

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
1.	II §1: Powers of the City. The city of Dallas, as such body politic and corporate, shall have perpetual succession and shall have the following powers: (1) To use a corporate seal. (2) To sue and be sued. ... (34) To have the exclusive right to erect, own, maintain, and operate a waterworks and sanitary sewer system, or any part thereof, for the use of the city and its inhabitants ... to do anything whatsoever necessary to operate and maintain the waterworks system, ... (51) [End]	Limit the ability of the city to privatize governmental functions. Limit the ability of the city to enter into long-term contracts to sell water to other cities.	Policy Issue Per public comment.
2.	II §3: Charter Review Process. At intervals of not more than 10 years ... the charter shall be reviewed by a commission apptd by the council. The commission shall complete the review and report to the council within one year. ... amendments to the Charter may at any time be framed and proposed as provided by law.	Amend the charter review process.	Policy Issue
3.	III §1: Composition of City Council. Except as otherwise provided ... all powers conferred on the city shall be exercised by a city council ... composed of 15 members... Places 1 through 14 , shall be elected for a term of two years .. Place 15 shall be elected for a term of four years See also III§3A (Limitation of Terms)	Change councilmember terms to three-year terms, or to two four-year terms, or two three-year terms. Change the mayor's terms to one six-year term. Increase the length of the mayor and councilmember terms (per public comment).	Policy Issue
4.	III §2: Mayor's Election and Duties. (a)... Place 15 shall be the presiding officer of the city council... They mayor shall have a vote on all matters coming before the city council, other than confirmation of appts by the mayor, unless otherwise disqualified, but no power to veto... (b) In addition, ... shall ensure that annual reports are made on the state of the city...	Do not expand the Mayor's powers. Create a strong mayor system without a city manager (per public comment).	Policy Issue
5.	III §3: Council qualifications. Each member of the city council shall, in addition to other qualifications prescribed by law, be at the date of election a qualified voter of the city, and shall not be in arrears in the pymt of any taxes or other liabilities due the city.	Deletes the requirement that councilmembers be current on taxes and liabilities due to the city. Each member of the city council shall, in addition to other qualifications prescribed by law, be at the date of election a qualified voter of the city, and shall not be in arrears in the pymt of any taxes or other liabilities due the city.	Policy Issue <i>Hunt v. City of Longview</i> , 932 F. Supp. 828 (1995) (city charter provision requiring forfeiture of office for failure to pay liabilities owed to the city is not rationally related to the governmental interest of promoting good citizenship and is irrational).

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6.	<p>III §3A: Limitation of Terms. (a) A person, ...other than Place 15, [who has served] for four consecutive two-year terms shall not be again eligible ...until at least one term has elapsed. (b) A person who has served two consecutive terms as ...Place 15, shall not again be eligible ...until at least one term for Place 15 has elapsed. ...</p>	<p>Stagger councilmember terms.</p> <p>Increase the number of councilmember terms (per public comment).</p>	Policy Issue
7.	<p>III §4: Compensation of the members of the city council. (a)...each member of the city council, other than the mayor, shall receive as compensation ... \$37,500 for each year...The mayor shall receive ...\$60,000 ... (d) In addition, ... all necessary expenses ...will be paid by the city. ... (e)If any city council member, including the mayor misses more than 10% of the total number of regular meetingscompensation ... will be reduced proportionately ... regular meetings include both ... those held by full city council and ...[members ' respective] standing city council committees. (Meetings missed when on official city business will not count for purposes of section)</p>	<p>Delete reduction in salary for councilmember absences.</p> <p>Increase councilmember compensation.</p> <p>Increase councilmember compensation to \$60,000 (per public comment).</p> <p>Increase council member compensation between \$60,000 to \$70,000.</p> <p>Increase councilmember compensation to \$75,000</p> <p>Increase councilmember compensation to \$100,000 and the mayor's compensation to \$150,000, effective eight years from now so that no current councilmember will receive the increase.</p>	Policy Issue
8.	<p>III §6: Regular Meetings. (a) council...shall meet at ...city hall, and ...at least one regular meeting of the city council must be held each week...(b) ...a regular meeting of the city council means a weekly meeting of the full city council.</p>	<p><i>Perfecting amendment clarifying that city council does not actually meet every week.</i></p>	<i>Technical Correction</i>
9.	<p>III §8: Open Meetings; Speakers. (a) all official meetings of city council and ...committees must be open to the public...Those meetings involving an attorney and client relationship ...need not be open ... (b) council shall adopt rules of procedure that provide reasonable opportunity for citizens to be heard ...</p>	<p>Limit on the duration or frequency of open mic speakers.</p>	Policy Issue

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10.	III §10: Council Vote. No member shall be excused from voting except on a matter involving ...his or her own official conduct, or where his or her financial interests are involved ...and ... the member shall not vote. The council shall determine its own rules of procedure ...	<i>Perfecting amendment allowing councilmembers to abstain from voting if required by any law.</i>	Policy Issue
11.	III §11: Election & Duties of the Mayor Pro Tem and Deputy Mayor Pro Tem. The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in the case of the absence or inability of the mayor to perform the duties of office, who shall during that time be vested with all the powers belonging to the mayor. The council shall also elect one of its members deputy mayor pro tem ...	<i>Perfecting amendment clarifying when the mayor is absent and when the Mayor ProTem assumes the duties of the Mayor.</i> The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in the case of the absence or inability event of the mayor <u>becomes incapacitated, unavailable for consultation, and is unable</u> to perform the duties of office, who shall during that time be vested with all the powers belonging to the mayor. The council shall also elect one of its members deputy mayor pro tem ...	<i>Technical Correction</i> In 2013, both the city atty and the city secretary had to inform the mayor pro tem that he was unable to place an item on the agenda (in accordance with City Council Rules of Procedure) as the mayor did not desire the item be scheduled for consideration. Although the Mayor was out of the country, he was available via cell and email.
12.	III §15: No Interference by Council w/ Appts or Subordinates of City Manager. Neither the council nor any of its committees or members shall dictate ...any person's appt to, or removal from, office or employment by the city manager ...Except for the purpose of inquiry, the council shall deal with ... the administrative service for which the city manager is responsible solely through the manager ...This section shall not apply to those professional and admin assts. provided for in III §14 (Professional and Admin. Assts to Mayor and Council).	Expand interference prohibition to include staff of city attorney, city secretary, and city auditor.	Policy Issue
13.	III §17: Prohibiting Holding or Running for Other Office. (a) No person elected to city council shall, during the term for which he is elected, be appointed to any office or position of emolument in the service of the city. ...If a member of any board apptd by the council or any appointive officer of the city becomes a candidate for ...public office, he ... shall immediately forfeit his...place or position. ...c) If any employee of the city becomes a candidate...to any elective public office in Dallas County, or...in another county within the state ...having contractual relations with the city ... or any	Make the prohibition on running for other offices apply to municipal judges, all board and commission members, and any officer of the city. (Relating to III §17(a)). Make the prohibition on running for other offices apply to Dart board members and DFW board members. (Relating to III §17(a)). <i>Perfecting amendment to charter and code of ethics to conform to state law, which prohibits a city from terminating an employee who</i>	Policy Issue; Technical Correction

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	elective public office that would conflict with his ... position as an employee of the city, the employee shall immediately forfeit his ...position with the city.	<i>runs for public office. See Texas Local Government Code §150.041. (Relating to III §17(c)).</i>	
14.	<p>III §18: Investigations. The council, the city manager or any person or committee authorized by either ... shall have the power to inquire into conduct of any dept. or office of the city; to make investigations ..., and for that purpose may subpoena witnesses, administer oaths and compel production...The council shall provide by ordinance penalties for contempt..., and shall have the power to punish any such contempt.</p>	<p>Expand the first sentence of the provision to include performance of contracts, proper use of city monies, validity of claims against the city.</p> <p>Allow the persons authorized by City Council or the City Manager to "conduct" rather than "make" investigations, subpoena witnesses, and compel production of papers.</p> <p>Expand materials that can be subpoenaed to include tangible property and electronic information.</p> <p>Allow City Council to delegate power to punish contempt to municipal court.</p> <p>Allow the City Attorney to seek an order from municipal court, county court or district court to enforce a subpoena or finding contempt of the subpoena.</p> <p><i>Perfecting amendment to amend the city code to provide penalties for contempt of a city investigation.</i></p>	Operational Change; Technical Correction
15.	<p>III §19: Independent Audit. The City Council shall cause an independent audit ...of the books of account, records, and transactions of all the administrative departments of the city yearly...Such audits ... shall be made by one or more certified public accountants who, for the three years next preceding, have held a certificate issued by the state board of accountancy of the State of Texas ... The auditor ...shall be selected by the city council, and shall be responsible to the council. The duties of the auditor ...shall include the certification of all statements required of the city manager in the annual budget estimate.</p>	<p>Change reference to "accounts, records, and transactions" to "annual financial statements."</p> <p>Require the CPA to be licensed by the State of Texas.</p> <p>Certification of budget estimates is the duty of the internal auditor, not the external independent auditor.</p>	<p>Operational Change</p> <p>Proposal to change reference to "accounts ..." to "annual financial statements" is meant to clarify the actual responsibilities of the external auditor and to mirror state law.</p> <p>The original language allowing an auditor to hold a license issued by another state conflicts with State law requiring licensure in Texas.</p>

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16.	<p>III §20 City Treasurer and Selection of City Depository. (a)...the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, ...the city treasurer shall give such bond as the council may require...(b) the city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city... The city treasurer shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council</p>	<p>Clarify that the CFO is responsible for management of the city's financial assets.</p> <p>Moves responsibility for deposit of funds from XI §13 (Disposition of Funds) to III §20; and require that deposits be made promptly rather than within 24hrs.</p> <p>XI §13: "The city controller shall pay over into the city treasury all moneys collected by the city controller and belonging to the city within 24 hours after receiving such moneys."</p>	<p>Operational Change</p> <p>The responsibility for the deposit of funds is part of administering the depository services used by the city and should in included in Chapter III §20 rather in XI §13 (Disposition of Funds).</p> <p>Replacing the requirement that deposits be made within "24 hours" with the requirement that deposits be made "promptly" recognizes that such services as daily armored car transport are increasingly costly and may be replaced with more effective means that may be accomplished in a timely manner but not necessarily within 24hrs.</p>
17.	<p>III A §1: City Secretary- Appt; Rmvl; Compensation. The city council shall appt a city secretary ... for a period of two years ...shall be apptd by a majority vote of all members of the city council and shall not be discharged ... except upon a majority vote of all the members of the council. The city sec. shall receive such compensation as shall be fixed by council.</p>	<p>Clarifies the appt duration for the city secretary, provides for removal by 2/3 vote, makes compensation commiserate with compensation provisions for other city officers, requires city council to appropriate a discrete budget amt to perform duties of office.</p> <p>The city council shall appt a city secretary ... and shall not be discharged ... except upon a majority <u>two-thirds</u> vote of all of the members of the council. The city secretary shall receive such compensation as shall be fixed by council <u>at the time of appt and such compensation may not be diminished during the term for which he or she is appt. During the term of employment, compensation shall be commensurate with the city's executive management. The city council shall provide the city secretary with a discrete appropriation, sufficient to perform the city secretary's duties and authorities under this chapter.</u></p>	<p>Operational Change</p> <p>Section is modified and expanded to align and provide uniformity in the appt, removal and compensation with other apptd officials (i.e. city manager and city atty, and proposed change for city auditor)</p> <p>Changes would provide for better control of office operations of the city secretary in order to meet professional standards and expected service level.</p> <p>Ensures that the city council is able to review the needs of the office as submitted by the city secretary and before cuts are made at other levels.</p>
18.	<p>III A §3: Duties of the City Secretary. The city secretary shall: 1) attend all meetings of the city council and keep accurate records of all actions taken by the city council; ... 8) perform such other duties as may be required of the city secretary by this Charter, the city council, or state law.</p>	<p>As amended, would allow the City Secretary to create her own budget independent from the City Manager; and make the secretary responsible for hiring employees in the dept.</p> <p>Adds the duty of reviewing appts to boards and commissions and administering appt. process.</p>	<p>Operational Change</p> <p>Modifies to include other key and large responsibilities under the authority of the city secretary.</p> <p>Clearly defines that the department budget should be submitted to the city council without changes.</p>

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		<p>The city secretary shall: 1) attend all meetings of the city council and keep accurate records of all actions taken by the city council; <u>(2) prepare and submit its own operating budget;</u> (3) <u>hire all employees in the department;</u> ... (7) <u>oversee the process of receiving nominations for all boards and commissions, conducting applicable background checks and administering the appt process at the city council level;</u> ... 11) perform such other duties as may be required</p>	<p>Note 1: Currently all city depts. run budget through city manager.</p> <p>Note 2: CFO opposes separately setting the budget for City Secretary as it will conflict with the city manager's responsibility to submit a budget to the city council. Dept. does not generate sufficient revenue to support its operations, and thus receives appropriations from the City's General Fund, which is primarily tax supported. All dept. budgets are considered and needs prioritized in the context of overall availability of revenue. Separating will not allow for the holistic view of all depts. within general fund. Also may hinder the city manager from keeping the council at all times fully advised as to the financial condition and needs of the city.</p>
19.	<p>IV §5: District Limits. a)The City shall be divided into 14 districts ... (b)(1) each member of the city council shall appt one member of a redistricting commission, ...confirmation by a majority..., appointments ...shall...provide fair and balanced representation of all geographical areas of the city ...and provide a total membership that reflects the racial and ethnic makeup of the city's population. ... (3) ...Upon completion of its work, the redistricting commission shall file its ...plan with the mayor. The mayor shall present ...to city council..., council shall adopt the plan as submitted or shall modify and adopt the plan...within 45 days ... If neither [occurs] then the recommended plan ...will become final...(4) ... plan ...must be implemented at the next general election of the city council conducted at least 90 days following the date the final redistricting plan becomes effective ...</p>	<p>Revise the redistricting process.</p> <p>Delete redistricting from the charter and allow state and federal law to control.</p>	<p>Policy Issue</p>
20.	<p>IV §7: Nomination by Petition. A person desiring to become a candidate for the city council shall file with the city secretary... an application ...and a petition signed by qualified voters... equal in number to min. number ... required for a candidate petition by the Texas Election Code...</p>	<p>As amended, would require candidates for city council to submit the filing fee along with the petition. Currently only require petition.</p> <p>A person desiring to become a candidate for the city council shall file with the city secretary... an application ...and a petition signed</p>	<p>Operational Change</p> <p>The filing fee will assist in recovering time/costs incurred in verifying petitions that do not meet the requirements, are incorrectly completed, and/or do not contain all pertinent information.</p>

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		by qualified voters... equal in number to min. number ... required for a candidate petition <u>and filing fee</u> by the Texas Election Code...	Allows city secretary to charge a filing fee in accordance with Texas Elections Code, Section 143.005(e). Currently the city adheres to Texas Election Code 143.005 (d).
21.	V §1(3): Petition for Recall of City Council Members. Within 30 days after the petition is filed, the city sec/ shall examine the petition and ... ascertain whether or not the petition is filed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and in the case of a petition to recall the mayor or ... to recall city council members, additional days to complete the examination. ... See also XVIII §12 (City Secretary to Examine Petition)	As amended, would provide the City. Sec. 60 days, instead of 30 days, to review a petition Within 30 60 days after the petition is filed, the city sec/ shall examine the petition and ... ascertain whether or not the petition is filed by the requisite number of qualified voters.	Operational Change Allows the city secretary the same amt of time given to the "petition circulator" prescribed in the Dallas City Charter, Chapter XVIII, Section 11(1). The change provides uniformity in the review period for any type of petition received. See also XVIII §12 (City Secretary to Examine Petition)
22.	VI §1: The City Manager - Apptmt; Removal; Compensation. The council shall appt a city manager ...The city manager shall be a resident of the City...The city manager ...shall be removable at the will and pleasure of the...council upon a two-thirds vote ...unless otherwise provide by contract...	Allow the City Manager to be removed by majority vote of City Council, rather than two-thirds vote.	Policy Issue
23.	VII §3: Duties of the City Attorney. The city attorney shall have the following power and duties: 1) Representing the city in all litigation and controversies. ...11) Hiring or discharging such clerical personnel or other personnel as may be authorized for the city attorney's department by the city council. ...13) performing such other duties as the council may direct or request.	Make the City Attorney create his own budget independent from the City Manager. Make the City Attorney responsible for all hiring of employees in the department.	Operational Change Note: CFO opposes separately setting the budget for City Attorney as it will conflict with the city manager's responsibility to submit a budget to the city council. Dept. does not generate sufficient revenue to support its operations, and thus receives appropriations from the City's General Fund, which is primarily tax supported. All dept. budgets are considered and needs prioritized in the context of overall availability of revenue. Separating will not allow for the holistic view of all depts. within general fund. Also may hinder the city manager from keeping the council at all times fully advised as to the financial condition and needs of the city.

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24.	VIII §1: Municipal Courts-Creation. The city council may, by ordinance, create and provide for municipal courts ...and may appt ...municipal judges to serve each court.	Clarify that municipal judges are officers of the city.	Policy Issue
25.	VIII §4A: Removal of Municipal Judges. A ...municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council that ... [he] failed to comply with ... 1) residency requirement ...or any other qualifications or requirements...	<p>Clarify that a municipal judge automatically resigns if the judge announces that he is a candidate for an elected office.</p> <p>Revise the procedures for removal of municipal court judges. Add a cross reference to III §17 (Prohibiting Holding or Running for Other Office).</p>	Operational Change; Policy Issue; <i>Technical Correction</i>
26.	IX§1 Selection of City Auditor. There is hereby created the office of the city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be a resident of the City of Dallas.... The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance.	<p>Per City Auditor: Expand title and section to improve consistency with similar sections;</p> <ul style="list-style-type: none"> • State purpose of office to serve as independent, objective appraisal activity, and state reporting relationship to Council; • Enhance independence, remove two-year term, clearly state at-will employment, and require 2/3 vote to remove • Add provision stating city council sets compensation; and, • Clarify city council's responsibility to establish discrete appropriation sufficient to perform duties. <p>IX. 1 Selection of City Auditor. <u>Creation of the Office of the City Auditor; Apptmt, Removal, and Compensation.</u> There is hereby created the office of the city auditor, <u>to serve as an independent, objective appraisal activity, reporting and accountable to the city council.</u> which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. <u>The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance.</u> <u>The chief audit executive shall be known as the city auditor and must be a person knowledgeable in ...fiscal theory, municipal governmental accounting....</u> The city auditor shall be a resident ... The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance. <u>The city auditor serves at the will and pleasure of the city council and is subject to removal upon a two-thirds vote of all the members of the city council.</u> <u>The city auditor</u></p>	<p>Operational Change; Policy Issue</p> <p>Title and section modified and expanded to align with similar sections (city manager, city attorney, and city secretary).</p> <p>Change, acknowledge, and reinforce independence of the city auditor in order to meet professional standards.</p> <p>Note: Also recommended to allow removal of city auditor by majority vote of city council.</p>

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		<p><u>shall receive such compensation as fixed by the city council. The city council shall provide the city auditor with a discrete appropriation, sufficient to perform the city auditor's duties and authorities under this chapter.</u></p>	
27.	<p>IX§ 3 Duties of the City Auditor. The city auditor shall have the following duties and responsibilities: 1) conducting financial audits, compliance audits, economy and efficiency audits, special audits, and investigations. ... 10) Acting on behalf of the city, as liaison to external auditing agencies that are reviewing or auditing city operations or city programs that may be federally or state funded.</p>	<p>Per City Auditor: Update and modernize language to make consistent with current government auditing standards.</p> <p>1) Establish requirement for city auditor to organize and administer office to operate without interference or influence that could adversely affect independence or objectivity;</p> <p>2) Establish requirement for annual, risk-based, audit plan;</p> <p>Revise list of duties and replace with language consistent with current government auditing standards;</p> <ul style="list-style-type: none"> • 4) 3) Conducting financial audits, performance audits, compliance audits, economy and efficiency audits, attestation engagements, special audits, and investigations and other nonaudit services, as (defined below - see Audit memo)), in accordance with applicable professional standards: • 2) 4) Conducting at the direction of the city council or the city council finance committee, and audit or investigation, attestation engagement, or other nonaudit service of any entity receiving funds from the city. • 3) thru 7) • 8) 5) Reporting to the city council, the city council finance committee, and the city manager any irregularities significant instances of fraud, waste or abuse or failures to maintain adequate and accurate records or controls. • 9); 10) 6) Acting on behalf of the city as liaison to external auditing agencies that are reviewing or auditing city operations or city programs that may be federally or state funded. 	<p>Operational Change</p> <p>Reinforces the independence of the city auditor.</p> <p>Brings the terminology of the City Charter in line w/ current professional government auditing standards.</p> <p>Limits the scope to specific executive officials.</p> <p>Note: CFO opposes separately setting the budget for City Auditor as it will conflict with the city manager's responsibility to submit a budget to the city council. Dept. does not generate sufficient revenue to support its operations, and thus receives appropriations from the City's General Fund, which is primarily tax supported. All dept. budgets are considered and needs prioritized in the context of overall availability of revenue. Separating will not allow for the holistic view of all depts. within general fund. Also may hinder the city manager from keeping the council at all times fully advised as to the financial condition and needs of the city.</p>

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		<p>7) Move responsibility for special audits from IX §4 (Special Audit) to this section, limit requirement to "at request" of city council or city manager, and limit the definition of officer of city for purpose of this section.</p> <p>Additional Recommendations (not made by City Auditor):</p> <ul style="list-style-type: none"> • Have the City Auditor's budget set by City Council separate from the general budget. • Have City Council accept an audit schedule proposed annually by the City Auditor. • Have City Council accept or reject recommendations resulting from audits. if audit results are accepted, the recommendations must be implemented by the City manager within some time period. If we use an outside auditor the City Auditor would be outside the auditor's direct report, and the recommendations from that audit would be subject to the same process. • Have the City Auditor create his own budget independent from the City Manager. Make the City Auditor responsible for all hiring of employees in the department. • Give the Auditor the power to audit nonprofit organizations that receive money from the city (per public comment). 	
28.	<p>IX §4: Special Audit. Upon the death, resignation, removal, or expiration of the term of any officer of the city, other than the city auditor, the city auditor shall cause an audit and investigation of the accounts of such officer to be made and shall report to the city manager and council. Either the council or the city manager may at any time provide for an investigation or audit of the accounts of any officer or department of city government. In case of the death, resignation, or removal of the city auditor, the city manager shall cause an audit to be made of</p>	<ul style="list-style-type: none"> • Move special audit requirements to IX § 3 (Duties of the City Auditor) • Rename §4 "Access to Records and Property;" • Clarify auditor's right to access to records, property, operations, etc.; and, • Add requirement for "right to audit" clause in all contracts and specify auditor access to contractor's employees, records and property for audit purposes. 	<p>Operational Change</p> <p>Provisions of Section 4 regarding Special Audits have been moved to Section 3.</p> <p>Proposed section will provide the city auditor with clear authority for unrestricted access to city records necessary to perform authorized duties.</p>

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	<p>the city auditor’s accounts. If, as a result an any such audit, an officer is found to be indebted to the city, the city auditor, or other person making such audit, shall immediately give notice of such indebtedness to the council, the city manager, and the city attorney, and the city attorney shall, as directed by the city council, proceed to collect such indebtedness.</p>	<p><u>IX §4 Access to Records and Property.</u> All officers, employees or agents of the city shall furnish upon request from the city auditor <u>unrestricted access to employees, information and records (including electronic data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business that the city auditor requires to perform authorized duties.</u> In addition, all officers, employees or agents of the city shall provide upon request from the city auditor <u>unrestricted access to all property, equipment, facilities, and operations for inspection or observation by the city auditor.</u> It is also <u>the duty of any such officer, employee or agent of the city to fully cooperate with, and to make full disclosure of all pertinent information.</u> Further, <u>all contracts with outside contractors and subcontractors shall contain a “right-to-audit” clause and provide upon request from the city auditor unrestricted access to the contractor’s employees and to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds.</u></p>	
29.	<p>XI §1: Annual Budget Estimate. The fiscal year of the city shall begin on the first day of Oct. ...and shall end with the 30th day of Sept...On the 15th day of August ...the city manager shall submit to the council a budge estimate ...for the ensuing fiscal year. This estimate shall be compiled ...on uniform forms furnished by the city manager. it shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years ...</p>	<p>Change the date for the annual budget estimate to no later than August 15th, rather than the specific date.</p> <p>Delete the reference to uniform forms and add in the format required by the city manager.</p> <p>Change the comparison from the last two years to the last year.</p>	<p>Operational Change</p> <p>Changing the date for the annual budget estimate to no later than Aug. 15 will conform to current practice of proposing budget before August 15.</p> <p>Deleting reference to uniform forms will allow depts. to submit their budget requests into the single online system used by all depts.</p> <p>Note: CFO does not believe the comparison time frame needs to be amended.</p>
30.	<p>XI §3: Annual Appropriation Ordinance. Upon receipt of the city manager's estimate, the council shall ...pass on first reading the appropriation ordinance and shall cause it to be published in</p>	<p>Delete the requirement for a separate schedule of items that were omitted or changed.</p>	<p>Operational Change</p> <p>Note: CFO does not believe the section needs to be amended</p>

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	a newspaper of general circulation in the city with a separate schedule setting for the items in the city manager's estimate that were omitted or changed by the council, if any.		
31.	XI §4: Transfer of Appropriations. Upon the written recommendation of the city manager, the city council may at any time transfer an " unincumbered " [sic] balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.	<i>Perfecting Amendment correcting the spelling of unencumbered.</i> <i>Perfecting amendment clarifying that budgets are done per department, not division or purpose.</i>	<i>Technical Correction</i> Note: CFO does not believe an amendment clarifying that budgets are done per dept. is necessary.
32.	XI §5: Appropriation of Excess Revenue. If at any time the total accruing revenue of the city shall be in excess of the total income thereof, as set forth in the annual budget estimate in compliance with Subdivisions (4) and (5) of Section 1 ... , the council may ... appropriate such excess to such uses as will not conflict with uses for which such revenues specifically accrued.	<i>Perfecting amendment correcting the cross-reference to Subdivisions (4) and (5) of XI §1 (Annual Budget Estimate). The section has no such subdivisions.</i>	<i>Technical Correction</i>
33.	XI §6 Expenditures Only Pursuant To Appropriations. No money shall be drawn from the city treasury, ... whenever an appropriation is so made, the city secretary shall ... give notice to the city manager. ...	Removes the requirement for the city secretary to notify the city manager of appropriations. No money shall be drawn from the city treasury, ... whenever an appropriation is so made, the city secretary <u>treasurer</u> shall ... give notice to the city manager. ...	Operational Change It is not necessary for the city secretary to notify the city manager of appropriations. The city treasurer or CFO is probably the correct party to notify. Note: CFO does not believe section needs to be amended.
34.	XI §8: Payment of Obligations. The city controller shall examine ... and shall issue no warrant for payment unless the city controller finds that the claim is in proper form. ... The city controller may investigate any claim ... If the city controller knowingly or negligently issues a warrant ... authorizing payment ... for which no appropriation has been made ... the city controller and the city controller's sureties shall be individually liable to the city for the amount thereof.	Change "city controller" to "Chief Financial Officer." Eliminate personal liability of the Chief Financial Officer for the actions of others.	Operational Change Proposed amendment changes the responsible official to the CFO and removes personal liability for actions which may have been initiated by others. The amendment does not prevent the city from pursuing legal action against the CFO or any employee allowable or required by state law.
35.	XI §10: Money Deemed in Treasury. All moneys actually in the treasury to the credit of the fund from which they are to be drawn , and all moneys ...	Add grants to the list of money sources, as grants often require the expenditure of funds before reimbursement is requested from the granting agency.	Operational Change Clarifies that grants may be utilized on a reimbursement basis.

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
36.	XI §11: Obligations; When Void. ...nor shall the council or any officer of the city waive or qualify the limits fixed by an ordinance, resolution or order, as provided in Section 10 of this chapter, ...	<i>Perfecting amendment correcting cross-reference to Section XI §10 (Money Deemed in Treasury).</i>	<i>Technical Correction</i>
37.	XI §13: Dispositions of Funds. The city controller shall pay over into the city treasury all moneys collected by the city controller and belonging to the city within 24 hours after receiving such moneys. ...	Move responsibility for deposit of funds from XI §13 to III§20 (City Treasurer and Selection of City Depository). Require that deposits be made promptly rather than within 24 hrs.	Operational Change Requiring that deposits be made "promptly" recognizes that such services as daily armored car transport are increasingly costly and may be replaced with more effective means that may be accomplished in a timely manner but not necessarily within 24hrs.
38.	XI §15: New Section	Adds a new subsection: <ul style="list-style-type: none"> • Requiring the ordinance that approves contracts to contain a provision stating that the ordinance and contract will be construed strictly in accordance with their terms. • Stating that no other action or inaction by the city can create any contractual right; that contractual rights are created only by written contract. 	Operational Change
39.	XV §1: Comprehensive Planning. 2) ADOPTION. Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the ... plan or modification ... and shall thereafter adopt it by resolution, ..., or reject...	<i>Perfecting amendment clarifying that the comprehensive plan is amended by ordinance, not resolution.</i>	<i>Technical Correction</i>
40.	XV §6: City Urban Development Commission. ...the city council may by ordinance provide for an urban development commission. ...	The city does not have an urban development commission.	Operational Change
41.	XV §7: Alternate Members of the Board of Adjustment.	<i>Perfecting amendment deleting XI §7, as "alternate members of the board of adjustment" is addressed in Dallas Development Code §51A-3.102(a).</i>	<i>Technical Correction</i>
42.	XV §8: Thoroughfare Plan. The city council shall by ordinance adopt a thoroughfare plan. A thoroughfare plan now in existence or hereafter adopted by the city council shall not be changed except by an ordinance ..Prior to any change ...the city council shall hold a public hearing... Written notice of all	Revise the thoroughfare plan amendment process, <i>Perfecting amendment deleting notice requirement for thoroughfare plan amendments to surrounding property owners, as it is covered in the Dallas Development Code §51A-9.201.</i>	Policy Issue; Technical Correction

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
	public hearings ...shall be sent to owners of real property lying within 200 feet of the area of the proposed change...not less than 10 days before the date set for hearing, to all such owners who have rendered their said property for city taxes ..Such notice may be served by ...mail.		
43.	XVI §2: Officers of Civil Service Board; Director of Civil Service Department. a) Immediately after appmt, the board shall ...[elect] one of the members vice chair. ...also appt a secretary who shall not be a member of the board. The secretary shall serve as director of the civil service department ...b) The secretary ...shall serve for a period of two years ...shall be appointed by a majority of all of the members...and may not be discharged ...except by a two-thirds vote ...The secretary shall receive such compensation as is fixed by the board.	Make the director of civil service a position hired by the city manager and reporting to the city manager.	Policy Issue
44.	XVI §4: Civil Service Board to Adopt Rules and Regulations, Subject to the Approval of the City Council. ... (b)The rules as adopted shall provide for the following : (1) Notice of no less than seven days of any public meeting of the board.	Change the notice of any public meeting of the Civil Service Board from seven days to 72hrs.	Operational Change
45.	XVI §11: Employee Actions After Probation Period. (b) An officer or employee who has been disciplined by the head of any department under the city manager shall have five days from receipt of notice ...to demand , in writing, a hearing before the city manager ... The decision of the city manager is final unless the disciplined officer ...[exercises the right of appeal] (i.e. public hearing before the trial board). This right of appeal does not apply to dept. directors ...and other managerial personnel, or to [employees of exempt depts.].	Harmonize the language to be consistent with the time periods and appeal process in the Personnel Rules.	
46.	XVI §12. Trial Board. (a)... created for the purpose of hearing and determining charges made by any officer or employee of the city, ...the trial board, ...composed of 1 member of the civil service board as designated by the chair and 2 adjunct members of the civil service board as designated by the chair. The city	Allow the Civil Service Board to designate the secretary of the trial Board, rather than City Council. (Relating to XVI §12(a)). Change the time from 10 days to 10 working days to be consistent with Personnel Rules.	Operational Change

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
	<p>council shall designate a secretary to the trial board. ...c)...appeal to the trial board must [be done] in writing within 10 days from the date of notification of dismissal or reduction. ...</p>		
47.	<p>XVI §16: No Discrimination Based on Race, Sex, Religious or Political Opinions; Prohibiting Certain Political Activity on the Part of Employees.</p>	<p>Include all protected classes (color, age, marital status, sexual orientation, national origin, disability). See Dallas City Code §34-35</p>	<p>Policy Issue</p>
48.	<p>XVI §16: No Discrimination ...(b) To avoid undue influence of city employees on the outcome of city council elections and to avoid undue influence of city council members or candidates for city council on city employees, the following restrictions are imposed: ...(c) In elections other than for city council of the City of Dallas, an employee of the city may not: ... (d) Notwithstanding any conflict with subsections (b) and (c) ... a sworn employee of the fire-rescue dept. or the police dept. may engage in political activities to the extent permitted by law. (See pp. 63-64 of charter)</p>	<p>Clarify that the restrictions do not apply if it is the employees own election campaign. (Relating to XVI §16 (b)&(c)).</p> <p><i>Is a perfecting amendment necessary to make section conform to Wachsman v. City of Dallas? (Relating to XVI §16(d)).</i></p>	<p>Policy Issue; <i>Technical Correction</i></p>
49.	<p>XVII §1: Park and Recreation Department. There is hereby created a park and recreation dept. ...which shall be administered by the park and recreation director under the supervision of the park and recreation board ...</p>	<p>Place the Park and Recreation Department under the City Manager.</p> <p>Keep the Park Board as it is, with the director hired by the Park Board rather than the city manager (per public comment).</p>	<p>Policy Issue</p>
50.	<p>XVII §4: Jurisdiction of the Park and Recreation Board; Scope of Activity. (a) The park and recreation board shall have jurisdiction over the control, management and maintenance of the public parks of the city, with the power to acquire, in the name of the city, land for park purposes, except as herein otherwise provided ...</p>	<p>Make the Park Board a city board under the supervision of the City Manager.</p>	<p>Policy Issue</p>
51.	<p>XVII §6: Police Authority. The park and recreation board may select such security personnel as it may deem necessary to protect the parks and property administered by the park and recreation board ...Such security personnel shall be commissioned as police officers, ...Such persons shall be under the control of the park and recreation board ...</p>	<p>Is the provision necessary, since the Park Department no longer has park police.</p>	<p>Operational Change</p>

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
52.	XVII §9: Disbursements of Funds. All ...funds appropriated by the city council for park purposes...shall be held in the city treasury subject to the order and disbursement of the park and recreation board, and shall be paid out upon warrants issued by the park and recreation board signed by either the president ...and countersigned by the city controller.	Delete section because it conflicts with other sections that require approval of appropriations by the City Council.	Operational Change Section establishes procedures which conflict with other sections of charters, including Chapter XI §8 (Payment of Obligations," and City policies adopted for the payment of invoices.
53.	XVIII §4: Ordinances and Resolutions- Voting. The vote upon the passage of any ordinance, resolution or motion shall be taken by voice vote unless otherwise requested..., in which case a roll call vote shall be taken. The results of all voting shall be entered upon the minutes...Every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of the members present unless more is required by ...law...	Allow ordinances that have been adopted by referendum to be amended by City Council after some period of time.	Policy Issue
54.	XVIII §12: City Secretary to Examine Petition. Within 30 days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters... See also V §1(3) (Petition for Recall of City Council Members).	Allow City Secretary 60 days to review a petition to match the time in XVIII §11 (Initiative and Referendum of Ordinances). See also V §1(3) (Petition for Recall of City Council Members).	Operational Change
55.	XVIII §14: Ballots; One or More Ordinances May be Voted; Provision for Repeal.	Provide that an ordinance adopted by petition may be amended or repealed by City Council two years after it was adopted by proposition election.	Policy Issue
56.	XIX §1: Property Subject to Taxation. All property ...within the corporate limits of the city on the first day of Jan. shall be subject to taxation, excepting such property as may be exempt ... It shall be the duty of the tax assessor and collector on or before the first day of July of each year or as soon thereafter as practicable , to make and return to the city council a full and complete list and assessment of all property, ...held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.	Change the reference to the "tax assessor" and "collector" to the "chief appraiser of the appraisal districts of the counties in which the City of Dallas is located. " Change the date from July 1st to July 25th. Delete the phrase "or as soon thereafter as practicable"	Operational Change Referencing "chief appraiser of the appraisal districts of the counties in which the City of Dallas is located" mirrors state law requirements on tax roll certification.
57.	XX §2: Improvement Ordered by Resolution. The city council shall have power by resolution to order the making of the public improvements No notice of such action by the	<i>Perfecting amendment deleting language stating that notice of a council resolution is not required.</i>	<i>Technical Correction</i>

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
	city council is required to make it valid.		
58.	XX §11: State Law Adopted as to Water and Sewer System Improvements. All of the powers conferred by Chapter 402, Subchapter D of the Texas Local Government Code, ...and other applicable state laws, authorizing cities to improve their waterworks and sanitary system ..., are hereby adopted ...	<i>Perfecting amendment correcting the reference to Texas Local Government Code Chapter 402, which is no longer current.</i>	<i>Technical Correction</i>
59.	XXI §3: Limitations on Bonded Indebtedness Payable from Taxes. (a) The maximum bonded indebtedness of the city ..., and payable from taxation, shall not exceed 10% of the total assessed valuation of property shown by the last assessment roll of the city. (b) The city may not issue general obligation bonds or property tax-supported certificates of obligation, other than refunding bonds, with a maturity in excess of 10 years unless the bonds have first been authorized by a majority vote ...at an election held for that purpose.	Delete XXI §3(b) and allow the maturity to be set by the Financial Management Performance Criteria and as approved by city council. Is there a conflict between the 10 year maturity referenced in XXI §13 and the 40 year maturity reference in XXI §8?	Operational Change The 40 year maturity requirement mirrors state law. Additionally, state law requires the publication of 2 notices regarding the issuance of certificates of obligation and a 30-day waiting period between publication of the 1st notice and the passage of the ordinance authorizing the sale of the certificates. During that time, a petition for voter approval of the sale of the certificates may be submitted. Assuming a valid petition, the city council can call the election, otherwise the sale of the certificates cannot be held.
60.	XXI §8: Execution of Bonds. All bonds must be signed by the mayor and countersigned by the city manager or the city manager's designee and must have the seal of the city ...provided , that the bond ordinance or ordinances may provide for the bonds ...to be signed by facsimile signatures and for the seal ...to be a facsimile ...Such bonds shall mature, serially or otherwise, not to exceed 40 years from their date.	Is there a conflict between the 10 year maturity referenced here and the 40-year maturity referenced in XXI §3.	Operational Change <i>See XXI §3</i>
61.	XXII§ 1 Signatures and Appropriations. No contract, other than purchase orders for supplies and equipment and change orders in accordance with Section 6, Chapter XXII of this Charter, shall be binding upon the city unless it has first been signed by the city manager and approved by the city atty. ...Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed.	Delete the phrase "for supplies and equipment," so that rules for purchase orders will be controlled by AD 4-5 or the city code. Include contracts for minor services as a type of contract that does not need to be signed by the city manager and reviewed by the city attorney." Minor" would be \$2000 or less. Alternatively, delete the phrase "for supplies and equipment" so that all contracts (except purchase orders and change orders) must be signed by the city manager and reviewed by the city attorney.	Operational Change. Note: Deleting phrase "for supplies and equipment," would allow for efficiencies in the purchase of services for small dollar amounts by being able to issue a purchase order instead of a more time consuming administrative action.

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
		<p>Add provision that a contract will be "deemed executed" and therefore binding when it is signed by the city manager and approved by the city attorney. Also add statement that publication of an ordinance or resolution approving a contract is not execution of the contract.</p> <p>Amend the phrase "no further contracts shall be signed" to clarify that City Council can approve a subsequent contract or amend an existing contract by administrative action for up to \$50,000 more.</p>	
62.	<p>XXII §9: Bid Bond. Each bid submitted pursuant to a request for bids must be accompanied by a cashier's check, certified check, or unconditional letter of credit ... The bid bond, if required, must be made by a bonding company authorized to do business in the State...</p>	<p>Allow bid bonds to be required at the discretion of the city.</p>	<p>Operational Change</p>
63.	<p>XXII §11(a): Financial Interest of Employee or Officer Prohibited. No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financial interested, directly or indirectly, in the sale to the city of any land, [etc.], ... except on behalf of the city as an officer or employee. An violation...shall constitute malfeasance ..., and any officer or employee guilty thereof shall thereby forfeit the officer's or employee's office or position ... Any violation ... with knowledge ... of the person or corporation contracting with the city shall render the contract involved voidable ...</p>	<p><i>Perfecting amendment changing the term "officer" to "official" to be consistent with Dallas City Code Chapter 12A.</i></p> <p>Harmonize the prohibition on financial interests in a city contract to apply only to a "substantial interest" in keeping with Dallas City Code Chapter 12A or Texas Local Government Code §171.</p> <p>Delete the prohibition and let the City's Code of Ethics or state law control.</p>	<p><i>Technical Correction; Policy Issue</i></p>
64.	<p>XXIII §2: Notice Required - Injury to Personal or Real Property. The City of Dallas may never be liable for any claims for damages or injury to real or personal property caused by the negligent act or mission of its officer, servants, or employees, unless the ["injured"] person ... files a claim in writing ... within six months after the damage or injury occurred. ...</p>	<p>Add claims for breach of contract to the list of claims for which the city may never be liable without notice.</p>	<p>Operational Change</p>
65.	<p>XXIV §13: Apptmts and Tenure of Commissions and Boards. During September of each odd-numbered year, the</p>	<p>As amended, would allow councilmembers to nominate board and commission members, but the mayor would make the actual</p>	<p>Policy Issue</p>

**Dallas Charter Review Commission
Proposed Amendments**

	Current Charter Provision	Proposed Amendment	Justification/Comment
	<p>City Council shall appt all members of the commissions and boards provided for in ... Charter or ... by ordinance... Such members shall serve for a term as provided by ordinance ... not to exceed two years ... or until successors are apptd and qualified, except that a member of a board or commission that is only advisory... may not hold over ... longer than nine months after the expiration of his or her term.</p>	<p>appt.</p> <p>Changes Sept. to August, and allows city council to begin the nomination process, rather than make the apptmts.</p> <p>During September <u>August</u> of each odd-numbered year, the City Council shall appt <u>begin the (re)nomination process for</u> all members of the commissions and boards provided for in ... Charter or ... by ordinance... Such members shall serve for a term as provided by ordinance ... not to exceed two years ... or until successors are apptd and qualified, except that a member of a board or commission that is only advisory... may not hold over ... longer than nine months after the expiration of his or her term.</p>	<p>As currently stated in the charter, all apptmts are to occur in September. The change would clarify that only the appt process begins at that time.</p>
66.	<p>XXIV §17: Board and Commission Members. Other than members of the city council, no person shall be appointed to more than two permanent boards or commissions of the City of Dallas at any one time. Any member of any commission or board apptd by the city council shall forfeit that office if the member misses more than three regular meetings in succession...</p>	<p>Perfecting amendment reconciling the following:</p> <ul style="list-style-type: none"> • <i>The charter states that a person may not serve on more than two city boards or commissions. However, Dallas City Code §8-1.4(b), states that a person may not serve on more than one city board or commission.</i> • <i>The charter also states that a person forfeits the board or commission position if they miss more than three meetings. Dallas City Code §8-20 states that a person forfeits the board or commission position if they miss three meetings.</i> 	<p>Technical Correction</p>
67.			
68.			
69.			
70.			
71.			