

## SUGGESTED AMENDMENTS TO THE DALLAS CITY CHARTER

**Items in bold are policy issues**

Items underlined are changes to city department operations

*Items in italics are technical corrections*

(Comments are in parentheses)

### Suggestions Recommended for Approval

<u>Citation</u>	<u>Yes/Date</u>	<u>Description</u>
III §4	Yes (4-22)	<b>Increase councilmember compensation to reflect the CPI increase from 2001, when the compensation was set, to 2014.</b> (See memo dated April 1, 2014 with the correct numbers reflecting the CPI adjustments from the 2001 base year. Councilmember compensation increased to \$49,530.49 and Mayor's compensation increased to \$79,541.84. Increase to be effective at the next city council election.)
III §6(a)(b)	Yes (3-4)	<i>Delete the final sentence, which requires City Council to meet every week.</i>
III §10	Yes (3-4)	<i>Allow city councilmembers to abstain from voting if required by any law.</i> (The provision currently requires councilmembers to abstain if they are voting on their own official conduct or if they have a financial conflict of interest.)
III §11	Yes (4-1)	<i>Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor.</i> (The proposed amendment clarifies that the Mayor Pro Tem assumes the duties of the Mayor if the Mayor is unable to discharge the powers and duties of the office.)
III §17	Yes (4-1 and 4-8)	<b>Clarify that the prohibition on running for other offices applies to municipal judges, commission members as well as board members. Make the prohibition on running for other offices apply to DART board members and DFW board members.</b> <i>Amend the charter and code of ethics to conform to state law, which prohibits a city from terminating an employee who runs for public office.</i> (The provision currently provides that board members and city officers forfeit their position if they become a candidate for public office. The proposed amendment amends Subsection (a) to apply to commission members and city appointees to the DART board and the

DFW board. The proposed amendment deletes Subsection (c) because Texas Local Government Code §150.041 provides that .a city may not prohibit a city employee from becoming a candidate for public office.)

- III §19      Yes (3-4 and 4-22)      *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. **Require the audited financial statements to be posted on the city’s website and maintained in the central and branch libraries.** (This provision concerns independent audits of the city’s annual financial statements.)*
- III §20      Yes (3-4)      *Clarify that the Chief Financial Officer is responsible for management of the city’s financial assets. Move responsibility for deposit of funds from XI §13 to this section. Require that deposits be made promptly rather than within 24 hours. (References to the city treasurer or city controller have been changed to the chief financial officer. The proposed amendments require that monies received by the city be deposited promptly, but not later than 72 hours, in city depositories.)*
- IV §5      Yes (4-21)      **Revise the redistricting process.** (The proposed amendments include: (1) a widely-publicized application process, (2) qualifications for applicants, (3) persons who are not eligible to be applicants, (4) auditor review of applications, (5) each city councilmember appoints one member and city council appoints four additional members, (6) guidelines for drawing district lines, (7) prohibits commissioners from running for city council for the next two terms or serving on a city board for two years, (8) prohibits city councilmember contact with commissioners, (9) training and staffing for the commission, (10) public input on proposed maps, and (11) requires a written explanation and three-fourths vote of city council to modify the proposed map.)
- VIII §4A      Yes (4-8)      **Revise the procedures for removal of municipal judges. Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office. Add a cross-reference to III §17.** (Clarifies that a municipal judge may be removed from

office if the judge becomes a candidate for any public office. Adds a cross-reference to III §17, which prohibits city officers from holding or running for public office.)

XI §3	Yes (4-22)	<b>Require the annual appropriation ordinance to be posted on the city's website and maintained in the central and branch libraries.</b> (This is one of several amendments that requires additional public notice of city documents.)
XI §4	Yes (3-4)	<i>"Unencumbered" is misspelled.</i>
XI §5	Yes (3-4)	<i>The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.</i>
XI §6	Yes (4-21)	<i>The reference to the City Secretary is probably incorrect; it would be the Chief Financial Officer who would provide any notice.</i>
XI §8	Yes (4-21)	<i>Change "City Controller" to "Chief Financial Officer."</i> (The position formerly titled as "City Controller" is now titled as "Chief Financial Officer.")
XI §11	Yes (3-4)	<i>The cross-reference to Section 10 is not correct.</i>
XI §13	Yes (3-4)	<i>Move responsibility for deposit of funds from XI §13 to III §20.</i> (The proposed amendments require that monies received by the city be deposited promptly, but not later than 72 hours, in city depositories.)
XV §1(2)	Yes (3-4)	<i>The comprehensive plan is amended by ordinance, not resolution.</i> (Dallas Development Code §51A-1.108(d) provides that the comprehensive plan may be amended by ordinance.)
XV §4	Yes (4-22)	<b>Require notice of city plan commission meetings to be posted on the city's website.</b> (This is one of several amendments that requires additional public notice of city documents.)
XV §7	Yes (3-4)	<i>Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).</i>
XVI §12(a)	Yes (4-21)	<u>Allow to Civil Service Board to designate the secretary of the Trial Board, rather than City Council.</u>

XVI §12(c)	Yes (3-4)	<i>Change the time from 10 days to 10 working days to be consistent with the Personnel Rules. (Allows officers and employees 10 working days to appeal to the trial board, in keeping with Dallas City Code Chapter 34.)</i>
XVI §16(a)	Yes (3-4)	<i>Include all protected classes (color, age, marital status, sexual orientation, national origin, disability). (Revises the list of employee groups protected from discrimination to match Dallas City Code §34-35.)</i>
XVI §16(d)	Yes (3-4)	<i>Amend the section to conform to <u>Wachsman v. Dallas</u>. (Amends the section to allow police and fire employees to engage in political activities to the extent permitted by law, in keeping with the holding in Wachsman v. Dallas.)</i>
XVIII §7	Yes (4-22)	<b>Require ordinances to be published on the city’s website unless otherwise required by law.</b> (This is one of several amendments that requires additional public notice of city documents.)
XVIII §15	Yes (4-22)	<b>Require ordinances to be submitted to voters to be posted on the city’s website and maintained in the central and branch libraries.</b> (This is one of several amendments that requires additional public notice of city documents.)
XIX §1	Yes (3-4)	<i>Change the reference to the tax assessor and collector to the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located. Change the date from July 1st to July 25th. Delete the phrase “or as soon thereafter as practicable.” (The amendment reflects the Texas Tax Code provides that the appraisal district will prepare the list of taxable property and submits it to the city by July 25th.)</i>
XX §2	Yes (3-4)	<i>Improvements are ordered by ordinance. Delete the second sentence stating that notice of a council resolution is not required. (Public improvements are ordered by ordinance, rather than a resolution. Deletes sentence that waives notice, so that notice will be provides as required by law.)</i>

- XX §11      Yes (3-4)      *The reference to Texas Local Government Code Chapter 402 is no longer current. (The section gives the city to the any power to make improvements to water and sewer systems allowed by state law.)*
- XXII §1      Yes (4-15)      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. (Clarifies that an ordinance or resolution authorizing a contract is not in itself a contract. A contract is created only when the actual contract is signed by the city manager.)
- XXII §2      Yes (4-22)      **Require notice of contract letting be posted on the city’s website.** (This is one of several amendments that requires additional public notice of city documents.)
- XXII §11(a)      Yes (3-4 and 4-8)      *Change the term “officer” to “official” to be consistent with Dallas City Code Chapter 12A. **Provide that members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision. 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.*** (This section prohibits city officials and employees from having a financial interest in contracts with the city. The amendments change the term “officer” to “city official” to match to Dallas City Code Chapter 12A, the Code of Ethics. The amendments provide that DART appointees, who are technically not city officials, may not have a financial interest in contracts with the city. The amendments provide the prohibition does not apply to ownership of an interest in a mutual or common fund, such as the city’s pension plan or 401K plan. The amendment exempts contracts for general services or benefits, such as renting a city facility, that are made on the same terms that they are made available to the public. The amendments provide that the prohibition on interests in city contracts do not apply to board and commission members, but that they must still comply with state law and Code of Ethics.)

XXIV §13      Yes (3-4)

*Change September to August, and allow City Council to begin the nomination process, rather than make the appointments. (The amendment reflects that nominations for boards and commissions are started in August, rather than being completed in September.)*

**Suggestions Pending**

<b><u>Citation</u></b>	<b><u>Yes/No/Date</u></b>	<b><u>Description</u></b>
IIIA §3		<u>Require the City Secretary's record management system to permanently retain all minutes and recordings of boards and commissions and make those records available on the city's website.</u>
IV §7		<u>Require candidates for city council to submit the filing fee along with the petition.</u>
V §1(3)	Yes (4-15)	<u>Amend Subsection (3) to give the City Secretary 60 days to review a petition.</u> (The Commission moved to reconsider this item on 4-21.)
XVIII §12	Yes (4-15)	<u>Allow the City Secretary 60 days to review a petition, to match the time in XVIII §11.</u> (The Commission moved to reconsider this item on 4-21.)

### **Suggestions Denied**

\* These items were denied by implication because: (1) a related suggestion was approved or denied, or (2) the item was not taken up for discussion.

<b><u>Citation</u></b>	<b><u>No/Date</u></b>	<b><u>Description</u></b>
II §1	(No 4-8*)	<b>Limit the ability of the city to privatize governmental functions.</b>
II §1(34)	(No 4-8*)	<b>Limit the ability of the city to enter into long-term contracts to sell water to other cities.</b>
II §3	(No 4-8*)	<b>Amend the charter review process.</b>
III §1	(No 4-8*)	<b>Change councilmember terms to three three-year terms, or to two four-year terms, or two three-year terms.</b>
III §1	(No 4-8*)	<b>Change the mayor's term to one six-year term.</b>
III §1	(No 4-8*)	<b>Increase the length of the mayor and councilmember terms.</b>
III §2	(No 4-8*)	<b>Do not expand the Mayor's powers.</b>
III §2	(No 4-8*)	<b>Create a strong-mayor system without a city manager.</b>
III §3	(No 4-8*)	<b>Delete the requirement that councilmembers be current on taxes and liabilities due to the city. [See <u>Hunt v. Longview</u>, 932 F. Supp. 828 (1995).]</b>
III §3A	(No 4-8*)	<b>Change councilmember terms to three three-year terms, or to two four-year terms, or two three-year terms.</b>
III §3A	(No 4-8*)	<b>Change the mayor's term to one six-year term.</b>
III §3A	(No 4-8*)	<b>Stagger councilmember terms.</b>
III §3A	(No 4-8*)	<b>Increase the number of councilmember terms.</b>
III §3A	(No 4-8*)	<b>Prohibit former city councilmembers from running for city council again unless they have been out of office for four years or more.</b>

III §4	(No 4-8*)	<b>Delete the reduction in salary for councilmember absences.</b>
III §4	No (4-22)	<b>Increase councilmember compensation to \$60,000.</b>
III §4	No (4-22)	<b>Increase the mayor’s compensation to \$90,000.</b>
III §4	No (4-22)	<b>Increase councilmember compensation to between \$60,000 to \$70,000.</b>
III §4	No (4-22)	<b>Increase councilmember compensation to \$75,000.</b>
III §4	No (4-22)	<b>Increase councilmember compensation to \$100,000 and the mayor’s compensation to \$150,000, effective eight years from now, so that no current councilmember will receive the increase.</b>
III §8	(No 4-8*)	<b>Limit on the duration or frequency of open mic speakers.</b>
III §15	(No 4-8*)	<b>Expand prohibition in interference with staff to include the city attorney, city secretary, and city auditor.</b>
III §16	(No 4-8*)	<b>Allow expulsion of city councilmembers for a violation of Chapter 12A, “Code of Ethics.”</b>
III §18	(No 4-8*)	<u>Expand the first sentence to include performance of contracts, proper use of city monies, validity of claims against the city. Allow the persons authorized by City Council or the City Manager to conduct investigations, subpoena witnesses, and compel production of papers. Expand materials that can be subpoenaed to include tangible property and electronic information. Allow City Council to delegate the power to punish contempt to municipal court. Allow the City Attorney to seek an order from municipal court, county court, or district court to enforce a subpoena or finding contempt of the subpoena.</u>
III §18	No (3-4)	<i>Amend the city code to provide penalties for contempt of a city investigation.</i>

IIIA §1	(No 4-8*)	<u>Clarify the appointment duration for the city secretary. Provide that the City Secretary can be removed from office by two-thirds vote of city council, instead of majority vote. Make compensation provision for City Secretary match compensation provisions for other city officers. Require City Council to appropriate a discrete budget amount to perform the duties of office.</u>
IIIA §3	(No 4-8*)	<u>Make the City Secretary create her own budget independent from the City Manager. Make the City Secretary responsible for all hiring of employees in the department. Add duty of reviewing appointments to boards and commissions and administering the appointment process.</u>
IV §5	No (4-21)	<b>Make the redistricting commission independent of city council.</b>
IV §5	No (4-21)	<b>Allow city council to appoint the redistricting commission, but make the redistricting commission more responsive to citizens.</b>
IV §5	No (4-21)	<b>Allow redistricting commissioners to serve only once.</b>
IV §5	No (4-21)	<b>Require the redistricting commission to provide written reasons for moving any district lines.</b>
IV §5	No (4-21)	<b>Delete redistricting from the charter and allow state and federal law to control.</b>
VI §1	No (4-21)	<b>Allow the City Manager to be removed by majority vote of City Council, rather than two-thirds vote.</b>
VII §3	(No 4-8*)	<u>Make the City Attorney create his own budget independent from the City Manager. Make the City Attorney responsible for all hiring of employees in the department.</u>
VIII §1	(No 4-8*)	<b>Clarify that municipal judges are officers of the city.</b>
VIII §4	(No 4-8*)	<b>Change the term of municipal judges to four years. State that the administrative judge maintain administrative control and oversight over the municipal judges. State that the annual report will detail the performance of municipal court judges and the state of the municipal court system.</b>

IX §1	(No 4-8*)	<u>Amend the title of the section to make it consistent with other sections. State that the City Auditor does independent, objective appraisals. State reporting relationship to City Council. Remove two-year term. Clearly state at-will employment status, and require two-thirds vote of City Council to remove the auditor. State that City Council sets compensation. Clarify that City Council must appropriate a discrete budget amount for City Auditor to perform his duties.</u>
IX §1	(No 4-8*)	<b>Allow the City Auditor to be removed by majority vote of City Council, rather than two-thirds vote.</b>
IX §1	(No 4-8*)	<u>Make the City Auditor be hired and fired by City Council and report to City Council.</u>
IX §3	(No 4-8*)	<u>Have the City Auditor’s budget set by City Council separately from the general budget.</u>
IX §3	(No 4-8*)	<u>Have City Council accept an audit schedule proposed annually by the City Auditor.</u>
IX §3	(No 4-8*)	<u>Have City Council accept or reject recommendations resulting from audits. If audit results are accepted, the recommendations must be implemented by the City Manager within some time period. If we use an outside auditor, the City Auditor would be the outside auditor’s direct report, and the recommendations from that audit would be subject to the same process.</u>
IX §3	(No 4-8*)	<u>Establish duty for auditor to organize and administer the office. Require annual, risk-based audit plan. Revise list of duties to conform to current government auditing standards. Move responsibility for special audits to this section, and allow only at request of city council or city manager, and limit definition of “officer” for this purpose.</u>
IX §3	(No 4-8*)	<u>Make the City Auditor create his own budget independent from the City Manager. Make the City Auditor responsible for all hiring of employees in the department.</u>
IX §3	(No 4-8*)	<u>Give the Auditor the power to audit nonprofit organizations that receive money from the city.</u>

IX §4	(No 4-8*)	<u>Move special audit requirements to IX §3. Rename section as “Access to Records and Property.” Clarify Auditor’s right to access records, property, operations, etc. Require a “right-to-audit” clause in all city contracts, and authorize the Auditor to inspect contractors records, property, operations, etc.</u>
XI §1	(No 4-8*)	<u>Change the date for the annual budget estimate to no later than August 15th, rather than the specific date. Delete the reference to uniform forms and add in the format required by the city manager. Change the comparison from the last two years to the last year.</u>
XI §3	(No 4-8*)	<u>Delete the requirement for a separate schedule of items that were omitted or changed.</u>
XI §4	No (3-4)	<i>Budgets are done per department, not “division or purpose.”</i>
XI §4	No (4-21)	<b>Allow City Council to transfer funds without the recommendation of the City Manager.</b>
XI §6	No (4-21)	<u>It is not necessary to notify the City Manager of appropriations. The final clause regarding multi-year appropriations might be better in XI §3.</u>
XI §8	(No 4-8*)	<b>Eliminate personal liability of the Chief Financial Officer for the actions of others.</b>
XI §10	(No 4-8*)	<u>Add “grants” to the list of actions, because grants often require the expenditure of funds before reimbursement is requested from the granting agency.</u>
XI §15	(No 4-8*)	<u>Add a new subsection that requires the ordinance that approves a contract must contain a provision stating that the ordinance and the contract will be construed strictly in accordance with their terms. Add a new subsection no other action or inaction by the city can create any contractual right; that contractual rights are created only by a written contract.</u>
XV §6	(No 4-8*)	<u>The city does not have an urban development commission.</u>
XV §8	(No 4-8*)	<b>Revise the thoroughfare plan amendment process.</b>

XV §8	No (3-4)	<i>Delete notice of thoroughfare plan amendments to surrounding property owners. It is covered in the Dallas Development Code §51A-9.201.</i>
XVI	(No 4-8*)	<b>Delete all civil service provisions, so that all employees are at-will.</b>
XVI §2	(No 4-8*)	<b>Make the director of civil service a position hired by the city manager and reporting to the city manager.</b>
XVI §4(b)(1)	(No 4-8*)	<u>Change the notice of any public meeting of the Civil Service Board from seven days to 72 hours.</u>
XVI §11(b)	(No 4-8*)	<u>Harmonize the language to be consistent with the time periods and appeal process in the Personnel Rules.</u>
XVI §16(b)(c)	(No 4-8*)	<b>Clarify that the restrictions do not apply if it is the employee's own election campaign.</b>
XVII §1	(No 4-8*)	<b>Keep the Park Board as it currently is with the director hired by the Park Board rather than the city manager.</b>
XVII §1	(No 4-8*)	<b>Put the Park and Recreation Department under the City Manager.</b>
XVII §4	(No 4-8*)	<b>Make the Park Board a city board under the supervision of the City Manager.</b>
XVII §6	(No 4-8*)	<u>Is this provision still needed, since the Park Department no longer has park police?</u>
XVII §9	(No 4-8*)	<u>Delete this section because it conflicts with other sections that require approval of appropriations by the City Council.</u>
XVIII §4	(No 4-8*)	<b>Allow ordinances that have been adopted by referendum to be amended or repealed by City Council after some period of time.</b>
XVIII §14	No (4-15)	<b>Provide that an ordinance adopted by petition may be amended or repealed by City Council after some period of time.</b>
XIX	(No 4-8*)	<b>Add a new section allowing taxes for single-use bags and for street maintenance.</b> (See Texas Constitution Art. XI §5 and Texas Tax Code §302.102, which allow cities to collect taxes authorized by their charters.)

XXI §3	(No 4-8*)	<u>Is there a conflict between the 10 year maturity in XXI §3 and the 40 year maturity in XXI §8? Delete XXI §3(b), and allow the maturity to be set by the Financial Management Performance Criteria and as approved by city council.</u>
XXI §8	(No 4-8*)	<u>Is there a conflict between the 40 year maturity in XXI §8 and the 10 year maturity in XXI §3?</u>
XXII §1	(No 4-8*)	<u>Include contracts for “minor” services as a type of contract that does not need to be signed by the city manager and reviewed by the city attorney. “Minor” would be \$2,000 or less. Alternatively, delete the phrase “for supplies and equipment” so that all contracts (except purchase orders and change orders) must be signed by the city manager and reviewed by the city attorney.</u>
XXII §1	(No 4-8*)	<u>Delete the phrase “for supplies or equipment,” so that rules for purchase orders will be controlled by AD 4-5 or the city code.</u>
XXII §1	(No 4-8*)	<u>Amend the phrase “no further contracts shall be signed” to clarify that City Council can approve a subsequent contract or amend an existing contract by administrative action for up to 50,000 more.</u>
XXII §9	(No 4-8*)	<u>Allow bid bonds to be required at the discretion of the city.</u>
XXII §11(a)	No (4-1)	<b>Delete the prohibition and let the City’s code of ethics or state law control.</b>
XXIII §2	No (3-4)	<i>Add claims for breach of contract. (See Dallas City Code §2-86)</i>
XXIV §13	No (4-1)	<b>Allow councilmembers to nominate board and commission members, but the mayor makes the actual appointment.</b>
XXIV §15	(No 4-8*)	<b>Allow termination notice to city council appointees pursuant to the terms of their employment contract.</b>
XXIV §17	(No 4-8*)	<b>Provide the members of the DART Board appointed by Dallas will be treated as city officials for purposes of this provision.</b>

XXIV §17(a)	No (4-1)	<b>The Charter states that a person may not serve on more than two city boards or commissions. Dallas City Code §8-1.4(b), however, states that a person may not serve on more than one city board or commission, except that Dallas City Code §8-1.4(c) states that a person may serve on two boards of TIF reinvestment zones. The Charter also states that a person forfeits the board or commission position if they miss more than three meetings. Dallas City Code §8-20 states that a person forfeits the board or commission position if they miss three meetings.</b>
Various	No (3-4)	<i>Change “City Treasurer” and “City Controller” to “Chief Financial Officer.”</i>
Various	No (4-22)	<i>Wherever there is a publication requirement, change the requirement to publication as allowed by state law.</i>
Various	(No 4-8*)	<b>Delete any obsolete boards.</b>
None	(No 4-8*)	<b>Allow the city attorney to hire outside counsel to represent councilmembers who are accused of violating the code of ethics.</b>
None	(No 4-8*)	<b>Create sanctions for repeated filing of frivolous ethics complaints.</b>
None	(No 4-8*)	<b>Add a mission statement for the city that the city will be more pedestrian friendly.</b>
None	(No 4-8*)	<b>Require city councilmembers to vote on all agenda items.</b>
None	No (3-4)	<i>Make the definition of “commission” consistent throughout the charter and city code.</i>