

# Current Procedures and Practices

Briefing to the Charter Review  
Commission

February 18, 2014

# Purpose of Briefing

- As requested by the Charter Review Commission, review the current procedures and practices for:
  - Redistricting
  - Council terms and compensation
  - Park Board
  - Auditor
  - Civil Service

# Redistricting

- The redistricting commission begins work after each 10-year census. [IV §5(b)(1)]
- Before receipt of the census, each City Councilmember appoints one person to the redistricting commission. [IV §5(b)(1)]
  - Appointments must represent all geographic areas of the city. [IV §5(b)(1)]
  - Appointments must reflect the racial and ethnic makeup of the city. [IV §5(b)(1)]
  - City Councilmembers cannot serve on the redistricting commission. [IV §5(b)(2)]
  - Commissioners cannot run for City Council in the next election. [IV §5(b)(2)]
  - Commissioners cannot be appointed to City Council or any board or commission for one year after service. [IV §5(b)(2)]
- The mayor appoints the chair, subject to confirmation by the City Council. [IV §5(b)(1)]

# Redistricting

- Commission members serve until the commission's work is finished. [IV §5(b)(1)]
- The commission must hold public hearings and recommend a districting plan. [IV §5(b)(3)]
  - The commission must file its recommended plan with the Mayor. [IV §5(b)(3)]
- The Mayor must present the recommended plan to the City Council at the next meeting. [IV §5(b)(3)]
- The City Council must adopt the recommended plan or a modified plan within 45 days after receipt by the mayor. [IV §5(b)(3)]
  - If action is not taken within 45 days, the Commission's plan becomes the final plan. [IV §5(b)(3)]

# Redistricting

- The adopted districting plan must be implemented at the next general election of City Council that is at least 90 days after adoption of the plan. [IV §5(b)(4)]

# Council terms and compensation

- City Councilmembers have a term of two years. The Mayor has a term of four years. [III §1]
  - City Councilmembers take office on the first Monday that is 30 days after the final canvass of the election. [III §1]
  - City Councilmembers serve until a successor has been elected and qualified. [III §1]

# Council terms and compensation

- City Councilmembers can serve for four consecutive two-year terms. [III §3A(a)]
  - City Councilmembers can serve again after one term has elapsed. [III §3A(a)]
- The Mayor can serve two consecutive four-year terms. [III §3A(b)]
  - The Mayor can serve again after one term has elapsed. [III §3A(b)]
- “Term” for City Councilmembers means any period of service in excess of one year. [III §3A(c)]
- “Term” for the Mayor means any period of service in excess of 731 days. [III §3A(d)]

# Council terms and compensation

- City Councilmember compensation is \$37,500 per year. The Mayor's compensation is \$60,000 per year. [III §4(a)]
  - A “year” means a 12-month consecutive period. [III §4(b)]
  - Compensation is paid on a biweekly basis. [III §4(c)]
  - City Councilmember and Mayor necessary expenses will be paid by the city if authorized by the city. [III §4(d)]
  - If a City Councilmember or Mayor misses more than 10 percent of the regular meetings, the compensation will be reduced proportionately. “Regular meeting” means City Council meetings and committee meetings. Absences are not counted if the City Councilmember or Mayor was out on official business of the city. [III §4(e)]

# Park Board

- The Park Director administers the department under the supervision of the Park Board. [XVII §1]
- Park Board is composed of 15 members. [XVII §2(a)]
  - Park Board members must have the same qualifications as City Councilmembers. [XVII §2(a)]
  - Park Board members serve without compensation. [XVII §2(a)]
  - Park Board members serve for two years. [XVII §2(b) and XXIV §13(a)]
  - Each City Councilmember nominates one Park Board member, and the City Council appoints the members. [XVII §2(b) and XXIV §13(b)]
  - The Mayor appoints the chair of the Park Board, subject to confirmation by the City Council. [XVII §2(b) and XXIV §13(c)]
  - Park Board membership must reflect the racial and ethnic makeup of the city. [XVII §2(b) and XXIV §13(d)]
  - Vacancies on the Park Board are filled for the unexpired term of the member who vacated. [XVII §3]

# Park Board

- Powers of the Park Board
  - Control, management, and maintenance of public parks. [XVII §4(a) and (c)(1)]
  - Acquire land for parks with City Council approval. [XVII §4(a)]
  - Manage and maintain park buildings and equipment. [XVII §4(c)(2)]
  - Establish rules for parks and park activities. [XVII §4(c)(3)]
  - Conduct, supervise, and equip playgrounds and recreational facilities. [XVII §4(c)(4)]
  - Charge for park facilities. [XVII §4(c)(5)]
  - Grant or lease park concession rights for a term of less than one year, unless authorized by City Council. [XVII §4(a)(3) and (c)(5)]

# Park Board

- Plant and care for landscaping in public squares, streets, and other spaces. [XVII §4(c)(6)]
- Supervise and control the zoo. [XVII §4(c)(7)]
- Enforce ordinances, rules, and regulations governing parks and provide policing. [XVII §4(c)(8)]
- Receive property by purchase, subject to City Council approval, or gift for park purposes. [XVII §4(a)(1) and (c)(9)]
- Condemn land for park purposes if approved by City Council. [XVII §4(c)(10)]
- Sell or lease park property if approved by City Council. [XVII §4(c)(11)]
- Make contracts for park purposes, with City Council approval if required. [XVII §4(a)(2) and (c)(12)]

# Park Board

- Provide park and recreation facilities on municipal water reservoirs. [XVII §4(c)(13)]
- Agree with other government entities for joint administration of park facilities. [XVII §4(c)(14)]
- Contract for the use of Fair Park, with City Council approval if required. [XVII §4(a)(2) and (c)(15)]
- Conduct recreation, sports events, and public events on park property. [XVII §4(c)(16)]
- Manage abandoned cemeteries as park properties if requested by City Council resolution. [XVII §4(c)(17)]
- Contract with nonprofit organizations for aesthetic, cultural, educational, or scenic improvements, with City Council approval if required. [XVII §4(a)(2) and (c)(18)]

# Park Board

- City Council must approve any purchase of land, contract that requires City Council approval, or lease in excess of one year. [XVII §4(a)(1), (2), and (3)]
  - All property acquired for parks must be held in the name of the city. [XVII §10]
- Purchases and contracts must be made in accordance with city rules and regulations. [XVII §4(b)]
- Park Department is composed of a director and employees as City Council provides upon recommendation of the Park Board. [XVII §5]
  - Compensation rules for Park Department employees must conform to compensation and personnel policies for other city employees. [XVII §5]

# Park Board

- Park Board may hire security personnel. [XVII §6]
  - Security personnel must be commissioned as police officers. [XVII §6]
  - Security personnel are under the control of the Park Board. [XVII §6]
  - Compensation for security personnel is set by the Park Board. [XVII §6]
  - The Park Board may remove security personnel at pleasure without cause. [XVII §6]
  - This does not limit the authority of the Police Department. [XVII §6]

# Park Board

- Conflicts between the jurisdiction of the Park Department and other departments is resolved by City Council. [XVII §7]
- Park Board must give reports to City Council as required by City Council. [XVII §8]
- Appropriations for parks and park revenue must be held in the city treasury subject to orders and disbursements of the Park Board. [XVII §9]
- Deeds, leases, conveyances, and contracts must be signed by the President of the Park Board, attested by the Secretary of the Park Board, and have any other required city signatures. [XVII §10]

# Auditor

- The City Auditor serves for a two-year term or until a successor is appointed. [IX §1]
- City Auditor qualifications:
  - knowledgeable in public administration, public finance, fiscal theory, municipal accounting, and auditing;
  - licensed CPA; and
  - resident of Dallas. [IX §1]
- City Auditor must be nominated in accordance with a nominating procedure established by ordinance. [IX §1]

# City Auditor

- City Council must provide assistants as it deems necessary. [IX §2]
  - Assistants receive compensation as set by City Council. [IX §2]
  - Assistants may be discharged by the City Auditor at any time. [IX §2]
  - All powers and duties of the City Auditor may be exercised by assistants under the City Auditor's direction. [IX §2]

# City Auditor

- Duties of the City Auditor:
  - Conduct financial audits, compliance audits, economy and efficiency audits, special audits, investigations. [IX §3(1)]
  - Conduct audit or investigation of an entity that receives city funds, if requested by City Council or the Finance Committee. [IX §3(2)]
  - Ensure the quality and accuracy of information received for business decision-making. [IX §3(3)]
  - Improve processes and controls used to manage city resources. [IX §3(3)]
  - Monitor and evaluate city accounting and property records. [IX §3(4)]

# City Auditor

- Examine records of city funds or funds that the city is responsible for as trustee. [IX §3(5)]
- Appraising and verifying the accuracy of financial records. [IX §3(6)]
- Evaluating the adequacy of the city's accounting systems and controls. [IX §3(7)]
- Reporting to the City Council, Finance Committee, and City Manager any irregularities or failures in records. [IX §3(8)]
- Studying the efficiency, economy, and effectiveness of programs, projects, and departments. [IX §3(9)]
- Act as liaison to external auditors who are auditing programs that have federal or state funding. [IX §3(10)]

# City Auditor

- Special audits
  - After the death, resignation, removal, or expiration of term of any city officer, the City Auditor must audit the accounts of the officer and report to City Council and the City Manager. [IX §4]
    - The City Manager must conduct a special audit of the City Auditor after the death, resignation, or removal of the City Auditor. [IX §4]
  - City Council or the City Manager may request a special audit. [IX §4]
  - If the special audit shows the officer to be in debt to the city, the City Attorney, as directed by City Council, must collect the debt. [IX §4]

# Civil Service

- Civil Service Board is composed of seven qualified taxpaying citizens and 15 adjunct members. [XVI §1]
  - Civil service board members serve for two years terms until a successor is appointed. [XVI §1]
  - The Mayor appoints the chair of the Civil Service Board subject to confirmation by City Council. [XVI §1]
  - Adjunct members do not have voting privileges. [XVI §1]
  - Civil Service Board members may not hold any other position with the city, county, or state. [XVI §1]
  - Vacancies are filled by City Council for the unexpired term. [XVI §1]

# Civil Service

- The Civil Service Board elects one of its members as vice chair. [XVI §2(a)]
- The Civil Service Board appoints a Secretary by majority vote. [XVI §2(a) and (b)]
  - The Secretary may not be a member of the Civil Service Board. [XVI §2(a)]
  - The Secretary serves as Director of the Civil Service Department. [XVI §2(a)]
  - The Secretary-Director employs assistants as established by City Council. [XVI §2(a)]
  - The Secretary-Director serves a two-year term and until a successor is appointed, unless discharged by the Civil Service Board. [XVI §2(b)]
  - The Secretary-Director may be removed by two-thirds vote of the Civil Service Board. [XVI §2(b)]
  - Compensation for the Secretary-Director is set by the Civil Service Board. [XVI §2(b)]

# Civil Service

- Civil service is divided into “unclassified” and “classified” service. [XVI §3(a)]
  - Unclassified service includes: [XVI §3(b)]
    - Department directors and assistant directors
    - Managerial personnel designated by the Civil Service Board
    - Municipal Court Clerk
    - Secretary-Director of the Civil Service Board
    - Unskilled labor
  - Classified service includes all positions that are not exempt or designated as unclassified by the Charter. [XVI §3(c)]
    - Competitive class includes positions selected by competitive examination. [XVI §3(c)(1)]
    - Noncompetitive class includes positions that respond to specific need of departments or positions requiring peculiar and exceptional qualifications. [XVI §3(c)(2)]

# Civil Service

- Civil Service Board adopts rules subject to approval of City Council, for appointment of classified service, reduction of force and reinstatement. [XVI §4(a)]
- Rules must provide for: [XVI §4(b)]
  - seven days notice of public meetings
  - 15 days between a recommended change in rules and action by City Council
  - Notice to department heads and employees of recommended changes.
- If there is a conflict between a civil service rule and the Charter or the personnel rules, the Charter or personnel rules control. [XVI §4(c)]
- The Civil Service Board must make an annual report to City Council. [XVI §4(d)]

# Civil Service

- The Civil Service Board provides:
  - Civil service examinations and maintains a list of eligible applicants. Positions in civil service must be filled from the list of eligible applicants. [XVI §5]
  - Promotions in classified positions based on merit, fitness, efficiency, character, conduct, and seniority. [XVI §6(a)]
    - All appointments and promotions must be made on the basis of merit and fitness. [XVI §13]
    - Employees may not be discriminated against on the basis of race, sex, political affiliation, religion. [XVI §16(a)]
  - Persons whose positions have been eliminated to be reassigned. [XVI §6(b)(1)]
  - Persons whose positions have been eliminated to receive no reduction in compensation (except for reductions in force or removal for cause). [XVI §6(b)(2) and (d)]
  - Reassignment in the case of reduction of force or removal or reduction for cause under hearing and appeal procedures. [XVI §6(c)]

# Civil Service

- The Civil Service Board establishes rules governing evaluation of conduct and performance, subject to City Council approval, and requiring remedies for nonperformance. [XVI §7]
- The Civil Service Board has the power to subpoena witnesses and records. [XVI §8]
- The following departments are exempt from civil service: [XVI §9]
  - City Attorney
  - City Manager
  - City Auditor
  - City Secretary
  - Library
  - Park and recreation
  - Radio
  - Municipal judges
  - City Council staff

# Civil Service

- During the six-month probationary period, employees may be discharged, suspended, or reduced within a position by the department director or City Manager without right of appeal. [XVI §10(a)]
  - Probationary period may be extended under civil service rules or personnel rules to allow six-month on-the-job performance or completion of written prerequisites. [XVI §10(b)]

# Civil Service

- The Trial Board is composed of one member of the Civil Service Board designated by the chair and two adjunct members of the Civil Service Board. City Council designates a secretary to the Civil Service Board. [XVI §12]
- An employee that is disciplined may demand a hearing before the City Manager within five days. [XVI §11(b)]
  - The City Manager shall reverse, affirm or modify the decision. The decision of the City Manager is final unless the employee appeals to the Trial Board. [XVI §11(b)]
- An employee that is removed, laid-off, or reduced in grade may demand a Trial Board hearing within 10 days of the action. [XVI §11(a) and §12(c)]
  - The department must provide a written statement of reasons for the action. [XVI §11(a)]
  - Appeal does not apply to department directors, assistant directors, managerial personnel, or employees in exempt departments. [XVI §11(a)]
  - The employee has the right to counsel, an open hearing, and to compel witnesses. [XVI §12(c)]
  - Appeal does not stay the decision. [XVI §12(c)]
  - The Trial Board may sustain, reverse, modify, or amend the action. The decision should be sustained if a reasonable person could have taken the same action. [XVI §12(c)]
- Instead of appealing to the Trial Board, an employee may appeal to an administrative law judge. [XVI §12.1(a)]
  - The employee must pay half of the cost of the administrative law judge. [XVI §12.1(b)]

# Civil Service

- The judgment of a majority of the Trial Board is final unless appealed to district court within one year. [XVI §12(a)]
  - Appellate review is based on the record. [XVI §12(a)]
  - The city may also appeal if approved by the City Manager and City Attorney. [XVI §12(a)]
  - Appeal does not stay the decision. [XVI §12(a)]
  - The prevailing party may obtain reasonable attorney's fees. [XVI §12(a)]

# Civil Service

- All appointments and promotions, including classified and unclassified positions, shall be made solely on the basis of merit and fitness. [XVI §13]
- City Council must provide a system of personnel rules that include: [XVI §14]
  - Employment positions
  - Methods to determine merit and fitness
  - Work hours
  - Attendance rules
  - Sick leave
  - Vacation leave
  - Pay scales
  - Training programs
  - Grievance procedures
  - Other conditions of employment

# Civil Service

- Political activities in City Council elections.
  - Employees cannot be required to contribute to a political campaign or party. [XVI §16(a)]
  - Employees may not endorse candidates for City Council. [XVI §16(b)(1)]
    - Wachsman v. Dallas: This provision is an unconstitutional violation of the First Amendment to the extent the it prohibits individual city employees from endorsing candidates at private or nonpolitical gatherings. It is not unconstitutional as applied to organizations of employees.
  - Employees may not circulate petitions for City Council candidates (but they can sign one). [XVI §16(b)(2)]
  - Employees may not contribute directly or indirectly to a City Council candidate. [XVI §16(b)(3)]
  - Employees may not wear City Council campaign buttons or distribute campaign literature at work or while in uniform. [XVI §16(b)(4)]

# Civil Service

- Political activities in other elections.
  - Employees may not use the prestige of their position for any partisan candidate. [XVI §16(c)(1)]
  - Employees may not manage a partisan political campaign. [XVI §16(c)(2)]
  - Employees may not solicit or receive campaign contributions. [XVI §16(c)(3)]
  - Employees may not actively support a candidate while at work, in uniform, or in a city building. [XVI §16(c)(4)]
  - Police and Fire employees may engage in political activities to the extent allowed by state law. [XVI §16(d)]
- No person may make any false statement in connection with any test certification or appointment under the personnel system or the civil service provisions. [XVI §17]
- No person who may give any money, service, or other valuable thing in connection with a test, appointment, or promotion. [XVI §17]

# City Code References

- Redistricting
  - No Dallas City Code provisions
- Council terms and compensation
  - No Dallas City Code provisions
- Park Board
  - Dallas City Code Chapter 8, Boards and Commissions
  - Dallas City Code, Chapter 12A, Code of Ethics
  - Dallas City Code Chapter 32, Parks and Water Reservoirs
  - Dallas City Code, Chapter 34, Personnel Rules
  - Dallas City Code, Chapter 48, Trees and Shrubs

# City Code References

- Auditor
  - Dallas City Code, Chapter 2, Administration
  - Dallas City Code, Chapter 12A, Code of Ethics
  - Dallas City Code, Chapter 34, Personnel Rules
  - Dallas City Code, Chapter 39C, Records Management Program
  - Dallas City Code, Chapter 3434, Retirement
- Civil Service
  - Dallas City Code Chapter 2, Administration
  - Dallas City Code, Chapter 5, Aircraft and Airports
  - Dallas City Code Chapter 8, Boards and Commissions
  - Dallas City Code, Chapter 12A, Code of Ethics
  - Dallas City Code, Chapter 13, Courts, Fines and Imprisonments
  - Dallas City Code, Chapter 28, Traffic Administration
  - Dallas City Code, Chapter 34, Personnel Rules
  - Dallas City Code, Chapter 40A, Retirement
  - Dallas City Code, Chapter 50, Retirement Affairs

# Questions and Discussion