

Charter Review Commission
Packet

January 31, 2014

City Charter Amendment Process

Briefing to the Charter Review Commission
January 31, 2014

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Purpose

- Overview of the City Charter
- Outline City Charter review process
- Review open meeting requirements
- Review open records requirements
- Review applicable Code of Ethics provisions

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City Charter Provisions

- Dallas is a home-rule city that operates pursuant to a charter authorized by Texas Constitution Art. XI Sec. 5.
- City Charter is the city's "constitution."
- Incorporation and territory (Chapter I)
 - Corporation name
 - Boundaries
 - Annexation and disannexation

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City Charter Provisions

- Powers of the city (Chapter II)
 - 51 listed powers
 - General powers
 - Charter review process

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City Charter Provisions

- Duties of the City Council (Chapter III)
 - Composition of the City Council
 - Mayor's election and duties
 - City Council qualifications
 - Term limits
 - City Councilmember compensation
 - City Council vacancies

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City Charter Provisions

- Meetings
- Quorum
- Votes
- Mayor Pro Tem and Deputy Mayor Pro Tem
- Summons of witnesses
- Policy making procedures
- Assistants to Mayor and City Council

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City Charter Provisions

- No interference with staff
- Expulsion of City Councilmembers
- Dual office holding
- Investigations
- Independent audits
- City Treasurer and City depository

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City Charter Provisions

- Duties of City Secretary, City Manager, City Attorney, and City Auditor (Chapters IIIA, VI, VII, and IX)
 - Appointment
 - Removal
 - Compensation
 - Assistants
 - Duties

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City Charter Provisions

- Elections and referendums (Chapter IV)
 - Elections
 - Qualifications of voters
 - City Council districts
 - Redistricting
 - Candidate's residence
 - Nominations by petition

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City Charter Provisions

- Ballots
- Canvass of elections
- Runoffs
- Petition requirements
- Candidate contributions

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City Charter Provisions

- Recall of City Council members (Chapter V)
 - Petition for recall
 - Recall election

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City Charter Provisions

- Municipal courts (Chapter VIII)
 - Jurisdiction
 - Powers
 - Fines
 - Appointment of judges
 - Removal of judges
 - Associate judges
 - Compensation of judges
 - Clerk of court

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City Charter Provisions

- City departments (Chapters X, XII, XIII, XV, and XVII)
 - Establishment of departments
 - Police Department
 - Fire Department
 - Planning and Zoning
 - Park Department

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City Charter Provisions

- Budget and finance procedures (Chapter XI)
 - Annual budget
 - Appropriations
 - Payment of obligations
 - Treasury
 - Disposition of funds
 - Water Department revenues

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City Charter Provisions

- Franchises (Chapter XIV)
 - Franchise ordinances
 - Franchise rates
 - Investigations of franchisees
 - Service without discrimination
 - Forfeiture of franchise
 - Acquisition by eminent domain
 - Licenses

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City Charter Provisions

- Civil service and personnel (Chapter XVI)
 - Civil service board
 - Civil service department
 - Classified vs. unclassified civil service
 - Promotions and reassignment
 - Investigations
 - Exempt departments

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City Charter Provisions

- Probationary period
- Trial Board
- Merit principle
- Personnel system
- No discrimination in employment

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City Charter Provisions

- Ordinances and resolutions (Chapter XVIII)
 - Voting
 - Effective date
 - Publication and codification
 - Ordinances by initiative and referendum

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City Charter Provisions

- Taxes (Chapter XIX)
 - Property subject to taxation
 - Collection of taxes
 - Tax liens
- Public improvements and assessments (Chapter XX)

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City Charter Provisions

- Borrowing money (Chapter XXI)
 - Obligation bonds
 - Revenue bonds
 - Sinking fund
 - Bond register
 - Misapplication of bond funds

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City Charter Provisions

- Contracts (Chapter XXII)
 - Bids
 - Emergency spending
 - Personal and professional contracts
 - Change orders
 - Performance and payment bonds
 - City officers and employees prohibited from having interests in contracts
 - No liens on city property

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City Charter Provisions

- Claims against the city (Chapter XXIII)
 - Notice to city required
 - No indemnity or contribution
 - Payment of claims
 - Waiver of notice

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City Charter Provisions

- Miscellaneous provisions (Chapter XXIV)
 - City officers and employees may not accept gifts from utilities
 - City exempt from bonds
 - City exempt from execution, garnishment, assignment
 - Condemnation of dangerous structures

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City Charter Provisions

- Building permits
- Acquisition of land for parks
- Libraries
- City radio and television stations
- Appointment and tenure of city boards
- Persons can only serve on two boards
- Removal of board members
- Department reports

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City Charter Review Process

- Texas Constitution Art. XI, Sec. 5
 - Charter amendments require a majority of the qualified voters who vote.
 - Charters are subject to any limits set by the legislature.
 - Charters may not contain any provision inconsistent with the Texas Constitution or state law.
 - Charters may not be amended more often than every two years.

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City Charter Review Process

- Dallas City Charter Chapter II, Sec. 3
 - At intervals of not more than 10 years (the first to occur by November 8, 2015), the Charter shall be reviewed by a commission appointed by the City Council.
 - Commission shall complete the review and report to the City Council within one year after its appointment.

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City Charter Review Process

- Texas Local Government Code Chapter 9
 - Authorizes city council to submit proposed charter amendments to the voters. [9.004(a)]
 - The city council must submit a proposed charter amendment to the voters for their approval if it is supported by a petition signed by a 5 percent of the qualified voters or 20,000, whichever is less. [9.004(a)]

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City Charter Review Process

- The ordinance ordering the election shall provide for the election to be held either:
 - on the first authorized uniform election date (second Saturday in May, or the first Tuesday after the first Monday in November) or
 - the earlier of the next municipal general election or the next presidential election. [9.004(b)]

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City Charter Review Process

- Notice of the election must be published in a newspaper of general circulation published in the municipality, and must
 - include a substantial copy of the proposed amendments;
 - include an estimate of the fiscal impact to the city; and
 - be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election (October 21, 2014). [9.004(c)]

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City Charter Review Process

- Each charter amendment may not contain more than one subject. [9.004(d)]
- The ballot shall be prepared so that a voter may approve or disapprove any one or more amendments, without having to approve or disapprove all of the amendments. [9.004(e)]

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City Charter Review Process

- A proposed amendment is adopted if approved by a majority of the qualified voters who vote at the election. [9.005(a)]
- Amendments take effect when the governing body of the municipality enters an order declaring the amendments adopted. [9.005(b)]

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City Charter Review Process

- An election to amend the charter may occur at the same election for persons to hold office under the amendment. (9.006)
- A certified copy of the charter amendments must be filed with the Secretary of State. (9.007)
- The city secretary shall record the adopted charter amendments. (9.008)

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City Charter Review Process

- Texas Election Code Sec. 3.005(a) and (c)(1)
 - City Council must order the election at least 62 days before the election day (78 days if election day is in November)
 - Expected city council action on June 25, 2014.
 - Ballot must be submitted to Secretary of State by August 18, 2014.
 - Expected election date is Tuesday, November 4, 2014.

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Open Records Requirements

- Any records of the Charter Review Commission are open for public inspection.
 - Emails sent on personal devices may be subject to release.
 - Documents labeled as confidential attorney-client privileged should not be released to the public or press.

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Open Meetings Requirements

- Meetings must be posted in advance.
- The Commission must keep minutes of the meeting.
 - Meetings will also be recorded.
- Meetings are open to the public.
 - Executive sessions to receive advice from the attorney are not open to the public.

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Open Meetings Requirements

- A “meeting” is deliberation of public business by a quorum of the body.
 - A quorum is 9 of the 16 members.
 - “Walking quorum” – a meeting of less than a quorum with intent to evade open meeting requirements is a violation.
 - Deliberations by telephone, email, text, or facebook may constitute a meeting of the body.

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Dallas Code of Ethics

- Certain Code of Ethics provisions apply.
 - 12A-3 – You cannot vote on a matter that you, a client, your employer, your business, or a family member has a financial interest in.
 - 12A-4 – You may not unfairly advance or impede the personal interests of someone beyond what is available to every other citizen.
 - 12A-6 – You may not use your position to obtain confidential information. You must not disclose confidential information.

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Questions

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CHARTER REVIEW COMMISSION COMMITTEES

Committee No. 1:	Governmental authority
Chapter I:	Incorporation and territory
Chapter II:	Powers of the city
Chapter III:	City Council
Chapter V:	Recall of city council members
Chapter XVIII	Ordinances and resolutions

Committee No. 2:	City departments
Chapter IIIA	City secretary
Chapter VI	City manager
Chapter VII	Legal department
Chapter IX	City auditor
Chapter X	Administrative departments
Chapter XII	Police department
Chapter XIII	Fire-Rescue department
Chapter XVII	Park and recreation department

Committee No. 3:	City operations
Chapter XI	Budget and financial procedure
Chapter XIV	Franchises
Chapter XV	Planning and zoning
Chapter XIX	Assessment and collection of taxes
Chapter XX	Public improvements and assessments
Chapter XXI	Borrowing money
Chapter XXII	Public contracts
Chapter XXIII	Claims for damage or injury

Committee No. 4:	Elections and adjudications
Chapter IV	Elections and referendums
Chapter VIII	Municipal courts
Chapter XVI	Civil service and personnel
Chapter XXIV	Miscellaneous provisions

