion failed.

Mayor Miller called the motion on Councilmember Oakley's main motion:

Voting Yes: [14] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Koop, Natinsky, Hunt
Voting No: [1] Rasansky

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 26094.