


**AUGUST 6, 2014 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated August 6, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.




A.C. Gonzalez
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

August 6, 2014

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, AUGUST 6, 2014
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the June 18, 2014 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

3. An ordinance amending Chapter 13 of the Dallas City Code to: **(1)** provide that the City Council and the ad hoc judicial nominations committee of the City Council may consider all applicants interviewed by the judicial nominating commission for vacancies in the office of municipal judge; and **(2)** update the name of the committee responsible for reviewing and making judicial nomination recommendations to City Council - Financing: No cost consideration to the City

City Controller's Office

4. Authorize the additional professional services of Deloitte Transactions and Business Analytics LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013 - Not to exceed \$105,500 - Financing: Current Funds

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, AUGUST 6, 2014

BRIEFINGS

6ES

- A. Proposed Transportation-For-Hire Regulation
- B. Proposed Amendments to the Code of Ethics

Lunch

- C. Sex-Offender Residency Restriction Ordinance
- D. DFW Air Quality and State Implementation Plan Update

Closed Session

6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- East Village Association v. City of Dallas, et al., Cause No. DC-14-07239-I
- City of Dallas v. Master Cleaning Supply, Inc. et al., Cause No. CC-14-01531-D

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA ITEM # 3

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: August 6, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 13 of the Dallas City Code to: **(1)** provide that the City Council and the ad hoc judicial nominations committee of the City Council may consider all applicants interviewed by the judicial nominating commission for vacancies in the office of municipal judge; and **(2)** update the name of the committee responsible for reviewing and making judicial nomination recommendations to City Council - Financing: No cost consideration to the City

BACKGROUND

Currently, City Council and the ad hoc judicial nominations committee of the City Council may only interview or consider for vacancies in the office of municipal judge those candidates who are judicial nominating committee nominees. The proposed amendments to Section 13-5.2 would allow City Council and the ad hoc judicial nominations committee of the City Council to interview and consider judicial nominating committee nominees as well as other applicants interviewed by the judicial nominating commission for vacancies in the office of municipal judge.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Section 13-5.2 of Chapter 13, "Courts, Fines and Imprisonments," of the Dallas City Code, as amended; providing that City Council and the ad hoc judicial nominations committee of the City Council may consider all applicants interviewed by the judicial nominating commission for vacancies in the office of municipal judge; updating the name of the committee responsible for reviewing and making judicial nomination recommendations to City Council; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 13-5.2, "Judicial Nominating Commission Duties and Responsibilities; Selection of Municipal Judges," of Article II, "Municipal Court of Record," of Chapter 13, "Courts, Fines And Imprisonments," of the Dallas City Code, as amended, is amended to read as follows:

"SEC.13-5.2. JUDICIAL NOMINATING COMMISSION DUTIES AND RESPONSIBILITIES; SELECTION OF MUNICIPAL JUDGES.

(a) The judicial nominating commission shall act as an advisory body to the city council and shall:

(1) recommend nominees to serve as full-time and associate governmental judges;

(2) make reports and recommendations to the city council ad hoc judicial nominations ~~[legislative]~~ committee on the status of the selection process for municipal judges;

(3) review and make recommendations to the city council ad hoc judicial nominations [~~legislative~~] committee on the salary structure for municipal judges, including evaluating the feasibility of a merit pay plan;

(4) make recommendations to the city council concerning the selection, removal, and pay of administrative law judges in accordance with Article XXVII, Chapter 2 of this code; and

(5) perform other duties assigned by the city council.

(b) The ad hoc judicial nominations [~~legislative~~] committee of the city council shall provide to the judicial nominating commission minimum qualifications and evaluation guidelines for assessing applicants for a vacancy in the office of municipal judge and a time schedule for recommending nominees. The guidelines must include appropriate goals for achieving sufficient racial, ethnic, and gender diversity within the municipal court of record. Each associate and full-time municipal judge, including the administrative municipal judge, shall reside in the city of Dallas within four months after the date of appointment and throughout his or her term as a municipal judge for the city of Dallas.

(c) When there is a vacancy in the office of full-time or associate municipal judge (including a vacancy created by the expiration of a judge's term), the director of human resources shall receive applications, which shall be forwarded to the judicial nominating commission through its chair. The commission shall review the applications and resumes, research applicant qualifications, and conduct interviews; except that if a vacancy occurs within 120 days after the appointment of any full-time or associate municipal judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any municipal judge position that was filled within the preceding 120 days. The commission may also, by a two-thirds vote, waive the interview requirement for any person who has completed at least eight consecutive years of continuous service as a full-time municipal judge for the city when that person applies for a position as an associate municipal judge. If in the opinion of the commission, none of the applicants for a municipal judge position meets minimum qualifications established by the city council ad hoc judicial nominations [~~legislative~~] committee, the commission may search for and interview additional applicants.

(d) After deliberation, the judicial nominating commission shall recommend to the city council ad hoc judicial nominations [~~legislative~~] committee a number of nominees equal to 150 percent of the number of vacancies in the office of full-time or associate municipal judge, rounded up to whole numbers. The nominees must be divided into two groups, one for full-time judges and one for associate judges, with the members of each group being ranked in the order of preference by the judicial nominating commission, with Number 1 being the highest ranking. If the number of applicants for all of the vacant municipal judge positions is less than the number of nominees required by this subsection to be recommended to the ad hoc judicial nominations [~~legislative~~] committee, then the commission may, in its discretion, either recommend any persons who have applied or seek additional candidates.

(e) Upon receiving the judicial nominating commission's recommendation of nominees, the city council ad hoc judicial nominations [legislative] committee may interview one or more of the nominees or other applicants interviewed by the commission. If not satisfied with any number of the nominees or other applicants interviewed by the commission, the ad hoc judicial nominations [legislative] committee may request that the commission recommend a specified number of additional nominees to the committee. After deliberation, the ad hoc judicial nominations [legislative] committee shall forward to the full city council a number of nominees equal to 150 percent of the number of vacancies in the office of full-time or associate municipal judge, rounded up to whole numbers. The nominees must be divided into two groups, one for full-time judges and one for associate judges, with the members of each group being ranked in the order of preference by the ad hoc judicial nominations [legislative] committee, with Number 1 being the highest ranking. Rankings of the nominees by the judicial nominating commission must also be forwarded to the full city council.

(f) Upon receiving the recommendation of nominees from the ad hoc judicial nominations [legislative] committee [~~'s recommendation of nominees~~], the city council shall select one nominee or other applicant interviewed by the ad hoc judicial nominations committee or the judicial nominating commission to fill each vacancy. Before making a selection, the city council may interview one or more of the nominees or other applicants interviewed by the ad hoc judicial nominations committee or the judicial nominating commission. If not satisfied with any number of these candidates [nominees], the city council may, in its discretion, fill whatever vacancies it desires and request that the judicial nominating commission recommend to the ad hoc judicial nominations [legislative] committee a specified number of additional nominees for the unfilled vacancies.

(g) When there is a vacancy in the office of the administrative municipal judge (including a vacancy created by the expiration of the judge's term), the judicial nominating commission shall conduct interviews of all interested full-time municipal judges of the city of Dallas, and all interested applicants for vacant full-time municipal judge positions, for the office of administrative municipal judge. After deliberation, the commission shall recommend to the full city council three nominees for the office of administrative municipal judge ranked in the order of preference, with Number 1 being the highest ranking. The city council shall interview the nominees and select one as the administrative municipal judge, or, if not satisfied with any of the nominees, the city council may reject all and request that the judicial nominating commission repeat the nominating process.

(h) The city manager shall provide staff to assist the judicial nominating commission in performing its duties and responsibilities.

(i) Nothing in this section affects the holdover status of an incumbent municipal judge under applicable city, state, and federal laws."

SECTION 2. That Chapter 13 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 4

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: August 6, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller
Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize the additional professional services of Deloitte Transactions and Business Analytics LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013 - Not to exceed \$105,500 - Financing: Current Funds

BACKGROUND

The Dallas Police and Fire Pension System (Pension System) reports certain real estate investments that must be independently appraised using an acceptable valuation method. This phase of the professional services contract will provide the results of an analysis in a written document for the real estate investments held by the Pension System. The report prepared by DTBA will summarize certain information regarding these real estate investments, including:

- General information that describes, but does not identify, the investment;
- Observations related to the appropriateness of methodologies or assumptions used to determine the estimated fair value of the investments as of December 31, 2013.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$105,500 – Current Funds

M/WBE INFORMATION

All work related to the contract will be performed by Deloitte Transactions and Business Analytics LLP.

ETHNIC COMPOSITION

Deloitte Transactions and Business Analytics LLP (Dallas, TX offices)

| | | | |
|-----------------|--------|---------------|--------|
| Hispanic female | 1,042 | Hispanic male | 1,111 |
| Black female | 1,526 | Black male | 1,161 |
| Other female | 4,458 | Other male | 7,652 |
| White female | 11,835 | White male | 16,242 |

OWNERS

Deloitte Transactions and Business Analytics LLP,

Barry Salvberg, Chief Executive Officer of Deloitte LLP (United States)

August 6, 2014

WHEREAS, on April 15, 2014, pursuant to Administrative Action No. 14-5761, the City authorized payment for professional services provided by Deloitte Transactions and Business Analytics LLP, in the amount of \$50,000.00, for valuation services necessary in order to complete the City's Comprehensive Annual Financial Report; and,

WHEREAS, additional professional services of Deloitte Transactions and Business Analytics LLP, are necessary to complete the valuation review; **Now, Therefore**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is hereby authorized to obtain the additional professional services of Deloitte Transactions and Business Analytics LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013, in an amount not to exceed \$105,500.00, increasing the authorized amount from \$50,000.00 to \$155,500.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Deloitte Transactions and Business Analytics LLP, an amount not to exceed \$105,500.00 from Fund 0001, Dept. BMS, Unit 1991, Obj. 3070, Encumbrance No. VSBMS119014, Vendor No. VS0000049378.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Memorandum



DATE August 1, 2014

TO The Honorable Mayor and Members of the City Council

SUBJECT Proposed Transportation-For-Hire Regulation

On August 6, 2014, the City Council will be briefed on proposed regulations for transportation-for-hire services. The material is attached for your review.

Please feel free to contact me if you need additional information.

A handwritten signature in blue ink, appearing to read 'Charles M. Cato'.

Charles M. Cato
Interim Assistant City Manager

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



City of Dallas

PROPOSED TRANSPORTATION-FOR-HIRE REGULATION

August 06, 2014

Dallas City Council Briefing



Thought Process

- ▶ Changes in the transportation–for–hire market require regulation with an innovative approach
- ▶ The current ordinance prevents new models of transportation–for–hire from entering the market while over regulating some of the current transportation models
- ▶ The proposed regulation
 - entails input from all segments of the industry and city staff
 - empowers individual consumers with the ability to select the type of transportation–for–hire that best fits their need
 - allows companies to compete against each other to provide better quality of service and affordable fares

Purpose

- ▶ Create a level playing field that is fair to all companies
- ▶ Encourage free market competition
- ▶ Simplify the regulations to promote compliance and improve enforcement
- ▶ Focus regulations on issues that are important to the City:
 - Driver qualifications
 - Vehicle safety and appearance
 - Insurance
 - Consumer choice
 - Quality service

What is Transportation–for–Hire?

- ▶ Transportation–for–hire includes any ride for compensation, whether hailed or prearranged and includes:
 - Taxicabs
 - Limousines
 - Non–motorized transportation–for–hire
 - Shuttles
 - Intracity buses for hire
 - Personal vehicles serving as a vehicle for hire
- ▶ Examples of transportation–for–hire include Buses by Bill, horse carriages, Lyft, pedicabs, Uber Black, Uber X, and Yellow Cab

Transportation-for-Hire Does Not Include

- ▶ Ridesharing or carpooling with no compensation
- ▶ Interstate and intrastate buses, including DART
- ▶ Ambulances (regulated under Chapter 15D)
- ▶ Courtesy vehicles
- ▶ Zip Cars
- ▶ Bikeshare

Existing City Code Provisions

- ▶ The adoption of the proposed Transportation–for–Hire regulation would result in the addition, elimination and revision of numerous provisions currently in the Dallas City Code, including
 - Adding a new Chapter 47A, “Transportation–for–Hire”
 - Deleting Chapter 45, “Taxicabs”
 - Deleting Chapter 10A, “Limousines”
 - Deleting Chapter 10, “Buses and Shuttles”
 - Making Conforming Amendments to Chapter 5, Article II, “Ground Transportation Services at Love Field”
 - Deleting Chapter 10B, “Non–Motorized Passenger Transport Vehicles”

Proposed Amendments Create a Level Playing Field by:

- ▶ Eliminating
 - distinctions between types of transportation-for-hire operators and types of vehicles
 - restrictions on the age and number of taxi-cabs
 - requirements for the dollar value of vehicles
 - regulation of fares

Proposed Amendments Create a Level Playing Field by:

- ▶ Allowing
 - different modes of transportation-for-hire to compete directly against each other
 - each individual consumer to select the type of transportation-for-hire to use
- ▶ Ensuring public safety by regulating transportation-for-hire operating authorities, drivers, vehicles, and insurance

Operating Authority

- ▶ Operating authority permit is the same for all forms of transportation-for-hire
- ▶ The operating authority shall identify every vehicle utilized by the authority:
 - vehicles shall be identified by decal number, VIN, and license plate
- ▶ Amendments to the operating authority permit shall be reported to a City-operated website, including changes of drivers and/or vehicles
- ▶ Operating authority permit expires annually
- ▶ If a company is sold, it may continue to use the existing trade name; however, a new operating authority shall be obtained

Fees*

- ▶ Operating authority permit: \$1,000 per year
- ▶ Driver permit: \$50 per two (2) years
- ▶ Vehicle permit: \$100 per vehicle per year
- ▶ Temporary vehicle: \$50 per event or period of time
- ▶ Non-motorized operating authority: \$360 per year
 - Driver permit: \$50 per two years
 - Vehicle permit: \$50 per vehicle per year

***Fees based on estimated cost but may be adjusted after a future fee study. All fees are non-refundable**

Driver Permit

- ▶ One driver permit may be used under any or several operating authorities, so long as each operating authority registers the driver
- ▶ The driver permit may be used for any type of transportation-for-hire vehicle

Qualifications For Driver Permit

- ▶ City shall designate a contractor to conduct a driver training class focusing on:
 - City regulations
 - familiarity with the City's geography
 - customer service
- ▶ The training class is required only once, unless the driver's permit is revoked, suspended, or not renewed
- ▶ Annual criminal background check, drug test, and driving record check by a company of driver's choice
 - Test results shall be reviewed by the City's certification company

Display of Driver Permit

- ▶ Driver's first name, picture and driver permit number shall be displayed in the vehicle
- ▶ Drivers shall carry the driver permit at all times
- ▶ Drivers shall present their permits to Transportation Regulation inspectors and law enforcement officers upon request

Vehicle Permit

- ▶ One vehicle permit may be used under any or several operating authorities as long as the operating authority identifies the vehicle
- ▶ Shall show proof that the vehicle is insured
- ▶ Shall specify any operating authority for which the vehicle drives

Vehicle Inspection Process

- ▶ Inspections shall be conducted annually by a City approved inspection company or companies, selected through Request For Proposal [“RFP”]
- ▶ Inspection includes emissions and safety
- ▶ Vehicles shall be in showroom condition
 - No maximum age
 - No maximum mileage
 - No minimum cost for vehicles

Vehicles for Transportation–for–Hire Markings

- ▶ No regulation of color or design of vehicles
- ▶ Every transportation–for–hire vehicle shall have a permit decal on the windshield
- ▶ Transportation–for–hire vehicles that are able to be hailed:
 - Shall have a light on the roof to indicate that the vehicle is available
 - Vehicle doors shall display the name of the operating authority, vehicle number, rate for riders and which credit cards are accepted
 - This display door shall be approved by the City

Handicapped Service

- ▶ If an operating authority has ten (10) or more vehicles, at least one (1) vehicle or two (2%) percent of the fleet must be handicap-accessible or the operating authority shall contract with a company to provide handicap-accessible vehicles
- ▶ Cannot charge a higher fare for handicap-accessible service

Non-Discriminatory Service Rules

- ▶ Citywide service*
 - No portion of the city shall be excluded from service
 - No refusal of passengers due to point of origin, destination, or length of trip
- ▶ No discrimination against passengers based on race, color, age, religion, sex, marital status, sexual orientation, gender identity, national origin, disability, political opinions or affiliations

* Does not apply to non-motorized transportation vehicles for hire

Other Service Rules

- ▶ A driver may refuse a passenger if:
 - Person is disorderly
 - Driver is engaged in answering a previous request for service
 - Person is engaged in unlawful conduct
 - By observation the driver fears for driver's safety
- ▶ Driver shall take the most direct and expeditious route
- ▶ City contact information for complaints shall be displayed inside of the vehicle

Service Rules Continued

- ▶ Hotels shall not require guests to use a specific transportation-for-hire company or any specific mode of transportation-for-hire
- ▶ Neither operating authority or drivers shall solicit passengers by paying any individual employee of another business to solicit passengers or to give preferential treatment in directing passengers to a specific driver

Rates

- ▶ City shall no longer regulate rates, however:
 - Rates shall be published to the City
 - Operating authority/driver shall tell passenger/payer in advance the rate for the ride
- ▶ Drivers shall accept credit cards
- ▶ The operating authority shall disclose in advance of a ride how fares are calculated, either on a website, computer application [“app”] and/or a sign in the vehicle

Rates Continued

- ▶ Rates can be based on time, mileage, zones, flat rate, or any combination of these factors
- ▶ Receipt shall show the rate, total fare, how the fare was calculated, the mileage, the time, the operating authority, the driver, and the vehicle permit number

Insurance

- ▶ Primary insurance must be provided by the operating authority
- ▶ One million dollar commercial automobile liability policy with combined single limit of liability for injury or property damage for each occurrence
- ▶ Claims must be paid by the insurance company on a first dollar basis

Insurance Continued

- ▶ Operating authority insurance shall be the primary insurance at all times the driver or vehicle is working (passenger) or available (cruising) as transportation-for-hire
- ▶ Any person who has a twenty percent (20%) or greater interest in the operating authority shall have no interest in the insurance company
- ▶ The operating authority shall not be self-insured

Enforcement

- ▶ Vehicles shall be towed and impounded if there is no:
 - Insurance
 - Operating authority permit
 - Driver permit
 - Vehicle permit
- ▶ Appeals shall be to the Permit and License Appeals Board

Effective Date of Ordinance

- ▶ January 1, 2015
- ▶ Permits issued before the effective date remain valid until expiration

Memorandum



CITY OF DALLAS

DATE August 1, 2014
TO The Honorable Mayor and Members of the City Council
SUBJECT Proposed Amendments to the Code of Ethics

On Wednesday, August 6, 2014, the City Council will be briefed by the City Attorney's Office on amendments to the City's Code of Ethics proposed by the Ethics Advisory Commission (EAC) and the Budget, Finance & Audit Committee of the City Council. Members of the City Secretary's Office and the EAC will be available to answer questions about the proposals.

The briefing is attached for your review. Please let me know if you have questions or need additional information.

Chris Bowers

Christopher D. Bowers
First Assistant City Attorney

Attachment

c: Warren M. S. Ernst, City Attorney
A.C. Gonzales, City Manager
Rosa A. Rios, City Secretary
Randy Skinner, Chair, Ethics Advisory Commission

Proposed Amendments to the Code of Ethics

City Council Briefing
August 6, 2014



Introduction

“No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. . . . The basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.”

-John F. Kennedy

Background

- The Code of Ethics applies to:
 - current and former city employees
 - current and former City Council members
 - current and former board and commission members
 - persons doing business with the City, and
 - lobbyists

Background

- When complaints are filed, the City Attorney's Office does not represent the City officials or employees charged with ethics violations because the Code of Ethics provides that the Office "shall act as the legal counsel" to the Ethics Advisory Commission (EAC)
- The persons charged often feel a need to retain outside counsel at their own expense even when the complaints are frivolous

Background

- A preliminary panel of the EAC will summarily dismiss a complaint within 21 days of its filing if the panel determines that the complaint:
 - does not state a claim, or
 - is not supported by just cause.
- If the complaint is not summarily dismissed, the EAC will hold an evidentiary hearing and “make all reasonable efforts to issue a written decision” within 45 days after receipt of the complaint.

Background

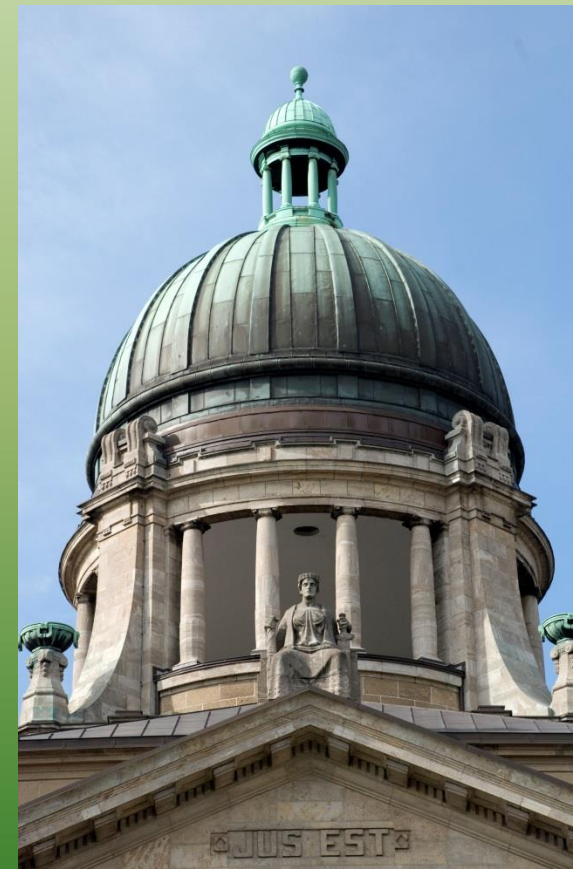
If the EAC determines a person has violated the Code, the EAC will notify the body or person that supervises the violator and may recommend that the violator:

- receive a letter of notification
- receive a letter of admonition
- receive a reprimand
- be removed or suspended
- be prosecuted for perjury, and
- be disqualified from contracting with the City for up to two years

Background

In 2012 and 2013:

- Total of six complaints alleging ethics violations were filed with the EAC
- Preliminary panels of the EAC dismissed all six, finding that they failed to state a claim



Background

The EAC has proposed amending the Code of Ethics to:

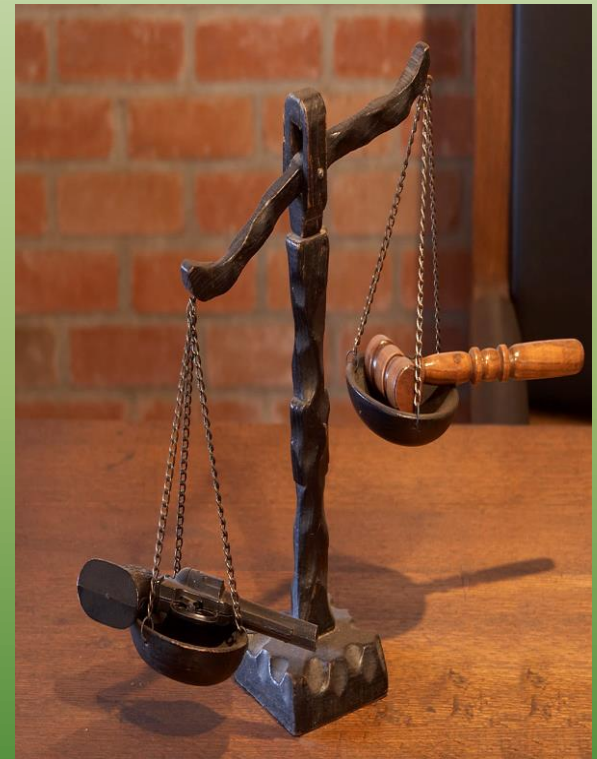
- expand the role of the EAC
- encourage the filing of legitimate complaints
- require complainants to provide more information
- require the prompt dismissal of incomplete or untimely complaints
- discourage the filing of frivolous complaints, and
- improve the procedures for handling complaints

Background

- The EAC recommended that the City Council adopt these proposals
- The Council's Budget, Finance & Audit (BFA) Committee revised the EAC's recommendation concerning the degree of knowledge required to file ethics complaints and recommended these proposals to the Council
- The EAC adopted the BFA Committee's recommendation
- The City Manager recommends adding a provision to prohibit retaliation against those who file complaints

Proposals to expand EAC's role

- First proposal would authorize the EAC to advise and make recommendations to the City Council concerning the Code of Ethics and ethics policies
- *Currently the Code is silent on this matter*



Proposals to expand EAC's role

- Second proposal would authorize the EAC to determine if a complaint is frivolous
- *Currently the Code does not authorize the EAC to make such determinations*



Proposals to encourage the filing of legitimate complaints

- First proposal would clarify that a city official or employee may file an ethics complaint
- *Currently the Code is silent on this matter*



Proposals to encourage the filing of legitimate complaints

Second proposal would allow complaints to be based on a person's best knowledge, information, and belief, formed after a reasonable inquiry, that:

- the facts alleged are supported by the evidence submitted or, if specifically so identified, will likely be supported by evidence after an opportunity for further investigation, and
- the complaint is not being presented for any improper purpose

Proposals to encourage the filing of legitimate complaints

- The proposed change is based on the standard for court filings in Rule 11 of the Federal Rules of Civil Procedure
- *Currently all the facts alleged in complaints must be based on personal knowledge*



Proposal to require complainants to provide more information

- Proposal would require a complainant to provide:
 - the date(s) of the alleged violation,
 - copies of documents or other evidence (if any) that support the complaint, and
 - names of witnesses (if any) that can offer testimony in support of the complaint
- *Currently the Code does not require the complainant to provide this information*

Proposal requiring prompt dismissal of incomplete and untimely complaints

- Proposal would require the City Secretary to reject:
 - an incomplete ethics complaint after giving the complainant 20 days to provide the required information, and
 - a complaint filed more than one year after the date of the alleged violation
- *Currently the Code does not allow the City Secretary to reject such complaints; instead, a preliminary panel of the EAC must review and dismiss the complaint.*

Proposals to discourage the filing of frivolous complaints

- First proposal would subject a person who makes a false statement in a hearing before the EAC or a preliminary panel to prosecution for perjury
- *Currently the Code provides that a person who **files** (but not makes) a false sworn statement is subject to prosecution for perjury*

Proposals to discourage the filing of frivolous complaints

- Second proposal would authorize the EAC to prohibit persons who file frivolous complaints from submitting another complaint for specified periods of time
- *Currently the Code does not authorize the EAC to prohibit filers of frivolous complaints from filing more complaints*
- *The proposal is similar to provisions concerning frivolous complaints in the San Antonio and El Paso codes of ethics*

Proposals to discourage the filing of frivolous complaints

- A “frivolous complaint” is a complaint that is groundless and brought either in bad faith or for the purpose of harassment
- “Groundless” means no basis in law or fact
- *These definitions are based on Rule 13 of the Texas Rules of Civil Procedure*

Proposals to discourage the filing of frivolous complaints

- If the EAC or a preliminary panel has unanimously dismissed a complaint, the EAC or panel may, by a two-thirds vote, order a complainant to show cause why the EAC should not determine that the complaint is frivolous
- Both the complainant and the person charged in the complaint will have an opportunity to submit a sworn response

Proposals to discourage the filing of frivolous complaints

In determining if a complaint is frivolous, the EAC may consider:

- the timing of the complaint
- the nature and type of publicity surrounding the complaint's filing
- the nature of any relationship between the person charged in the complaint and the complainant
- whether the complainant knew or reasonably should have known that the allegations were groundless, and
- the complainant's motives in filing the complaint

Proposals to discourage the filing of frivolous complaints

When determining whether and for how long to prohibit the filing of another complaint, the EAC shall consider:

- The seriousness of the violation
- The sanction necessary to deter future violations, and
- Any other matters that justice may require

Proposals to discourage the filing of frivolous complaints

- A three-fifths vote of the EAC is required to determine that a complaint is frivolous
- If the EAC determines a complaint is frivolous, it may prohibit persons who file frivolous complaints from submitting another complaint for:
 - o up to 2 years for the first frivolous complaint filed in the last 5 years, and
 - o up to 4 years if the EAC had determined within the last 5 years that the person had submitted another frivolous complaint

Proposals to improve the procedures for handling complaints

- First proposal would require complainants and persons charged in a complaint to provide evidence in a format that the City Secretary can duplicate or display
- *Currently the Code does not require this*



Proposals to improve the procedures for handling complaints

- Second proposal would authorize the City Secretary to select randomly another member of the EAC to sit on a preliminary panel if the member selected randomly is not available to serve
- *Currently the Code is silent on whether and how a replacement member of a preliminary panel is chosen if the member selected is not available to serve*

Proposals to improve the procedures for handling complaints

- Third proposal would allow the City Secretary to give written notice to complainants and persons charged in complaints by facsimile, email, or first class mail if the person consents
- *Currently the Code requires the EAC to give written notice by certified mail or personal service*

Proposals to improve the procedures for handling complaints

- Fourth proposal would increase the time for a preliminary panel of the EAC to make findings as to whether a complaint states an ethics violation and is supported by just cause from 21 days to 30 days
- *The EAC's preliminary panels have had difficulty meeting and making findings within the 21-day deadline during the holidays, the summer, and sometimes at other times*

Proposals to improve the procedures for handling complaints

- Fifth proposal would increase the time for the EAC to make all reasonable efforts to issue a written decision from 45 days to 60 days
- *The EAC has had difficulty meeting and issuing written decisions within the 45-day deadline during the holidays, the summer, and sometimes at other times*

CMO proposal: prohibit retaliation for filing an ethics complaint

- The City Manager proposes amending the Code to explicitly state that a person may not retaliate against another person for filing an ethics complaint
- *The City Auditor's 2012 audit of the City's ethics program found that the Code does "not explicitly state that whistle-blower protection is available to employees"*

Next steps

- Receive feedback from the City Council about proposals
- Post an ordinance for the Council's consideration on an upcoming voting agenda



QUESTIONS?



Full JFK quote

“No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principle that all officials must act with unwavering integrity, absolute impartiality and complete devotion to the public interest. This principle must be followed not only in reality but in appearance. The basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.”

John F. Kennedy, Special Message to the Congress on Conflict-of-Interest Legislation and on Problems of Ethics in Government, April 27, 1961

Memorandum



CITY OF DALLAS

DATE August 1, 2014

TO The Honorable Mayor and Members of the City Council

SUBJECT Sex Offender Residency Restriction Ordinance – City Council Briefing

On Wednesday, August 6, 2014, the City Council will be briefed by the City Attorney's Office and the Dallas Police Department on a review of Sex Offender Residency Restriction laws and ordinances. The City Attorney's Office and the Dallas Police Department will present options for adoption of such an ordinance which would restrict the location of a residence of a registered sex offender whose victim was a minor.

The briefing is attached for your review. Please let me know if you have questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Warren M. S. Ernst'.

Warren M. S. Ernst
City Attorney

Attachment



Sex Offender Residency Restriction Ordinance

City Council Briefing
August 6, 2014

Introduction

- o At the request of the Mayor's Office, the City Attorney's Office and the Dallas Police Department are presenting:
 - o A brief review of state law and city ordinances that apply to sex offenders.
 - o An analysis of ordinances in nearby cities that place residency restrictions on registered sex offenders.
 - o Options for adopting an ordinance imposing residency restrictions on registered sex offenders in Dallas.

Registration Requirements Under State Law

- Chapter 62 of the Texas Code of Criminal Procedure requires an individual to register as a sex offender if he or she has a reportable conviction or adjudication for certain offenses.

Registration Requirements Under State Law

- Sex offenders are required to register with local authorities within seven days of arrival.
- Sex offenders are required to report any change in address.
- Sex offenders are required to register with local authorities if, on at least three occasions, they spend at least 48 hours in a city or county.

Registration Requirements Under State Law

- Sex offenders generally have to register for 10 years.
- Sex offenders are required to register for life for certain offenses.

Registration Requirements Under State Law

- Registration information is removed from state database when a sex offender is no longer required to register.

Exemptions

- o Exemptions from the registration requirement are available in certain circumstances:
 - o Young adult sex offenders with only one conviction or adjudication where:
 - o the conviction or adjudication occurred before September 1, 2011.
 - o the conviction or adjudication was based solely on the age of the victim,
 - o the difference in age between the sex offender and the victim is four years or less, and
 - o the victim was at least 15 years old.

Exemptions

- o Juvenile offenders if a court determines:
 - o registration would not increase public protection, or
 - o any increase in public protection is clearly outweighed by the anticipated public harm to the juvenile and the juvenile's family from requiring registration.

Dallas Regulations

- o Dallas currently regulates sex offenders under Dallas City Code §§ 31-17 and 31-17.1.

§ 31-17

- o Dallas City Code § 31-17 prohibits a specified sex offender from:
 - o Remaining on the premises of a school or child-care facility, or any street, sidewalk, or other public way adjacent to a school or child-care facility if asked to leave by a person in authority.
 - o Returning to the school or child-care facility within seven days of being asked to leave.
 - o Establishing a continual pattern of unauthorized entry onto the premises of a school or child-care facility.

§ 31-17

- o Section 31-17 defines a “specified sex offender” as a person required to register as a sex offender for the following offenses:
 - o Continuous sexual abuse of a young child.
 - o Indecency with a child.
 - o Sexual assault of a child or aggravated sexual assault of a child.
 - o Online solicitation of a minor.
 - o Sexual performance by a child.
 - o Possession or promotion of child pornography.
 - o Other violations listed in Article 62.001(5) of the Texas Code of Criminal Procedure involving a minor.
 - o Similar violations of federal law or the laws of another state or nation.

§ 31-17

- o Its is a defense to prosecution under § 31-17 that the person:
 - o Was the parent or guardian of a child attending the school or child-care facility, unless prohibited by court order.
 - o Was a student at the school.
 - o Had prior written permission to be present from the chief administrative officer of the school or child-care facility.
 - o Was in transit between two points on a public street.

§ 31-17.1

- o Dallas City Code § 31-17.1 prohibits:
 - o A registered sex offender from living in the same dwelling unit with another registered sex offender.
 - o A landlord from allowing a registered sex offender to live in the same dwelling unit with another registered sex offender.

§ 31-17.1

- o It is a defense to prosecution under § 31-17.1 that:
 - o All of the registered sex offenders living in the same dwelling unit are related to each other by blood, marriage, adoption, or foster care placement authorized by the state;
 - o The victim was between the ages of 14 and 17, was a willing participant in the sexual activity, and not more than four years younger than the sex offender; or
 - o The dwelling unit is a lawful halfway house, overnight general purpose shelter, homeless assistance center, or institute for special education for the housing, rehabilitation, and training of criminal offenders.

Dallas Sex Offender Registration Stats

- o 3364 registered sex offenders
- o 1179 of offenders supervised (currently under probation/parole)
 - o 993 with Special Condition – Child Safety Zone
- o 2185 of offenders not supervised (released from probation/parole)
 - o 1763 were originally under Special Condition – Child Safety Zone

Special Condition (Child Safety Zone)

- o Special Condition Child Safety Zone – prohibits offenders from going in, on or within a specified distance of a premise where children commonly gather (i.e., schools, day care, playgrounds)
- o Child Safety Zones apply to paroled/probated offenders who are serving a sentence for a specified offense and whose victim was a child younger than seventeen years of age
- o The most common distance imposed on an offender is 1000 feet

Restrictions in Nearby Cities

- **Arlington** restricts residency of “habitual offenders” near public parks, schools, and day care centers.
- **Carrollton, Grand Prairie, and Plano** restrict residency near public parks, schools, and day care centers.
- **Frisco and Richardson** restrict residency near public parks, schools, day care centers, and recreational facilities.
- **Denton and Lewisville** restrict residency near public parks, schools, day care centers, recreational facilities, and video arcades.

Restrictions in Nearby Cities

- **McKinney** restricts residency near public parks, schools, day care centers, libraries, public swimming pools, and youth centers.
- **Mesquite** restricts residency near public parks, schools, day care centers, recreational facilities, facilities teaching children arts or sports classes, and churches.
- **Fort Worth, Garland, and Irving** do not impose residency restrictions.

Restrictions in Other Cities

- **San Antonio** restricts residency near public parks.
- **El Paso** restricts residency of “habitual offenders” near public parks, schools, and day care centers.
- **Austin** and **Houston** do not impose residency restrictions.

States With Restrictions

- o Alabama
 - o Cannot reside or work within 2,000 feet of a school or child-care facility.
- o Arkansas
 - o Most serious offenders cannot reside within 2,000 feet of a school or child-care facility.
- o California
 - o Sexually violent predator cannot reside within $\frac{1}{4}$ mile of a school.
 - o High risk offender cannot reside within $\frac{1}{2}$ mile of a school.

States With Restrictions

- o Florida

- o If victim was under 18, cannot reside within 1,000 feet of a school or where children congregate.

- o Georgia

- o Cannot reside, work, or loiter within 1,000 feet of a school, child-care facility, school bus stop, or where minors congregate.

- o Illinois

- o Cannot reside within 500 feet of a school, school property, play ground, or child-ground facility.

States With Restrictions

- o Iowa

- o Cannot reside within 2,000 feet of a school or child-care facility.

- o Kentucky

- o Cannot reside within 1,000 feet of a school, child-care facility, ball field, or playground.

- o Louisiana

- o Cannot reside within 1,000 feet of a school or related school activities.

States With Restrictions

- o Michigan
 - o Cannot reside within 1,000 feet of school safety zone.
- o Ohio
 - o Cannot reside within 1,000 feet of a school, child-care facility, or where children gather.
- o Oklahoma
 - o Cannot reside within 2,000 feet of a school.

States With Restrictions

- o South Dakota
 - o Cannot reside or loiter within 500 feet of community safety zones.
- o Tennessee
 - o Cannot reside within 1,000 feet of schools, child-care facilities, or the victim.
- o Washington
 - o High risk offender cannot reside within 880 feet of a school or child-care facility.

Typical Municipal Ordinance

- o Imposes residency restrictions on individuals required to register on the Texas Department of Public Safety's database because of an offense involving a minor.
- o Prohibited from living within a specified distance of "areas where children commonly gather."
 - o Typically 500 to 2,000 foot radius.

Typical Municipal Ordinance

- Prima facie evidence that ordinance applies to a person if that person's information appears in database.
- No culpable mental state required.
- Distances measured in a straight line from property line to property line.

Typical Municipal Ordinance

- o Affirmative defenses:
 - o Person previously established residence and complied with all registration laws prior to adoption of ordinance.
 - o Person was a minor when the offense was committed and was not convicted as an adult.
 - o Person required to register is a minor.
 - o Premises where children commonly gather opened after person established residence and complied with all registration laws.
 - o Info in the database is incorrect, and would not apply to the person if corrected.

Most Restrictive Ordinance

- o Establishes a 2,000 foot radius around “areas where children commonly gather.”
 - o McKinney and Richardson
- o Prohibits landlords from knowingly renting a dwelling to a sex offender within a certain radius of “areas where children commonly gather.”
 - o Addison, Balch Springs, Grapevine, Mansfield, Richland Hills, and Seagoville

Potential Benefits of Residency Ordinance

- o Covers both supervised and unsupervised offenders
 - o Currently unsupervised offenders have no limitations on where they can reside
- o Improves sense of community safety
- o Demonstrates the city is proactive in attempting to safeguard our most vulnerable residents
- o Police Department believes an ordinance has value if it prevents even one child from being a victim

Recommendation

- o The police department supports the council's actions to draft a well crafted City of Dallas Ordinance addressing registered sex offender residency

Proposed Ordinance

- o Prohibit specified sex offenders from residing within a specified distance of premises where children commonly gather.
- o Premises where children commonly gather to include some or all of the following uses:
 - o Child-care facility
 - o Playground
 - o Public park
 - o Public or private school

Proposed Ordinance

- Specified sex offender is a person who is required to register as a sex offender and whose victim was a minor.

Proposed Ordinance

- o Adopt typical ordinance requirements for:
 - o Measuring distance
 - o Prima facie evidence
 - o Defenses to prosecution

Proposed Ordinance

- o Recommend additional gender-neutral young offender defense to prosecution paralleling defense in § 31-17.1(d)(2):
 - o The violation is the only sex crime on the sex offender's record.
 - o The victim was between the ages of 14 and 17.
 - o The victim was a willing participant in the sexual activity.
 - o The sex offender is not more than four years older than the victim.

Next Steps

- o Gather input from city council.
- o Draft ordinance.

Appendix

Distances in Other Cities

- o Arlington – 1,000 feet
- o Carrollton – 1,000 feet
- o Denton – 1,500 feet
- o El Paso – 1,000 feet
- o Frisco – 1,000 feet
- o Grand Prairie – 1,000 feet
- o Lewisville – 1,500 feet
- o McKinney – 2,000 feet
- o Mesquite – 1,000 feet
- o Plano – 1,000 feet
- o Richardson – 2,000 feet
- o San Antonio – 1,000 feet

Registration Requirement

- o A reportable conviction or adjudication of the following offenses requires registration under state law:
 - o Continuous sexual abuse of a young child
 - o Indecency with a child
 - o Sexual assault
 - o Aggravated assault
 - o Aggravated sexual assault
 - o Prohibited sexual conduct
 - o Compelling prostitution
 - o Sexual performance by a child
 - o Possession or promotion of child pornography
 - o Aggravated kidnapping (if done with the intent to abuse the victim sexually)
 - o Burglary (if done with the intent to commit a sexual offense or kidnapping)
 - o Unlawful restraint, kidnapping, or aggravated kidnapping (under certain circumstances)

Registration Requirements

- o Sex offenders are required to register for life for the following offenses:
 - o sexually violent offenses
 - o human trafficking
 - o prohibited sexual conduct
 - o compelling prostitution of a minor
 - o possession or promotion of child pornography
 - o indecency with a child (if combined with other reportable offences)
 - o unlawful restraint, kidnapping, or aggravated kidnapping of a minor (if combined with other reportable offences)
 - o obscenity involving a minor

Memorandum



CITY OF DALLAS

DATE August 1, 2014

TO The Honorable Mayor and Members of the City Council

SUBJECT **DFW Air Quality and State Implementation Plan Update**

On Wednesday, August 6, 2014, the City Council will be briefed on DFW Air Quality and State Implementation Plan Update. The briefing materials are attached for your review.

Please let me know if you have questions or need additional information.

A handwritten signature in black ink, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.
Assistant City Manager

Attachment

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Rosa A. Rios, City Secretary
Judge Daniel F. Solis, Administrative Judge
Craig D. Kinton, City Auditor
Ryan S. Evans, Interim First Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

DFW Air Quality and State Implementation Plan Update

August 6, 2014

Presented by the Office of Environmental Quality



Air Quality Standards

- **Federal Clean Air Act:** Passed in 1970; Amended in 1990
- Requires the Environmental Protection Agency (EPA) to establish health-based standards called National Ambient Air Quality Standards (NAAQS)
- Six Criteria Pollutants
 - ❑ Ground Level Ozone/Smog (O₃)
 - ❑ Particulate Matter (PM)
 - ❑ Lead (Pb)
 - ❑ Nitrogen Dioxide (NO₂)
 - ❑ Sulfur Dioxide (SO₂)
 - ❑ Carbon Monoxide (CO)

Importance of Clean Air

■ Health

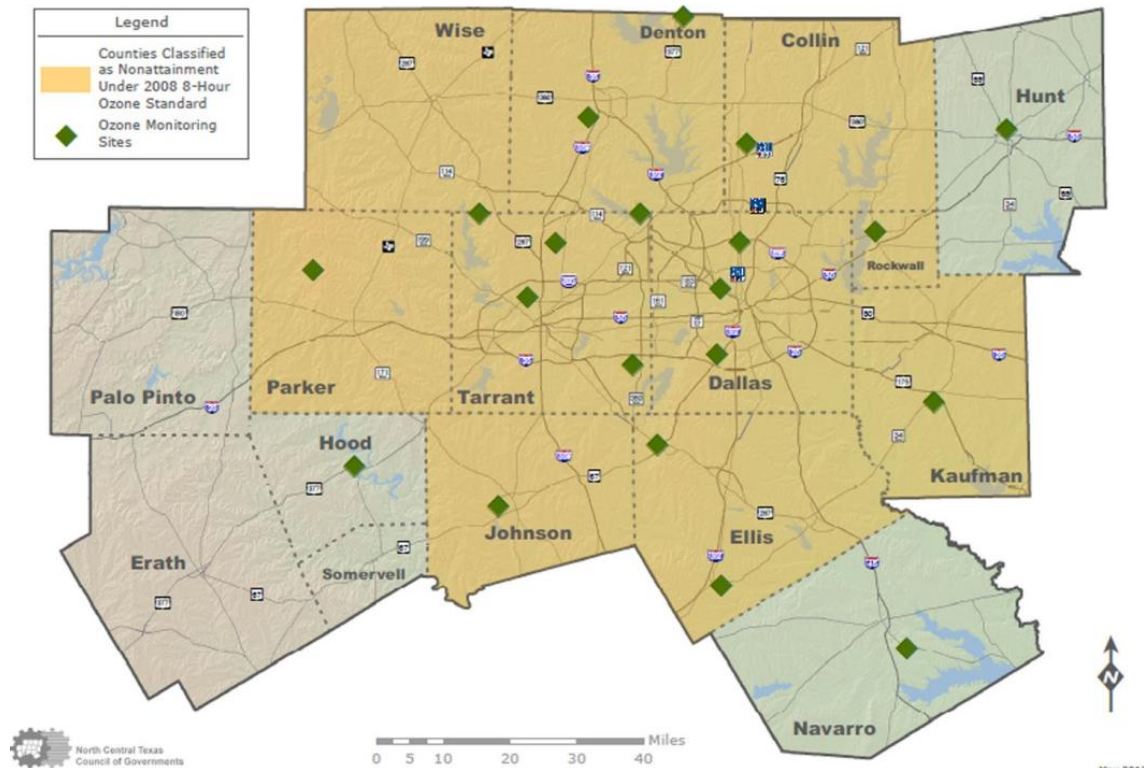
- ❑ Ozone and other air pollutants such as particulate matter can aggravate lung and cardiovascular diseases
 - Asthma
 - Emphysema
 - Chronic bronchitis
 - Increased risk of stroke
 - Increased risk of heart attack
- ❑ 8% of children, and 7% of adults living in Dallas County have asthma
- ❑ 5% of adults in Dallas County have chronic obstructive pulmonary disease

■ Economic consequences

- ❑ Compliance with more stringent regulations may increase industry/State costs
- ❑ Reduced transportation funding may limit population and economic growth
- ❑ Vehicle testing/inspection fees may increase
 - Inspection emissions tests are imposed on vehicles in the DFW region that are not required in most other locations in Texas
 - The only areas in Texas that require inspection emissions tests are: DFW and Houston areas (\$39.75), Travis/Williamson Counties (\$28.75), El Paso County (\$26.75)

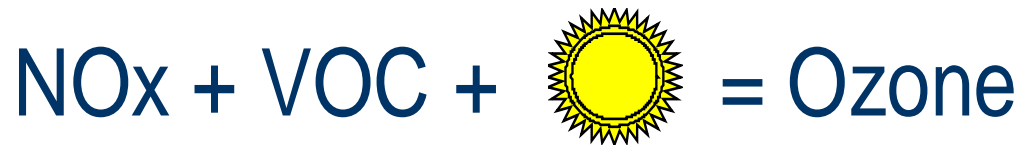
DFW Non-Attainment Area and Air Quality Monitoring Sites

- DFW region is currently a serious non-attainment area for the 1997 85 ppb ozone standard.
- Wise County was added in 2012, making a 10-county, moderate non-attainment area for the 2008 75 ppb ozone standard.



Ground-Level Ozone Formation

Ozone forms when nitrogen oxides (NO_x) and volatile organic compounds (VOC) mix in the presence of strong ultraviolet (UV) rays from sunlight and heat.



Primary Sources of NO_x

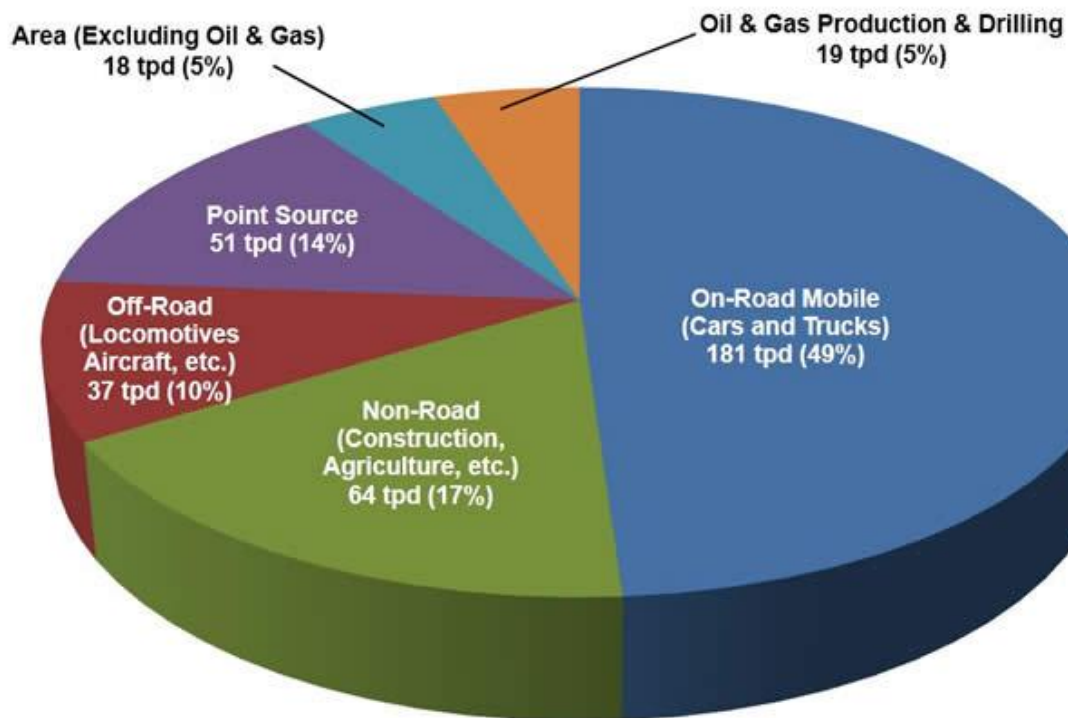
- High-temperature combustion of fossil fuels
 - Cars, trucks, and marine vessels
 - Construction equipment
 - Power generation
 - Industrial processes
 - Natural gas furnaces



Primary Sources of NO_x in North Texas Region

STATE OF AIR QUALITY IN NORTH TEXAS Estimated 2012 Nitrogen Oxide (NO_x) Emissions Inventory

Source Category Estimates = 370 tons per day (tpd)



Source: Texas Commission on Environmental Quality

Primary Sources of VOC

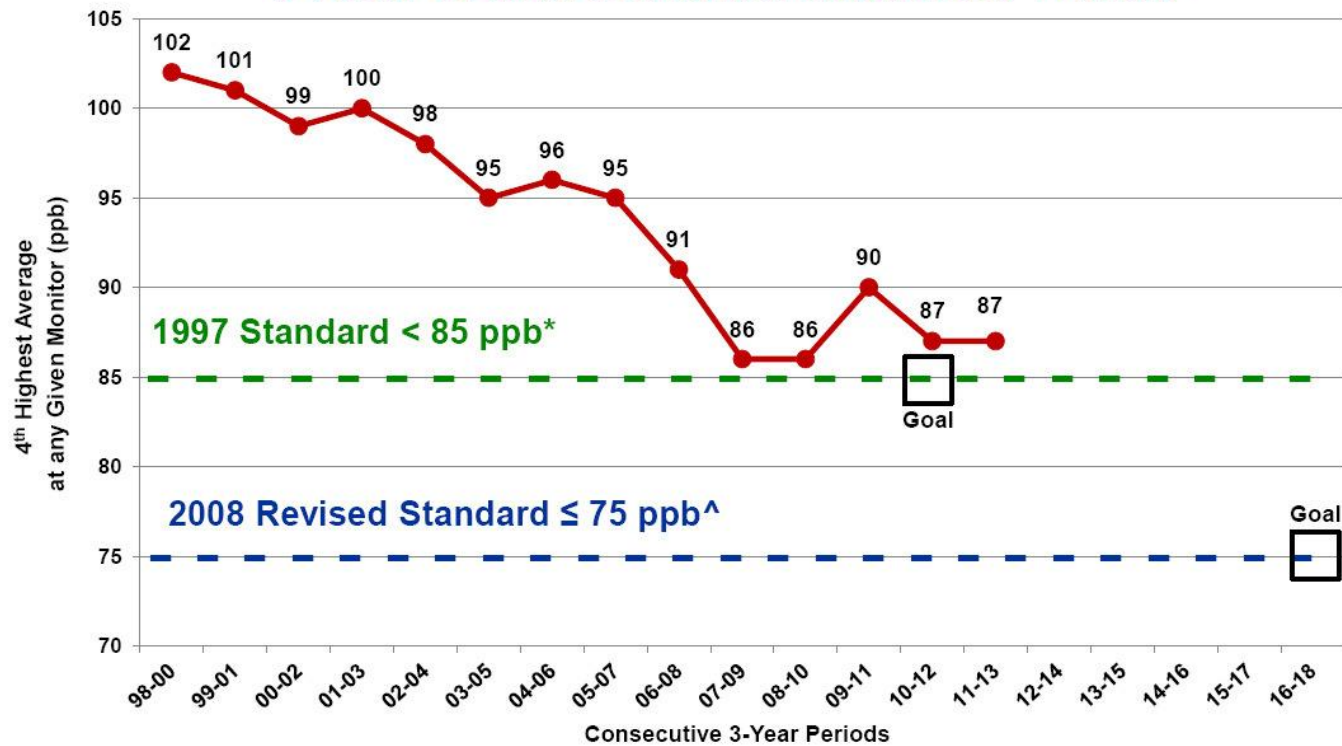
- Chemicals that easily vaporize and incomplete combustion of fuels
 - Gasoline stations
 - Motor vehicles, airplanes, trains, boats
 - Petroleum storage tanks
 - Oil refineries



DFW Historical Ozone Trends

2013 OZONE SEASON RECAP

8-Hour Ozone Standard Historical Trends



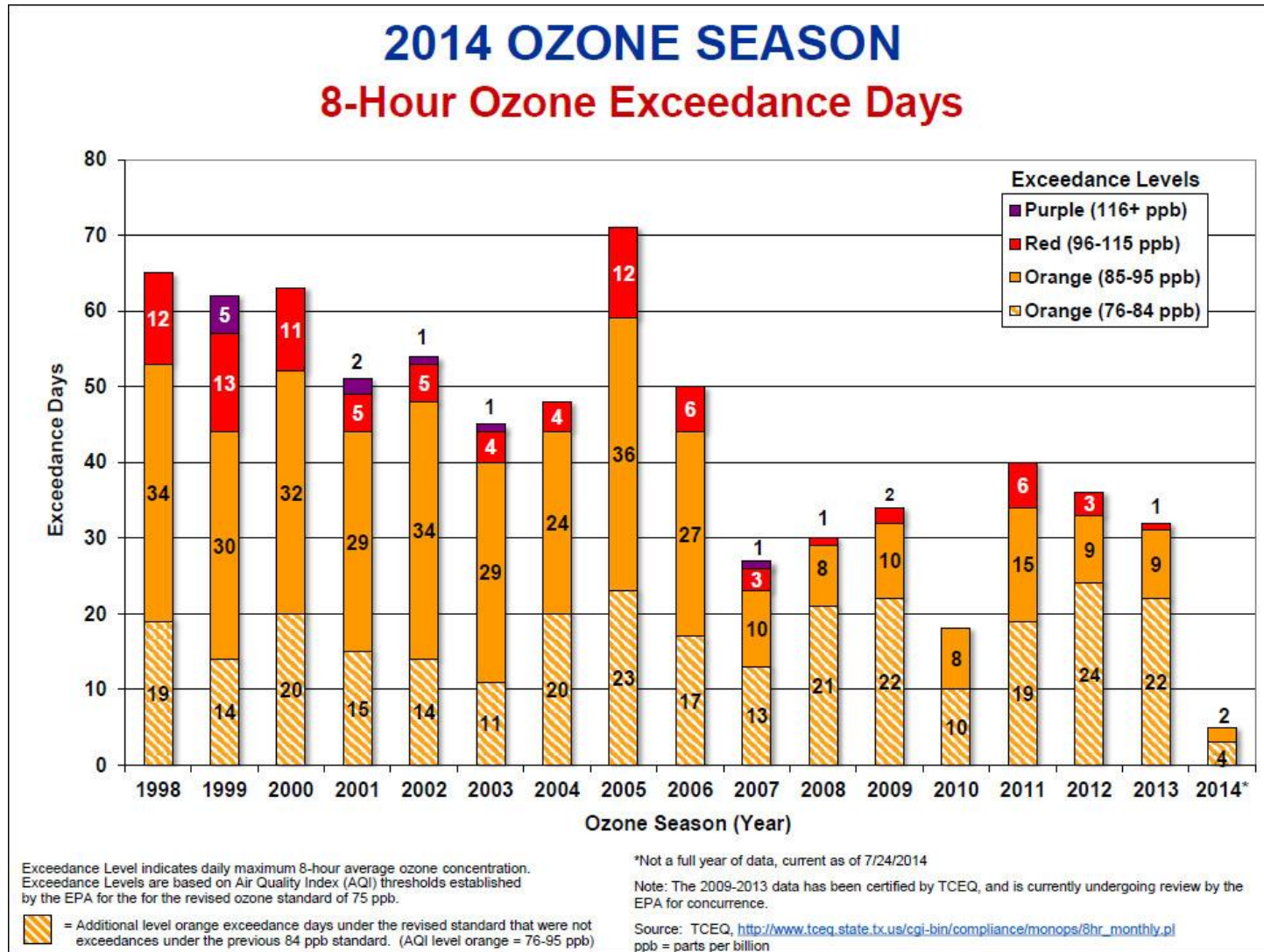
*Attainment Goal - According to the US EPA National Ambient Air Quality Standards, attainment is reached when, at each monitor, the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than 85 parts per billion (ppb).

^Attainment Goal - According to the US EPA National Ambient Air Quality Standards, attainment is reached when, at each monitor, the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is equal to or less than 75 parts per billion (ppb).

Note: The 2013 data has not been verified by the TCEQ. This is the most current data, but it is not official until certified by TCEQ technical staff.

Source: NCTCOG TR Dept

DFW Historical Ozone Trends



State Implementation Plan (SIP)

- Applies to areas not meeting federal National Ambient Air Quality Standards (ozone for DFW)
- Prepared by TCEQ, approved by EPA
- SIP is designed to reduce pollution to meet health-based standards
- Sets control strategies for reducing emissions
- Establishes a technical and regulatory process for achieving and demonstrating attainment

Most Effective SIP Control Strategies

- Federal on-road and non-road NO_x and VOC reduction measures
 - Reformulated gasoline, Texas Low Emission Diesel
 - Federal Low Emissions Vehicles program
- Adopt new State regulations requiring emission limits and control of NO_x from combustion sources (industrial, commercial, institutional)
- Encourage Local Initiatives
 - Voluntary Mobile Emissions Reduction Program
 - Clean vehicle programs, locally-enforced idling restrictions, aviation efficiencies
 - Transportation Control Measures
 - Bicycle/pedestrian projects, HOV/managed lanes projects, mass transit projects

SIP Timeline

- With the adoption of the 2008 75 ppb Ozone standard, a new SIP must be submitted by TCEQ and approved by EPA
 - Reasonably Available Control Technology rulemaking is underway to determine measures for SIP input
 - TCEQ is reviewing Reasonable Available Control Measures submitted in April 2014 as suggestions for possible SIP input
- TCEQ anticipated public comment period and public hearings: December 2014 – January 2015
- TCEQ anticipated adoption: May/June 2015
- 2008 75 ppb Ozone standard attainment deadline: December 2018

Current City Air Quality Control Strategies

- Internal City strategies
 - Reduce Vehicle Emissions
 - Anti-idling Policy
 - City Clean Fleet Vehicle Policy
 - Alternative Fuel Fleet
 - Reduce Electrical Consumption
 - Water Conservation Plan
 - Co-generation
 - Building Retrofits
 - Methane Gas Capture
 - Energy Performance Contracting
 - Purchase Renewable Energy
 - Ozone Action Plan

Current City Air Quality Control Strategies (cont'd)

- External Community-wide strategies
 - Anti-idling Ordinance
 - Taxi Ordinance
 - Cement Resolution
 - Green Building Resolution and Ordinance
 - Tree Ordinance
 - City Code Chapter 5A-Air Pollution
 - Mirrors state regulations pertaining to air quality, which in turn, mirrors federal regulations.
 - Air pollution control services – Public Works Department
 - Verify permits and registrations, and inspect facilities
 - Sample air quality daily
 - Investigate complaints

City PBW Air Pollution Control Services

- Verification and Inspection

- City acts as agents of the TCEQ to review requirements and enforce air quality rules
 - Verify air permits and registrations, and inspect facilities that have the potential to emit pollutants
 - 1,537 facilities on record in 2014
- Operating costs of \$785K are covered by:
 - \$525K from TCEQ annual grant
 - \$260K from City general fund (which is offset by registration fee revenues)



City PBW Air Pollution Control Services - Sampling

- Daily air quality sampling for:
 - ❑ Ozone
 - ❑ Sulfur dioxide
 - ❑ Lead
 - ❑ Carbon monoxide
 - ❑ Nitrogen oxides
 - ❑ Dust/particulates
 - ❑ Biological contaminants
- City acts as extension of TCEQ for monitoring the ambient air quality
 - ❑ Sets up sampling sites per TCEQ instructions
 - ❑ Verifies that sampling stations operate properly
 - ❑ Delivers physical samples to local laboratories (for certain samplers)
 - ❑ Coordinates regionally and nationally with numerous agencies
- Monitoring operating costs of \$900K are covered by four TCEQ grants totaling \$700K and approximately \$200K from City general fund



City PBW Air Pollution Control Services – Complaint Investigations

- Investigates complaints from citizens related to air quality issues
- Citizens voice concerns about a variety of issues such as:
 - Odors
 - Dust/Allergens
 - Smoke
- TCEQ is notified of each investigation and outcome



Possible Future City Initiatives

- Continue energy benchmarking and reduction/retrofit programs for City and commercial buildings to reduce pollution from power plants
- More emphasis on employee trip reduction programs
- Provide incentives for City employees to bike or use mass transit
- Enhance City programs to encourage biking and use of mass transit
- More education on air quality and training to reduce air pollution

Possible Future City Initiatives (cont'd)

- Increase tree planting to reduce Urban Heat Island effects and reduce air pollution
- Consider office supply delivery management
- Investigate use of new technologies and pilot demonstration projects to reduce air pollution
- Implement comprehensive greenhouse gas and ozone reduction plan
- Work with NCTCOG on EPA Advance project for Particulate Matter

Next Steps

- Continue to monitor TCEQ and NCTCOG announcements and meetings regarding SIP status
- Review draft SIP during the expected public comment period of December 2014 through January 2015
- Brief Council on SIP status in early 2015

Questions

Appendix A EPA Ozone Pollution Levels

| Health categories | Ozone |
|--------------------------------|--|
| very unhealthy | <p>Active children and adults, and people with lung disease such as asthma, should avoid all outdoor exertion. Everyone else, especially children, should avoid prolonged or heavy exertion outdoors.</p> |
| unhealthy | <p>Active children and adults, and people with lung disease such as asthma, should avoid prolonged or heavy exertion outdoors. Everyone else, especially children, should reduce prolonged or heavy exertion outdoors.</p> |
| unhealthy for sensitive groups | <p>Active children and adults, and people with lung disease such as asthma, should reduce prolonged or heavy exertion outdoors.</p> |
| moderate | <p>Unusually sensitive people should consider reducing prolonged or heavy exertion outdoors.</p> |
| good | None |

Appendix B

New Federal Air Quality Rules in Process

- Greenhouse Gas/Carbon Pollution Standard: Clean Power Plan
 - State proposals due June 30, 2016
- Tier 3 Emission and Fuel Standards for Vehicles
 - Reduce sulfur standard from 30 to 10 ppm starting January 2017 (already implemented in CA)
 - Vehicle standards: Phase in between 2017 and 2025
 - 80% reduction in VOC and NO_x tailpipe emissions from 2013/14 fleet
 - 70% reduction in PM tailpipe emissions
 - 50% reduction in evaporative VOC emissions from existing standards
- Tier 4 Emission Standards for Locomotives
 - Applies to model year 2015 and later
 - Should achieve approximately 75% NO_x reduction and approximately 50% VOC emissions reduction from previous engine standards from locomotive engines
- Phase II of Clean Air Interstate Rule to begin in 2015
 - Statewide caps on NO_x emissions from power plants

Appendix C
Most Ozone-Polluted Cities
(Per American Lung Association 2014 State of the Air Report)

- #1 Los Angeles-Long Beach, CA
- #2 Visalia-Porterville-Hanford, CA
- #3 Bakersfield, CA
- #4 Fresno-Madera, CA
- #5 Sacramento-Roseville, CA
- #6 Houston-The Woodlands, TX
- #7 Modesto-Merced, CA
- #8 Washington-Baltimore-Arlington, DC-MD-VA-WV-PA
- #8 Dallas-Forth Worth, TX
- #10 Las Vegas-Henderson, NV-AZ