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CITY SECRETARY
DALLAS, TEXAS

NOTICE OF A PUBLIC MEETING

THE CHARTER REVIEW COMMISSION
WILL MEET IN OPEN SESSION
ON TUESDAY, APRIL 29, 2014
DALLAS CITY HALL, COUNCIL CHAMBERS
1500 MARILLA, DALLAS, TEXAS
5:30 PM – 7:00 PM

AGENDA

Welcome	Chairman
Introduction of Chair and Commissioners	Commission
Overview of Charter Review Process & Proposed Amendments	Chairman
Receive Public Comments on Proposed Amendments	

Closed Session Information

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
3. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
4. Other Items Listed as Exceptions to the Requirement That Meetings Be Open in Subchapter D of the Texas Open Meetings Act.

Note: A quorum of the Dallas City Council
may attend this Commission meeting

SUGGESTED. AMENDMENTS TO THE DALLAS CITY CHARTER

Items in bold are policy issues

Items underlined are changes to city department operations

Items in italics are technical corrections

(Staff comments are in parentheses)

Suggestions Pending

<u>Citation</u>	<u>Yes/No/Date</u>	<u>Description</u>
II §1		Limit the ability of the city to privatize governmental functions.
II §1(34)		Limit the ability of the city to enter into long-term contracts to sell water to other cities.
II §3		Amend the charter review process.
III §1		Change councilmember terms to three three-year terms, or to two four-year terms, or two three-year terms.
III §1		Change the mayor's term to one six-year term.
III §1		Increase the length of the mayor and councilmember terms.
III §2		Do not expand the Mayor's powers.
III §2		Create a strong-mayor system without a city manager.
III §3		Delete the requirement that councilmembers be current on taxes and liabilities due to the city. [See <u>Hunt v. Longview</u>, 932 F. Supp. 828 (1995).]
III §3A		Change councilmember terms to three three-year terms, or to two four-year terms, or two three-year terms.
III §3A		Change the mayor's term to one six-year term.
III §3A		Stagger councilmember terms.
III §3A		Increase the number of councilmember terms.

- III §3A **Prohibit former city councilmembers from running for city council again unless they have been out of office for four years or more.**

- III §4 **Delete the reduction in salary for councilmember absences.**

- III §4 **Increase councilmember compensation.**

- III §4 **Increase councilmember compensation to \$60,000.**

- III §4 **Increase the mayor’s compensation to \$90,000.**

- III §4 **Increase councilmember compensation to between \$60,000 to \$70,000.**

- III §4 **Increase councilmember compensation to \$75,000.**

- III §4 **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.**

- III §8 **Limit on the duration or frequency of open mic speakers.**

- III §15 **Expand prohibition in interference with staff to include the city attorney, city secretary, and city auditor.**

- III §16 **Allow expulsion of city councilmembers for a violation of Chapter 12A, “Code of Ethics.”**

- III §17(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.**

- III §17(a) **Make the prohibition on running for other offices apply to DART board members and DFW board members.**

- III §18 Expand the first sentence to include performance of contracts, proper use of city monies, validity of claims against the city. Allow the persons authorized by City Council or the City Manager to conduct investigations, subpoena witnesses, and compel production of papers. Expand materials that can be subpoenaed to include tangible property and electronic information. Allow City Council to delegate the power to punish contempt to municipal court. 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.
- IIIA §1 Clarify the appointment duration for the city secretary. Provide that the City Secretary can be removed from office by two-thirds vote of city council, instead of majority vote. Make compensation provision for City Secretary match compensation provisions for other city officers. Require City Council to appropriate a discrete budget amount to perform the duties of office.
- IIIA §3 Make the City Secretary create her own budget independent from the City Manager. Make the City Secretary responsible for all hiring of employees in the department. Add duty of reviewing appointments to boards and commissions and administering the appointment process.
- IV §5 **Revise the redistricting process.**
- IV §5 **Make the redistricting commission independent of city council.**
- IV §5 **Allow city council to appoint the redistricting commission, but make the redistricting commission more responsive to citizens.**
- IV §5 **Allow redistricting commissioners to serve only once.**
- IV §5 **Require the redistricting commission to provide written reasons for moving any district lines.**
- IV §5 **Delete redistricting from the charter and allow state and federal law to control.**
- IV §7 Require candidates for city council to submit the filing fee along with the petition.

- V §1(3) Amend Subsection (3) to give the City Secretary 60 days to review a petition.
- VI §1 **Allow the City Manager to be removed by majority vote of City Council, rather than two-thirds vote.**
- VII §3 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.
- VIII §1 **Clarify that municipal judges are officers of the city.**
- VIII §4 **Change the term of municipal judges to four years. State that the administrative judge maintain administrative control and oversight over the municipal judges. State that the annual report will detail the performance of municipal court judges and the state of the municipal court system.**
- VIII §4A **Clarify that a municipal judge automatically resigns if the judge announces that he is a candidate for an elected office.**
- VIII §4A **Add a cross-reference to III §17.**
- VIII §4A **Revise the procedures for removal of municipal court judges.**
- IX §1 Amend the title of the section to make it consistent with other sections. State that the City Auditor does independent, objective appraisals. State reporting relationship to City Council. Remove two-year term. Clearly state at-will employment status, and require two-thirds vote of City Council to remove the auditor. State that City Council sets compensation. Clarify that City Council must appropriate a discrete budget amount for City Auditor to perform his duties.
- IX §1 **Allow the City Auditor to be removed by majority vote of City Council, rather than two-thirds vote.**
- IX §1 Make the City Auditor be hired and fired by City Council and report to City Council.
- IX §3 Have the City Auditor's budget set by City Council separately from the general budget.

- IX §3 Have City Council accept an audit schedule proposed annually by the City Auditor.
- IX §3 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 the outside auditor's direct report, and the recommendations from that audit would be subject to the same process.
- IX §3 Establish duty for auditor to organize and administer the office. Require annual, risk-based audit plan. Revise list of duties to conform to current government auditing standards. Move responsibility for special audits to this section, and allow only at request of city council or city manager, and limit definition of "officer" for this purpose.
- IX §3 Make 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.
- IX §3 Give the Auditor the power to audit nonprofit organizations that receive money from the city.
- IX §4 Move special audit requirements to IX §3. Rename section as "Access to Records and Property." Clarify Auditor's right to access records, property, operations, etc. Require a "right-to-audit" clause in all city contracts, and authorize the Auditor to inspect contractors records, property, operations, etc.
- XI §1 Change the date for the annual budget estimate to no later than August 15th, rather than the specific date. Delete the reference to uniform forms and add in the format required by the city manager. Change the comparison from the last two years to the last year.
- XI §3 Delete the requirement for a separate schedule of items that were omitted or changed.
- XI §4 **Allow City Council to transfer funds without the recommendation of the City Manager.**

- XI §6 It is not necessary to notify the City Manager of appropriations. And the reference to the City Secretary is probably incorrect; it would be the Chief Financial Officer who would provide any notice. The final clause regarding multi-year appropriations might be better in XI §3.
- XI §8 Change “City Controller” to “Chief Financial Officer.” Eliminate personal liability of the Chief Financial Officer for the actions of others.
- XI §10 Add “grants” to the list of actions, because grants often require the expenditure of funds before reimbursement is requested from the granting agency.
- XI §15 Add a new subsection that requires the ordinance that approves a contract must contain a provision stating that the ordinance and the contract will be construed strictly in accordance with their terms. Add a new subsection no other action or inaction by the city can create any contractual right; that contractual rights are created only by a written contract.
- XV §6 The city does not have an urban development commission.
- XV §8 **Revise the thoroughfare plan amendment process.**
- XVI **Delete all civil service provisions, so that all employees are at-will.**
- XVI §2 **Make the director of civil service a position hired by the city manager and reporting to the city manager.**
- XVI §4(b)(1) Change the notice of any public meeting of the Civil Service Board from seven days to 72 hours.
- XVI §11(b) Harmonize the language to be consistent with the time periods and appeal process in the Personnel Rules.
- XVI §12(a) Allow to Civil Service Board to designate the secretary of the Trial Board, rather than City Council.
- XVI §16(b)(c) **Clarify that the restrictions do not apply if it is the employee’s own election campaign.**

- XVII §1 **Keep the Park Board as it currently is with the director hired by the Park Board rather than the city manager.**
- XVII §1 **Put the Park and Recreation Department under the City Manager.**
- XVII §4 **Make the Park Board a city board under the supervision of the City Manager.**
- XVII §6 Is this provision still needed, since the Park Department no longer has park police?
- XVII §9 Delete this section because it conflicts with other sections that require approval of appropriations by the City Council.
- XVIII §4 **Allow ordinances that have been adopted by referendum to be amended or repealed by City Council after some period of time.**
- XVIII §12 Allow City Secretary 60 days to review a petition, to match the time in XVIII §11.
- XVIII §14 **Provide that an ordinance adopted by petition may be amended or repealed by City Council two years after it was adopted by proposition election.**
- XIX **Add a new section allowing taxes for single-use bags and for street maintenance. (See Texas Constitution Art. XI §5 and Texas Tax Code §302.102, which allow cities to collect taxes authorized by their charters.)**
- XXI §3 Is there a conflict between the 10 year maturity in XXI §3 and the 40 year maturity in XXI §8? Delete XXI §3(b), and allow the maturity to be set by the Financial Management Performance Criteria and as approved by city council.
- XXI §8 Is there a conflict between the 40 year maturity in XXI §8 and the 10 year maturity in XXI §3?

- XXII §1 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 \$2,000 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.
- XXII §1 Delete the phrase “for supplies or equipment,” so that rules for purchase orders will be controlled by AD 4-5 or the city code.
- XXII §1 Specify that the exclusive means of executing a contract on behalf of the city is by signature of the city manager with approval by the city attorney. Also add a statement that publication of an ordinance or resolution to make it effective after passage does not constitute execution of the ordinance or resolution as a contract unless the ordinance or resolution expressly states publication acts as execution.
- XXII §1 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.
- XXII §9 Allow bid bonds to be required at the discretion of the city.
- XXII §11(a) **Provide the members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision.**
- XXII §11(a) **Harmonize the prohibition on financial interests in a city contracts to apply only to a "substantial interest" in keeping with Dallas City Code Chapter 12A or Texas Local Government Code §171.**
- XXIV §15 **Allow termination notice to city council appointees pursuant to the terms of their employment contract.**
- XXIV §17 **Provide the members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision.**
- Various *Wherever there is a publication requirement, change the requirement to publication as allowed by state law.*

Various	Delete any obsolete boards.
None	Allow the city attorney to hire outside counsel to represent councilmembers who are accused of violating the code of ethics.
None	Create sanctions for repeated filing of frivolous ethics complaints.
None	Add a mission statement for the city that the city will be more pedestrian friendly.
None	Require city councilmembers to vote on all agenda items.

Suggestions Recommended for Approval

<u>Citation</u>	<u>Yes/Date</u>	<u>Description</u>
III §6(a)(b)	Yes (3-4)	<i>City Council does not actually meet every week.</i>
III §10	Yes (3-4)	<i>Allow city councilmembers to abstain from voting if required by any law.</i>
III §11	Yes (4-1)	<i>Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor. State that the Mayor is not absent if the Mayor can be reached by phone or email.</i>
III §17(c)	Yes (4-1)	<i>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.)</i>
III §19	Yes (3-4)	<i>Change reference to “accounts, records, and transactions” to “annual financial statements” because that is what is actually audited. Require the CPA to be licensed by the State of Texas. Certification of budget estimates is the duty of the city’s internal auditor, not the external independent auditor.</i>
III §20	Yes (3-4)	<i>Clarify that the Chief Financial Officer is responsible for management of the city’s financial assets. Move responsibility for deposit of funds from XI §13 to this section. Require that deposits be made promptly rather than within 24 hours.</i>
XI §4	Yes (3-4)	<i>“Unencumbered” is misspelled. Budgets are done per department, not “division or purpose.”</i>
XI §5	Yes (3-4)	<i>The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.</i>
XI §11	Yes (3-4)	<i>The cross-reference to Section 10 is not correct.</i>
XI §13	Yes (3-4)	<i>It is not possible to deposit all monies collected by the city within 24 hours. Move responsibility for deposit of funds from XI §13 to III §20. Require that deposits be made promptly rather than within 24 hours.</i>

XV §1(2)	Yes (3-4)	<i>The comprehensive plan is amended by ordinance, not resolution.</i>
XV §7	Yes (3-4)	<i>Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).</i>
XVI §12(c)	Yes (3-4)	<i>Change the time from 10 days to 10 working days to be consistent with the Personnel Rules.</i>
XVI §16(a)	Yes (3-4)	<i>Include all protected classes (color, age, marital status, sexual orientation, national origin, disability). (See Dallas City Code §34-35.)</i>
XVI §16(d)	Yes (3-4)	<i>Amended the section to conform to <u>Wachsman v. Dallas</u>.</i>
XIX §1	Yes (3-4)	<i>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."</i>
XX §2	Yes (3-4)	<i>Delete the second sentence stating that notice of a council resolution is not required.</i>
XX §11	Yes (3-4)	<i>The reference to Texas Local Government Code Chapter 402 is no longer current.</i>
XXII §11(a)	Yes (3-4)	<i>Change the term "officer" to "official" to be consistent with Dallas City Code Chapter 12A.</i>
XXIV §13	Yes (3-4)	<i>Change September to August, and allow City Council to begin the nomination process, rather than make the appointments.</i>

Suggestions Denied

<u>Citation</u>	<u>No/Date</u>	<u>Description</u>
III §18	No (3-4)	<i>Amend the city code to provide penalties for contempt of a city investigation.</i>
XV §8	No (3-4)	<i>Delete notice of thoroughfare plan amendments to surrounding property owners. It is covered in the Dallas Development Code §51A-9.201.</i>
XXIII §2	No (3-4)	<i>Add claims for breach of contract. (See Dallas City Code §2-86)</i>
XXII §11(a)	No (4-1)	Delete the prohibition and let the City's code of ethics or state law control.
XXIV §13	No (4-1)	Allow councilmembers to nominate board and commission members, but the mayor makes the actual appointment.
XXIV §17(a)	No (4-1)	The Charter states that a person may not serve on more than two city boards or commissions. Dallas City Code §8-1.4(b), however, states that a person may not serve on more than one city board or commission, except that Dallas City Code §8-1.4(c) states that a person may serve on two boards of TIF reinvestment zones. 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.
Various	No (3-4)	<i>Change "City Treasurer" and "City Controller" to "Chief Financial Officer."</i>
None	No (3-4)	<i>Make the definition of "commission" consistent throughout the charter and city code.</i>

AMENDMENTS TO THE DALLAS CITY CHARTER RECOMMENDED FOR APPROVAL

Items in bold are policy issues

Items underlined are changes to city department operations

Items in italics are technical corrections

(Staff comments are in parentheses)

<u>Citation</u>	<u>Yes/Date</u>	<u>Description</u>
III §4	Yes (4-22)	Increase councilmember compensation to reflect the CPI increase from 2001, when the compensation was set, to 2014. (See memo dated April 1, 2014 with the correct numbers reflecting the CPI adjustments from the 2001 base year. Councilmember compensation increased to \$49,530.49 and Mayor's compensation increased to \$79,541.84. Increase to be effective at the next city council election.)
III §17(a)	Yes (4-8)	Clarify that the prohibition on running for other offices applies to municipal judges, all board and commission members, and any officer of the city.
III §17(a)	Yes (4-8)	Make the prohibition on running for other offices apply to DART board members and DFW board members.
III §19	Yes (4-22)	Require the audited financial statements to be posted on the city's website and maintained in the central and branch libraries.
IV §5	Yes (4-21)	Revise the redistricting process.
VIII §4A	Yes (4-8)	Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office.
VIII §4A	Yes (4-8)	Add a cross-reference to III §17.
VIII §4A	Yes (4-8)	Revise the procedures for removal of municipal judges.
XI §3	Yes (4-22)	Require the annual appropriation ordinance to be posted on the city's website and maintained in the central and branch libraries.
XV §4	Yes (4-22)	Require notice of city plan commission meetings to be posted on the city's website.

XXVIII §7	Yes (4-22)	Require ordinances to be published on the city's website unless otherwise required by law.
XXVIII §15	Yes (4-22)	Require ordinances to be submitted to voters to be posted on the city's website and maintained in the central and branch libraries.
XXII §2	Yes (4-22)	Require notice of contract letting be posted on the city's website.
XXII §11(a)	Yes (4-8)	Provide that members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision.
XXII §11(a)	Yes (4-8)	Harmonize the prohibition on financial interests in city contracts to apply only to a "substantial interest" in keeping with Dallas City Code Chapter 12A or Texas Local Government Code §171.

V §1(3)	Yes (4-15)	<u>Amend Subsection (3) to give the City Secretary 60 days to review a petition.</u>
XVI §12(a)	Yes (4-21)	<u>Allow to Civil Service Board to designate the secretary of the Trial Board, rather than City Council.</u>
XVIII §12	Yes (4-15)	<u>Allow the City Secretary 60 days to review a petition, to match the time in XVIII §11.</u>
XXII §1	Yes (4-15)	<u>Specify that the exclusive means of executing a contract on behalf of the city is by signature of the city manager with approval by the city attorney. Also add a statement that publication of an ordinance or resolution to make it effective after passage does not constitute execution of the ordinance or resolution as a contract unless the ordinance or resolution expressly states publication acts as execution.</u>

III §6(a)(b)	Yes (3-4)	<i>City Council does not actually meet every week.</i>
III §10	Yes (3-4)	<i>Allow city councilmembers to abstain from voting if required by any law.</i>
III §11	Yes (4-1)	<i>Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor.</i>
III §17(c)	Yes (4-1)	<i>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.)</i>
III §19	Yes (3-4)	<i>Change reference to “accounts, records, and transactions” to “annual financial statements” because that is what is actually audited. Require the CPA to be licensed by the State of Texas. Certification of budget estimates is the duty of the city’s internal auditor, not the external independent auditor.</i>
III §20	Yes (3-4)	<i>Clarify that the Chief Financial Officer is responsible for management of the city’s financial assets. Move responsibility for deposit of funds from XI §13 to this section. Require that deposits be made promptly rather than within 24 hours.</i>
XI §4	Yes (3-4)	<i>“Unencumbered” is misspelled.</i>
XI §5	Yes (3-4)	<i>The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.</i>
XI §6	Yes (4-21)	<i>The reference to the City Secretary is probably incorrect; it would be the Chief Financial Officer who would provide any notice.</i>
XI §8	Yes (4-21)	<i>Change “City Controller” to “Chief Financial Officer.”</i>
XI §11	Yes (3-4)	<i>The cross-reference to Section 10 is not correct.</i>
XI §13	Yes (3-4)	<i>Move responsibility for deposit of funds from XI §13 to III §20.</i>
XV §1(2)	Yes (3-4)	<i>The comprehensive plan is amended by ordinance, not resolution.</i>

XV §7	Yes (3-4)	<i>Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).</i>
XVI §12(c)	Yes (3-4)	<i>Change the time from 10 days to 10 working days to be consistent with the Personnel Rules.</i>
XVI §16(a)	Yes (3-4)	<i>Include all protected classes (color, age, marital status, sexual orientation, national origin, disability). (See Dallas City Code §34-35.)</i>
XVI §16(d)	Yes (3-4)	<i>Amend the section to conform to <u>Wachsman v. Dallas</u>.</i>
XIX §1	Yes (3-4)	<i>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."</i>
XX §2	Yes (3-4)	<i>Improvements are ordered by ordinance. Delete the second sentence stating that notice of a council resolution is not required.</i>
XX §11	Yes (3-4)	<i>The reference to Texas Local Government Code Chapter 402 is no longer current.</i>
XXII §11(a)	Yes (3-4)	<i>Change the term "officer" to "official" to be consistent with Dallas City Code Chapter 12A.</i>
XXIV §13	Yes (3-4)	<i>Change September to August, and allow City Council to begin the nomination process, rather than make the appointments.</i>