

CHAPTER III. CITY COUNCIL

Current Charter Language:

SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a “year” means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member’s compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.

Recommendation: Increase councilmember compensation to reflect the CPI increase from 2001, when the compensation was set, to 2014.

Proposed Charter Charter Language:

“SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) Effective at the beginning of the council terms in June 2015 [~~October 1, 2001~~], each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$49,530.49[~~37,500~~] for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$79,541.84 [~~60,000~~] for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a “year” means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 22, 2014

CHAPTER III. CITY COUNCIL

Current Charter Language:

SEC. 6. REGULAR MEETINGS.

(a) On the day the members of the city council take office, they shall meet at the building designated as the official city hall, and thereafter all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.

(b) For purposes of this Charter, a regular meeting of the city council means a weekly meeting of the full city council at which city council members vote or are briefed on matters of interest to the city.

Recommendation: Delete the final sentence, which requires City Council to meet every week.

Proposed Charter Charter Language:

“SEC. 6. REGULAR MEETINGS.

(a) On the day the members of the city council take office, they shall meet at the building designated as the official city hall, and thereafter all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. [~~At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.~~]

(b) For purposes of this Charter, a regular meeting of the city council means a [~~weekly~~] meeting of the full city council at which city council members vote or are briefed on matters of interest to the city.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER III. CITY COUNCIL

Current Charter Language:

SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, or where his or her financial interests are involved, and in these instances, the member shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

Recommendation: Allow city councilmembers to abstain from voting if required by any law.

Proposed Charter Charter Language:

“SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, where required by law, or where his or her financial interests are involved, and in these instances, the member shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER III. CITY COUNCIL

Current Charter Language:

SEC. 11. ELECTION AND 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 as deputy mayor pro tem to act in the absence of both the mayor and the mayor pro tem and to exercise the powers of the mayor during that time.

Recommendation: Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor.

Proposed Charter Charter Language:

“SEC. 11. ELECTION AND 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 if [in the case of the absence or inability of] the mayor is unable to discharge the powers and duties of the office [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 as deputy mayor pro tem to act if [in the absence of] both the mayor and the mayor pro tem are unable to discharge the powers and duties of the office and to exercise the powers of the mayor during that time.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 1, 2014

CHAPTER III. CITY COUNCIL

Current Charter Language:

SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board appointed by the council or any appointive officer of the city becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city.

(b) A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the city council or if he or she becomes a candidate for election to any different place on the city council that requires taking office prior to the end of his or her elective term.

(c) If any employee of the city becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that would conflict with his or her position as an employee of the city, the employee shall immediately forfeit his or her place or position with the city. **NOTE: See Section 12A-10 of the Dallas City Code for judicial interpretation of this section.**

Recommendations:

(a) Clarify that the prohibition on running for other offices applies to municipal judges and commission members as well as board members. **Approved April 8, 2014**

(b) Make the prohibition on running for other offices apply to DART board members and DFW board members. **Approved April 8, 2014**

(c) 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. **Approved April 1, 2014**

Proposed Charter Language:

“SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board or commission appointed by the council or any appointive officer of the city, including municipal judges, city appointees to the Dallas Area Rapid Transit Board, and city appointees to the Dallas/Fort Worth International Airport Board, becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city.

(b) A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the city council or if he or she becomes a candidate for election to any different place on the city council that requires taking office prior to the end of his or her elective term.

~~[(e) If any employee of the city becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that would conflict with his or her position as an employee of the city, the employee shall immediately forfeit his or her place or position with the city. NOTE: See Section 12A-10 of the Dallas City Code for judicial interpretation of this section.]”~~

Charter Review Commission Action:

Vote: Recommend Change

Dates of Action: April 1, 2014 and April 8, 2014

CHAPTER III. CITY COUNCIL

Current Charter Language:

SEC. 19 INDEPENDENT AUDIT.

The city council shall cause an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, 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, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate. The auditor or auditors to make the audit shall be selected by the city council, and shall be responsible to the council. The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city manager in the annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the previous year. The report of such auditor or auditors for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of such report of the auditor or auditors shall also be published once in a newspaper of general circulation in the city. The original report of the auditor or auditors shall be kept among the permanent records of the city.

Recommendations:

(a) 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. **Approved March 4, 2014**

(b) Require the audited financial statements to be posted on the city’s website and maintained in the central and branch libraries. **Approved April 22, 2014**

Proposed Charter Language:

“SEC. 19 INDEPENDENT AUDIT.

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a certified public accountant licensed by the State of Texas. [~~an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, 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, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate.~~] The auditor [~~or auditors to make the audit~~] shall be selected by the city council, and shall be responsible to the council. [~~The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city~~

~~manager in the annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the previous year.]~~ The report of such auditor and the financial statements and related audit opinion [~~or auditors~~] for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of the annual financial statements and the audit report [~~such report of the auditor or auditors~~] shall also be published once in a newspaper of general circulation in the city. The financial statements and audit opinions shall be posted on the city's website and a physical copy shall be maintained in the central and branch libraries. The original report of the auditor or auditors shall be kept among the permanent records of the city. “

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014 and April 22, 2014

CHAPTER III. CITY COUNCIL

Current Charter Language:

SECTION 20 CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The city treasurer shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city may require the city treasurer to hypothecate securities in such amount as it shall prescribe.

(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 council may at any time, in accordance with state law, select and designate more than one depository. The city treasurer shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the city controller, after authorization of the city council. 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, at such times as the city manager or council may require and in such form as the city manager may prescribe. The city treasurer shall perform such other acts and duties as the city manager may prescribe.

Recommendations:

- (a) Clarify that the Chief Financial Officer is responsible for management of the city's financial assets.
- (b) Move responsibility for deposit of funds from XI §13 to this section.
- (c) Require that deposits be made promptly rather than within 24 hours.

Proposed Charter Language:

“SECTION 20 CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The chief financial officer [~~city treasurer~~] shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city shall [~~may~~], in accordance with state law, require designated city depositories [~~the city treasurer~~] to hypothecate securities in such amount as it shall prescribe.

(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 council may at any time, in accordance with state law, select and designate more than one depository. The chief financial officer [~~city~~

~~treasurer~~] shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the chief financial officer [~~city controller~~], after authorization of the city council. All monies received by any person, department, or agency of the city for or in connection with affairs of the city shall be deposited promptly, but not later than 72 hours, in city depositories. The chief financial officer [~~city treasurer~~] shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council, at such times as the city manager or council may require and in such form as the city manager may prescribe. The chief financial officer [~~city treasurer~~] shall perform such other acts and duties as the city manager may prescribe.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER IV. ELECTIONS AND REFERENDUMS

Current Charter Language:

SEC. 5. DISTRICT LIMITS.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than the date of receipt of any federal census, each member of the city council shall appoint one member of a redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the commission's work.

(2) A member of the city council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.

(3) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter. Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. If neither of such actions is taken within 45 days, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(4) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.

Recommendation: Revise the redistricting process.

Proposed Charter Language:

“SEC. 5. DISTRICTS ~~[LIMITS]~~ AND REDISTRICTING.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than January 31 of the year following the federal decennial census [the date of receipt of any federal census], the city secretary shall initiate and widely publicize a 60-day application process, open to all registered voters residing in the city, with outreach to diverse communities to encourage participation. All applications must be submitted in writing or electronically.

(2) Applicants must have the following qualifications:

(A) Applicants must be registered to vote and must have voted in two of the last three city elections for city council members.

(B) Applicants must have been residents of Dallas for the last six months before the date of application.

(C) Applicants must have knowledge of and support the Voting Rights Act.

(D) Applicants must have the relevant expertise, a capacity to serve with impartiality, the ability to work collaboratively, an understanding of the underlying legal principles of redistricting, a knowledge and appreciation of the diverse racial and ethnic demographics in Dallas, and a will to serve the greater good.

(3) The following persons are not eligible to serve on the redistricting commission:

(A) a member of the city council or the spouse of a member of the city council or any family member within the third degree of consanguinity or affinity;

(B) a person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the application date;

(C) the campaign manager, treasurer, or staff member of any federal, state, county, or city office during the five years before the application date;

(D) a registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government;

(E) a person or spouse of a person who has a contractual relationship with the city, works for the city, works for or with any member of the city council, or has a contractual relationship with any member of the city council, or the spouse of a city council member; or

(F) a person who, in accordance with this Charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

(4) By April 1 of the year following the federal decennial census, the city secretary's office shall review each application for completeness and shall forward the complete applications to an independent outside auditor's office to determine compliance with the qualifications and to eliminate applicants that do not qualify. By June 1, the independent auditor's office shall forward a list of all qualified applicants to the mayor and city council. The list will indicate the city council district where the applicant lives.

(5) In making their appointments, members of the city council and the mayor shall use the following process: E[each member of the city council shall appoint one member of the redistricting commission from the qualified applicant pool. The city council shall also select four additional members of the redistricting commission from the qualified applicant pool to ensure geographic, racial, ethnic, and gender diversity; special expertise; and city-wide perspective. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

(6) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

~~(7[2]) [A member of the city council is not eligible for appointment to the redistricting commission.]~~ A member of the redistricting commission is not eligible to be a candidate for a place on the city council, except the mayor, in the next two succeeding city council general elections of the city, and may not be appointed ~~[or elected to the city council or]~~ to any other official board or commission of the city for a period of two ~~[one]~~ years after service on the redistricting commission.

(8) City council members may not have contact, directly or indirectly, with any applicants for the redistricting commission, a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

(9[3]) Before the redistricting commission commences work, the city will provide training from knowledgeable and professional trainers on Dallas demographics, the legal principles of redistricting, including the Voting Rights Act, and the process for performing redistricting, including the use of computer software to draw district lines. Upon request, the city shall provide support staff and equipment and other resources, as necessary for the redistricting commission to perform its duties. The redistricting commission shall solicit broad public participation in the redistricting process. The hearing process shall include hearings to receive public input before the redistricting commission draws any maps and hearings following the drawing and display of any redistricting commission maps. The redistricting commission shall display the proposed maps for public comment in a manner designed to achieve the widest public access reasonably possible, and for a reasonable time before approval by the redistricting commission. In addition, the redistricting commission shall make available a report that identifies for each district: boundaries, population, racial and ethnic composition, and compactness measures. [The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.]

(10) Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall

modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed plan must be approved by a vote of three-fourths of the members of the city council. If no [neither of such] action[s] is taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(~~11~~[4]) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 21, 2014

CHAPTER V. RECALL OF CITY COUNCIL MEMBERS

Current Charter Language:

SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS

(3) Within 30 days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed 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 multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.

Recommendation: Amend Subsection (3) to give the City Secretary 60 days to review a petition.

Proposed Charter Language:

“SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS

(3) Within 60 [~~30~~] days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed 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 multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 15, 2014

CHAPTER VIII. MUNICIPAL COURTS

Current Charter Language:

SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

A full-time or associate 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 the municipal judge failed to comply with, or maintain compliance with:

- (1) any residency requirements for municipal judges established by city council ordinance; or
- (2) any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law.

Recommendations: Revise the procedures for removal of municipal judges.

- (a) Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office.
- (b) Add a cross-reference to III §17.

Proposed Charter Language:

“SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

A full-time or associate 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 the municipal judge ~~[failed to comply with, or maintain compliance with]:~~

- (1) does not meet any residency requirements for municipal judges established by city council ordinance; [ø]
- (2) does not meet any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law; or
- (3) becomes a candidate for nomination or election to any public office (see Section 17 of Chapter III of this Charter).”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 8, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.

Recommendation: Require the annual appropriation ordinance to be posted on the city's website and maintained in the central and branch libraries.

Proposed Charter Language:

“SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a newspaper of general circulation in the city, on the city's website and physical copies will be maintained in the central and branch libraries, with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year. “

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 22, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time transfer an unincumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.

Recommendation: “Unencumbered” is misspelled.

Proposed Charter Language:

“SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time transfer an unencumbered [~~unincumbered~~] balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 5. APPROPRIATION OF EXCESS REVENUE.

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with Subdivisions (4) and (5) of Section 1 hereof, the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.

Recommendation: The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.

Proposed Charter Language:

“SEC. 5. APPROPRIATION OF EXCESS REVENUE.

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with [~~Subdivisions (4) and (5) of~~] Section 1 of Chapter XI of this Charter [hereof], the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the city secretary shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year.

Recommendation: The reference to the City Secretary is probably incorrect; it would be the Chief Financial Officer who would provide any notice.

Proposed Charter Language:

“SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the chief financial officer [~~city secretary~~] shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 21, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 8. PAYMENT OF OBLIGATIONS.

The city controller shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The city controller may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the city controller upon oath or affirmation relative thereto, which oath or affirmation the city controller may administer. If the city controller knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the city controller and the city controller's sureties shall be individually liable to the city for the amount thereof.

Recommendation: Change "City Controller" to "Chief Financial Officer."

Proposed Charter Language:

"SEC. 8. PAYMENT OF OBLIGATIONS.

The chief financial officer [~~city controller~~] shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The chief financial officer [~~city controller~~] may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the chief financial officer [~~city controller~~] upon oath or affirmation relative thereto, which oath or affirmation the chief financial officer [~~city controller~~] may administer. If the chief financial officer [~~city controller~~] knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the chief financial officer [~~city controller~~] and the chief financial officer's [~~city controller's~~] sureties shall be individually liable to the city for the amount thereof."

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 21, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 11. OBLIGATIONS; WHEN VOID.

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order, as provided in Section 10 of this chapter, or fasten upon the city any liability in excess of such limits, or relieve any party from an exact compliance with a contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or to the exceptions contained in Section 12 of this chapter.

Recommendation: The cross-reference to Section 10 is not correct.

Proposed Charter Language:

“SEC. 11. OBLIGATIONS; WHEN VOID.

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order~~[, as provided in Section 10 of this chapter]~~, or fasten upon the city any liability in excess of such limits, or relieve any party from an exact compliance with a contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or to the exceptions contained in Section 12 of this chapter.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

**CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO**

Current Charter Language:

SEC. 13. DISPOSITION 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. Upon failure to do so, the city controller and the sureties on the city controller's bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.

Recommendation: Move responsibility for deposit of funds from XI §13 to III §20.

Proposed Charter Language:

“SEC. 13. RESERVED. [~~DISPOSITION 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. Upon failure to do so, the city controller and the sureties on the city controller's bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.] “~~

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XV. PLANNING AND ZONING

Current Charter Language:

SEC. 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 proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment, or reject the same.

Recommendation: The comprehensive plan is amended by ordinance, not resolution.

Proposed Charter Language:

“SEC. 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 proposed comprehensive plan or modification thereof and shall thereafter adopt it by ordinance [~~resolution with or without amendment~~], or reject the same.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XV. PLANNING AND ZONING

Current Charter Language:

SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

- (1) Adopt, subject to approval of the city council, such rules and regulations as they deem best to govern their actions, proceedings and deliberations, including the time and place of meeting.
- (2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.
- (3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.

Recommendation: Require notice of city plan commission meetings to be posted on the city's website.

Proposed Charter Language:

“SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

- (1) Adopt, subject to approval of the city council, such rules and regulations as they deem best to govern their actions, proceedings and deliberations, including the time and place of meeting.
- (2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.
- (3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing and on the city's website~~[, or as otherwise provided by state law or this charter].~~”

Charter Review Commission Action:
Vote: Recommend Change
Date of Action: April 22, 2014

CHAPTER XV. PLANNING AND ZONING

Current Charter Language:

SEC. 7. ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.

In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.

Recommendation: Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).

Proposed Charter Language:

“SEC. 7. RESERVED [~~ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.~~”

~~In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.]”~~

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current Charter Language:

SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The city council shall designate a secretary to the trial board.

Recommendation: Allow the Civil Service Board to designate the secretary of the Trial Board, rather than City Council.

Proposed Charter Language:

“SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The civil service board [~~city council~~] shall designate a secretary to the trial board.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 21, 2014

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current Charter Language:

SEC. 12. TRIAL BOARD.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.

Recommendation: Change the time from 10 days to 10 working days to be consistent with the Personnel Rules.

Proposed Charter Language:

“SEC. 12. TRIAL BOARD.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 working days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current Charter Language:

SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, sex, political or religious opinions or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.

Recommendation: Include all protected classes (color, age, marital status, sexual orientation, national origin, disability). (See Dallas City Code §34-35.)

Proposed Charter Language:

“SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, color, age, religion, gender [sex], marital status, sexual orientation, gender identity, national origin, disability, military or veteran status, political [~~or religious~~] opinions, or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

Current Charter Language:

SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by state law. **NOTE: See Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983) for judicial interpretation of this section.**

Recommendation: Amend the section to conform to Wachsman v. Dallas.

Proposed Charter Language:

“SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by [state] law. [NOTE: See ~~Wachsman v. City of Dallas~~, 704 F.2d 160 (5th Cir. 1983) for judicial interpretation of this section.]”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

Current Charter Language:

SEC. 7. PUBLICATION OF ORDINANCES.

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city, unless otherwise provided by state law or this Charter, in which event the specific provisions shall be followed.

Recommendation: Require ordinances to be published on the city’s website unless otherwise required by law.

Proposed Charter Language:

“SEC. 7. PUBLICATION OF ORDINANCES.

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city and on the city’s website, unless otherwise required [~~provided~~] by state law or this Charter, in which event the specific provisions shall be followed.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 22, 2014

CHAPTER XVIII ORDINANCES AND RESOLUTIONS

Current Charter Language:

SEC. 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 and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay.

Recommendation: Allow the City Secretary 60 days to review a petition, to match the time in XVIII §11.

Proposed Charter Language:

“SEC. 12. CITY SECRETARY TO EXAMINE PETITION.

Within 60 [~~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 and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 15, 2014

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

Current Charter Language:

SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in a newspaper of general circulation in the city and published once at least 10 days prior to election.

Recommendation: Require ordinances to be submitted to voters to be posted on the city's website and maintained in the central and branch libraries.

Proposed Charter Language:

“SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be posted on the city's website and printed in a newspaper of general circulation in the city and published once at least 10 days prior to election. Physical copies of the ordinance or proposition shall be maintained in the central and branch libraries.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 22, 2014

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

Current Charter Language:

SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. 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, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.

Recommendations: 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.”

Proposed Charter Language:

SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. Pursuant to the Texas Tax Code, [It shall be the duty of] the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located [tax assessor and collector] on or before the 25th [first] day of July of each year shall [or as soon thereafter as practicable, to] make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

Current Charter Language:

SEC. 2. IMPROVEMENT ORDERED BY RESOLUTION.

The city council shall have power by resolution to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such resolution shall be conclusive of the public necessity and benefits of making the improvements. No notice of such action by the city council is required to make it valid. The resolution must, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The city secretary shall, immediately upon the passage of the resolution, furnish a copy to the county clerk of Dallas County, Texas, as provided in Chapter 314 of the Texas Transportation Code, as amended, to be filed as therein provided. In addition, the city secretary shall furnish a copy of the resolution to the tax assessor and collector, who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway or highways to be improved that the proceeding is pending. Any failure by the city secretary to furnish a copy of the resolution to the tax assessor and collector, or any failure by the tax assessor and collector to indicate the pendency of such a proceeding upon a tax statement, shall not affect the validity of the proceeding under this chapter, nor of any assessment thereafter levied pursuant to this chapter.

Recommendation: Improvements are ordered by ordinance. Delete the second sentence stating that notice of a council resolution is not required.

Proposed Charter Language:

“SEC. 2. IMPROVEMENT ORDERED BY ORDINANCE [~~RESOLUTION~~].

The city council shall have power by ordinance [~~resolution~~] to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such ordinance [~~resolution~~] shall be conclusive of the public necessity and benefits of making the improvements. Notice of the ordinance and a public hearing must be provided as required by state law. [~~No notice of such action by the city council is required to make it valid.~~] The ordinance [~~resolution~~] must, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The city secretary shall, immediately upon the passage of the ordinance [~~resolution~~], furnish a copy to the county clerk of Dallas County, Texas, as provided in Chapter 313 [~~314~~] of the Texas Transportation Code, as amended, to be filed as therein provided. In addition, the city secretary shall furnish a copy of the ordinance [~~resolution~~] to the tax assessor and collector, who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway or highways to be improved that the proceeding is pending. Any failure by the city secretary to furnish a copy of the ordinance [~~resolution~~] to the tax assessor and collector, or any failure by the tax

assessor and collector to indicate the pendency of such a proceeding upon a tax statement, shall not affect the validity of the proceeding under this chapter, nor of any assessment thereafter levied pursuant to this chapter.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

Current Charter Language:

SEC. 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, as amended, and other applicable state laws, authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law.

Recommendation: The reference to Texas Local Government Code Chapter 402 is no longer current.

Proposed Charter Language:

“SEC. 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, as amended, and other~~] applicable state laws, authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law. ‘

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014

CHAPTER XXII. PUBLIC CONTRACTS

Current Charter Language:

SEC. 1. SIGNATURES AND APPROPRIATIONS.

No contract, other than purchase orders for supplies and equipment and change orders authorized 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 attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed.

Recommendation: 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.

Proposed Charter Language:

“SEC. 1. SIGNATURES AND APPROPRIATIONS.

No contract, other than purchase orders for supplies and equipment and change orders authorized in accordance with Section 6, Chapter XXII of this Charter, shall be deemed executed on behalf of the city nor shall it be binding upon the city unless it has first been signed by the city manager and approved by the city attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed. The publication of an ordinance or resolution to make it effective as an ordinance or resolution in accordance with Section 7, Chapter XVIII of this Charter does not execute the ordinance or resolution as a contract unless the ordinance or resolution expressly so provides.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 15, 2014

CHAPTER XXII. PUBLIC CONTRACTS

Current Charter Language:

SEC. 2. CONTRACT LETTING.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder.

Recommendation: Require notice contract letting be posted on the city's website.

Proposed Charter Language:

“SEC. 2. CONTRACT LETTING.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be posted on the city's website and published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: April 22, 2014

CHAPTER XXII. PUBLIC CONTRACTS

Current Charter Language:

SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit the officer's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

Recommendations:

(a) Change the term "officer" to "official" to be consistent with Dallas City Code Chapter 12A. **Approved: March 4, 2014**

(b) Provide that members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision. **Approved: April 8, 2014**

(c) 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. **Approved: April 8, 2014**

Proposed Charter Language:

"SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No city official [~~officer~~] or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as a city official [~~an officer~~] or employee. Any violation of this section shall constitute malfeasance in office, and any city official [~~officer~~] or employee guilty thereof shall thereby forfeit the city official's [~~officer's~~] or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

(d) This section does not apply to an ownership interest in a mutual or common investment fund that holds securities or other assets unless the person owns more than 10 percent of the value of the fund.

(e) This section does not apply to contracts for general services or benefits if the service or benefits are made available to the city official or employee on the same terms that they are made available to the general public.

(f) This section does not apply to a nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board. A nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board, must comply with any applicable conflict of interest or ethics provisions in the state law and the Dallas City Code.”

Charter Review Commission Action:

Vote: Recommend Change

Dates of Action: March 4, 2014 and April 8, 2014

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

Current Charter Language:

SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During September of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.

Recommendation: Change September to August, and allow City Council to begin the nomination process, rather than make the appointments.

Proposed Charter Language:

“SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During August [~~September~~] of each odd-numbered year, the city council shall begin the nomination process for [~~appoint~~] all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.”

Charter Review Commission Action:

Vote: Recommend Change

Date of Action: March 4, 2014