

# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Honorable Mayor Johnson

SUBJECT **Upcoming Agenda Item #34, October 8, 2019- City Council Rules of Procedure Proposed Amendments**

The Ad Hoc Administrative Affairs Committee met on September 23, 2019, to review the City Council Rules of Procedure (ROP). Based on feedback from the committee members, attached is an outline of the additional amendments to the ROP that the committee is recommending as well as a copy of the proposed ROP showing the proposed *additions* underlined and *deletions* as strikethroughs. For your reference, also attached is a matrix showing the proposed amendments that were submitted by the city council and city appointed officers and highlighting the amendments included in the proposed ROP.

The committee requests that the proposed amendments are placed on the October 8, 2019, voting agenda for council adoption.

Please feel free to contact me or Kimberly Bizer Tolbert, Chief of Staff if you have any questions or should you require additional information at this time.

A handwritten signature in cursive script that reads "Lee M. Kleinman".

Lee M. Kleinman, Chair Ad Hoc Administrative Committee  
Council Member, District 11

c: Ad Hoc Administrative Committee  
City Council Members  
T.C. Broadnax, City Manager  
Christopher J. Caso, Interim City Attorney  
Biliera Johnson, City Secretary

## City Council Rules of Procedure Proposed Amendments

The Ad Hoc Administrative Committee recommended approval of the proposed amendments to ROPs with the following additional changes:

1. Delete Section 3.1(g)
2. Councilmember as one word in Section 4.9
3. Second Wednesday voting agendas will begin at 9:00 am, and the public hearings will begin no earlier than 1:00 pm. See Section 6.1(c)
4. Delete Section 6.1(c)(2)
5. Not adding “Questions Regarding Agenda Items” in Section 6.1(d)
6. Not adding “Pulled Items” in Section 6.1(e)
7. Delete “the appropriate” in Section 6.2(f)(1)
8. Keep the CMO’s recommended language in Section 9.6(a) regarding providing an agenda to each committee chair but deleting “and supporting information.” The following is the draft paragraph:

- a) At least one week before [Before] each city council committee meeting, the city manager shall provide to each committee chair an agenda [and supporting information] for their [each] committee meeting. The committee chair shall provide feedback on their committee agenda to the city manager before 5:00 p.m. on the Wednesday before the committee meeting [members and the public]

**CITY COUNCIL**

**RULES OF PROCEDURE**

**CITY OF DALLAS, TEXAS**

Adopted August 11, 1993

Amended by Resolution Nos. 94-0297, 94-2571, 94-3328, 94-3675, 95-1545,  
95-2450, 95-2451, 95-2760, 95-4204, 96-0713, 98-3005, 99-3641, 01-2476, 03-1652,  
03-1779, 04-1257B, 05-1211, 07-2686, 09-1868, 09-2128, 09-2835, 11-2458, 11-3297,  
13-1441, 14-0430, 15-0344, 17-0953, 17-1122, 17-1706, 18-0385, and 18-0849

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## SECTION 1 AUTHORITY.

The Charter of the City of Dallas, Texas, provides for open meetings of the city council at which reasonable opportunity shall be given for the public [~~citizens~~] to be heard under such rules as the council may provide. The Rules of Procedure establish guidelines to be followed by all persons attending a city council meeting, including members of the city council, administrative staff, news media, and visitors. [City Charter Chapter III §8 and §10]

## SECTION 2 MEETINGS.

2.1. **Regular Meetings.** The city council will meet [~~at 11:00 a.m.~~] on the day the councilmembers [~~council members~~] take office, and thereafter on dates and at times set by the city council, unless postponed or canceled for valid reasons. [City Charter Chapter III §6]

2.2. **Special Meetings.** The city secretary shall call special meetings upon written request of the mayor, the city manager, or three members of the council. [City Charter Chapter III §7]

2.3. **Public Notice.** The agenda for all [~~regular~~] meetings and the notice listing items to be considered shall be posted by the city secretary [~~on the City's official bulletin board~~] in accordance with the Texas Open Meetings Act. [Texas Government Code Chapter 551].

2.4. **Quorum.** Nine members constitute a quorum except when the number of councilmembers [~~council members~~], due to vacancies, is reduced to less than nine, in which event a quorum consists of all the remaining councilmembers [~~council members~~]. [City Charter Chapter III §9.] A quorum of the city council must be present to conduct a city council meeting, except that a quorum is not required to hear proclamations and special recognitions.

2.5. **Compelling Attendance.** A lesser number than a quorum may adjourn from time to time and compel the attendance of absent members. [City Charter Chapter III §9]

2.6. **City Manager Participation.** The city manager, or acting city manager, shall attend all meetings of the city council unless excused. The city manager may make recommendations to the city council and shall have the right to take part in all discussions [;] but shall have no vote. [City Charter Chapter VI §2(6)]

2.7. **City Attorney Participation.** The city attorney, or designated assistant city attorney, shall attend all meetings of the city council unless excused, [~~and shall, upon request,~~] give an opinion, either written or oral, on questions of law, and [~~The city attorney shall~~] act as the city council's parliamentarian. [City Charter Chapter VII §3(7)]

2.8. **City Secretary Participation.** The city secretary or designated assistant city secretary shall attend all meetings of the city council and shall keep accurate records of all actions taken by the city council. [City Charter Chapter IIIA §3(1)]

2.9. **City Auditor Participation.** The city auditor or designated assistant city auditor shall be available in City Hall during all city council meetings to respond to inquiries made by the city council. Upon the request of any city councilmember [~~council member~~], the auditor shall attend the briefing or deliberation of any specific agenda item.

2.10. **Executive Sessions.** The city council may meet in executive session when it is scheduled by the mayor upon request by the city attorney, city manager, city auditor, city secretary, or any member of the city council and when it is in compliance with the Texas Open Meetings Act. No vote shall be taken in an executive session on any matter under consideration nor shall any city councilmember [~~council member~~] enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the city council. The city council shall follow the letter and the spirit of the Texas Open Meetings Act [~~and closed executive sessions shall be kept to a minimum~~].

2.11. **Reserved.**

2.12. **Punctuality and Breaks.** City councilmembers [~~council members~~] shall arrive at city council and committee meetings at or before the scheduled time for the meeting to begin. If a quorum of a city council committee has not arrived at a committee meeting within 15 minutes after the scheduled starting time of the meeting, the chair may cancel the meeting. At the beginning of each city council meeting, the mayor shall announce the schedule for breaks and lunch to be taken during the meeting.

2.13. **Briefing Meetings.** During briefing meetings, city councilmembers [~~council members~~] shall refrain from calling on members of the public to speak unless arrangements with the mayor are made in advance of the meeting.

### SECTION 3 CODE OF CONDUCT.

3.1. **City Councilmembers [~~Council members~~].**

(a) During city council meetings, city councilmembers [~~council members~~] shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the city council.

(b) A city councilmember [~~council member~~] desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(c) A city councilmember [~~council member~~] desiring to question the administrative staff shall address questions to the city manager who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. City councilmembers [~~council members~~] shall not berate nor admonish staff members.

(d) A city councilmember [~~council member~~], once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a city councilmember [~~council member~~] is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks [~~so as~~] to comply with rules of the city council.

(e) City councilmembers [~~council members~~] shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issues before the city council.

(f) When there is more than one speaker on the same subject, city councilmembers [~~council members~~] will delay their comments until after all speakers on the subject have been heard.

~~[(g) City council members shall refrain from eating food inside the council chamber.]~~

### 3.2. **Administrative Staff.**

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the city council.

(b) Although the presiding officer has the authority to preserve decorum in meetings, the city manager also is responsible for the orderly conduct and decorum of all city employees under the city manager's direction and control.

(c) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in city council meetings.

(d) All persons addressing the city council, including the city manager, other staff members, or members of the public shall be recognized by the presiding officer and shall limit their remarks to the matter under discussion.

(e) All remarks and questions addressed to the city council shall be addressed to the city council as a whole and not to any individual member.

(f) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.



3.3. **Residents [~~Citizens~~] and Other Visitors.**

(a) Residents [~~Citizens~~] and other visitors are welcome to attend all public meetings of the city council and will be admitted to the city council chamber or other room in which the city council is meeting up to the fire safety capacity of the room.

(b) Everyone attending the meeting will refrain from private conversations while the city council is in session.

(c) Residents [~~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.

(d) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who may direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer shall fail to act, any member of the city council may move to require enforcement of the rules, and the affirmative vote of the majority of the city council shall require the presiding officer to act.

(e) No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the city council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the city council, however, are permitted. Video presentations requested by the public [~~citizens~~] as visual aids will not be broadcasted over cable television.

(f) Residents [~~Citizens~~] or other visitors attending city council meetings shall not bring food or drink into the city council chamber or into any other room in which the city council is meeting.

3.4. **Enforcement.** The city manager, as chief law enforcement officer, shall act as sergeant-at-arms for the city council and shall furnish whatever assistance is needed to enforce the rules of the city council.

**SECTION 4 DUTIES AND PRIVILEGES OF MEMBERS.**

4.1. **Seating Arrangement.** City ~~councilmembers~~ [~~council members~~] shall occupy the seats in the city council chamber assigned to them by the mayor on the day city councilmembers take office [~~, but any two or more members may exchange seats~~].

4.2. **Right of Floor.** A city ~~councilmember~~ [council member] who desires to speak must be recognized by the presiding officer. No member shall address the presiding officer or demand the floor while a vote is being taken.

4.3. **Conflict of Interest.** A member prevented from voting by a conflict of interest shall leave the city council meeting during the debate, shall not vote on the matter, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

4.4. **Right of Appeal.** Any member may appeal to the city council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Yes [~~Aye~~]," the ruling of the chair is sustained; otherwise, it is overruled.

4.5. **Voting.**

(a) Every member present when a question is called shall vote either "Yes" or "No" except where required by law, or on matters involving a conflict of interests or the consideration of the member's own official conduct. [City Charter Chapter III §10]

(b) A member has a right to change their vote up to the time the result is announced; after that, the member can make the change only by the unanimous vote of the members present, without debate, immediately following the chair's announcement of the vote [~~After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present~~].

4.6. **Demand for Roll Call.** Upon demand of any member for roll call vote, made before the result is announced, the vote shall be taken on the city council chamber voting machine, or if the machine is unavailable, the roll shall be called for yes and no votes upon any question before the city council. It shall not be in order for members to explain their vote during the roll call.

4.7. **Personal Privilege.** The right of a member to address the city council on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned.

4.8. **Dissents and Protests.** Any member shall have the right to express dissent from or protest against any ordinance, resolution, or other action of the city council and have the reason for the dissent or protest entered in the minutes. Such dissent or protest may be filed in writing and presented to the city secretary for placement in the minutes not later than the next regular agenda meeting following the date of the city council's action on the matter.

4.9. ~~[Excusal from]~~ **Attendance.** City councilmembers [~~council members~~] are expected to attend meetings and stay in attendance during each meeting. ~~[No member shall be excused from attendance at a city council meeting except for good and valid reasons.]~~

4.10. **Excusal During Meetings.** No member should leave a city council meeting while in session without advising the presiding officer.

4.11. **Absence Because of Official City Business.**

(a) If a city councilmember [~~council member~~] is absent from an entire regular city council meeting, or an entire regular meeting of a city council committee to which the councilmember [~~he or she~~] is assigned, because the councilmember [~~he or she~~] is on official city business at the direction of the city council, the member shall request that the city secretary record in the minutes for that meeting that the member was absent because of official city business. The city secretary shall maintain a record of these absences on official city business so that such absences will not count against the city councilmember [~~council member~~] in determining the councilmember's [~~his or her~~] annual compensation under Dallas City Charter Chapter III §4.

(b) An absence for any of the following reasons will automatically be deemed to be for official city business at the direction of the city council and will not be counted against a city councilmember [~~council member~~] for purposes of determining the councilmember's [~~council member's~~] annual compensation under Dallas City Charter Chapter III §4:

(1) Attending a meeting or conference of a professional organization [~~of~~] or association of municipalities or municipal officers.

(2) Testifying at a legislative hearing at the request of the mayor, the city council, the chair of the city council's legislative affairs committee, the city attorney, or the city manager.

(3) Attending a meeting or otherwise performing the official business of a board, commission, or committee to which the city councilmember [~~council member~~] has been appointed by the mayor or the city council.

(c) In addition to absences automatically considered to be on official city business at the direction of the city council under Paragraph (b) of this subsection, the city council may by resolution within two regular meetings after the date of the absence, designate whenever a councilmember's [~~council member's~~] absence is for official city business and not counted as a missed meeting for purposes of Dallas City Charter Chapter III §4.

4.12. **Absence from More than 50 Percent of a Meeting.**

(a) If a city councilmember [~~council member~~] is absent from more than 50 percent of a regular city council meeting, or more than 50 percent of a regular meeting of a city council committee to which the councilmember [~~he or she~~] is assigned[;] and [~~he or she~~] is not on official city business at the direction of the city council as approved under Subsection 4.11 of these

rules, the member will be deemed to be absent from the meeting, and the absence will be counted against the member for purposes of determining the member's annual compensation under Dallas City Charter Chapter III §4.

(b) If a city council committee meeting is scheduled to last for a designated length of time, then a city councilmember [~~council member~~] who is present during half or more of the scheduled length of the meeting shall be counted as having attended the meeting even if the meeting runs past its scheduled length.

(c) The city secretary, or a person designated by the city secretary or the city manager to record attendance of city councilmembers [~~council members~~] at a meeting, shall maintain a record of each city councilmember's [~~council member's~~] absences so that such absences can be used in determining the member's annual compensation under Dallas City Charter Chapter III §4.

#### **4.13. Absences from City Council Meetings.**

(a) At the end of each city council compensation year, the city secretary shall provide to the city auditor and city manager an attendance data report for each city councilmember.

(b) Within 60 days after the end of the city council compensation year, the city auditor shall determine if any councilmember's compensation must be adjusted pursuant to Dallas City Charter Chapter III §4 and shall inform the chief financial officer of the percentage of meetings missed during the prior city council compensation year.

(c) The chief financial officer shall calculate and collect any compensation adjustments required via payroll deductions of substantially equal payments from paychecks paid during the calendar year in which the debt was incurred.

## **SECTION 5 CHAIR AND DUTIES.**

5.1. **Chair.** The mayor, if present, shall preside as chair at all meetings of the city council. In the absence of the mayor, the mayor pro tem shall preside. In the absence of both the mayor and mayor pro tem, the deputy mayor pro tem shall preside. In the absence of all three, the council shall elect a chair. If the mayor vacates the chair during a meeting, and the mayor pro tem or deputy mayor pro tem is not available, the mayor may, subject to the approval of the city council, appoint a temporary chair. The first adjournment puts an end to this appointment. [City Charter Chapter III §2 and §11]

5.2. **Call to Order.** The meetings of the city council shall be called to order by the mayor or, in the mayor's absence, by the mayor pro tem or, in the mayor pro tem's absence, by the deputy mayor pro tem. In the absence of the mayor, mayor pro tem, and deputy mayor pro tem, the meeting shall be called to order by the city secretary.

5.3. **Preservation of Order.** The chair shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

5.4. **Questions to be Stated.** The chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken when requested by a member in accordance with Subsection 4.6.

5.5. **Call for Recess.** The chair may call for a 10-minute recess at regular intervals of approximately one hour at appropriate points in the meeting agenda.

## SECTION 6 ORDER OF BUSINESS.

### 6.1. Agenda.

(a) **Preparation and Distribution.** The order of business of each meeting shall be as contained in the agenda prepared as follows:

(1) The agenda shall be a listing by topic of subjects to be considered by the city council [;] and shall be delivered to members of the city council in advance of each meeting in accordance with the directives of the city council.

(2) The mayor shall determine the contents of the agenda relating to policy items. The mayor shall transmit these items to the city manager on an approved form in time for distribution to the city council at the same time operational items are distributed. [~~The resolution or ordinance being considered must be posted with the agenda item.~~]

(3) The city manager shall present the operational agenda to the city council. [City Charter Chapter III §13(a)(1) and (4)]

### (b) Briefing Meetings.

(1) Unless amended by city calendar, o[Q]n the first and third Wednesday of each month, the city council will hold a briefing meeting, which shall begin at 9:00 a.m. At a briefing meeting, the city council shall present any proclamations or other recognitions scheduled for the day. At the conclusion of the proclamations, the briefings scheduled for the day will begin. The city manager will present options and recommendations at the end of each policy briefing. A councilmember [~~council member~~] may speak no more than three times on any briefing item. The first round is limited to five minutes, the second round is limited to three minutes, and the third round is limited to one minute. The chair may increase the established time limits upon request of a councilmember [~~council member~~] or as the chair deems necessary. Responses by the staff or the public [~~citizens~~] to a councilmember's [~~council member's~~] questions will not be included in the councilmember's [~~council member's~~] speaking time.

(2) Voting items will not be scheduled on briefing days except for emergencies, construction contracts, construction change orders, architectural and engineering contracts, ~~and~~ architectural and engineering supplemental agreements, budget resolutions and ordinances, minutes, and board and commission appointments. Speakers may sign up to speak on any voting item placed on a briefing agenda. Speakers shall be allowed to speak before consideration of the item. Speakers may also sign up to speak at open microphone periods at the beginning and end of each briefing meeting. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules.

(c) **Voting Agenda Meetings.**

(1) Unless amended by city calendar, o[Θ]n the second and fourth Wednesday of each month, the city council will hold a voting agenda meeting, which ~~[- On the second Wednesday, the voting agenda meeting shall begin at 2:00 p.m., and on the fourth Wednesday, the voting agenda meeting]~~ shall begin at 9:00 a.m. At a voting agenda meeting, the city council shall hear speakers who wish to comment on matters that are scheduled on the city council's voting consent and individual item agenda for that day. The city council shall also hear open microphone speakers. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules. Upon completion of any speakers allowed under Subsection 6.3 to speak at the beginning of the meeting, the city council will consider the minutes, the consent agenda, and individual items for consideration until ~~[5:00 p.m. on the second Wednesday, and] noon [on the fourth Wednesday],~~ when city council shall recess. On the second and fourth Wednesday, the city council shall reconvene no earlier than ~~[6:00 p.m. to conduct public hearings. On the fourth Wednesday, the city council shall reconvene no earlier than]~~ 1:00 p.m. to conduct public hearings. At the completion of the public hearings, the city council shall resume its voting agenda.

(2) ~~[Up to five of the second Wednesday city council meetings in a calendar year should be held outside of city hall, at locations and dates recommended by the city manager, in accordance with the Texas Open Meetings Act, and approved by city council with the adoption of the city calendar.~~

~~(3)~~ A city councilmember ~~[council member]~~ may speak no more than three times on any one voting ~~[voting]~~ agenda item. The first round is limited to five minutes, the second round is limited to three minutes, and the third round is limited to one minute. The chair may increase the time limits upon request of a city member or as the chair deems ~~[needs]~~ necessary. Responses by the staff or the public ~~[citizens]~~ to a councilmember's ~~[acouncil member's]~~ questions will not be included in the councilmember's ~~[council member's]~~ speaking time. The chair shall take care that responses are brief and to the point. Briefings will not be scheduled for voting days except for emergencies ~~[emergies]."~~

~~[(d) **Fifth Wednesdays.** When a fifth Wednesday occurs in a month, the city council meeting may be used for special workshops, planning sessions, or other matters as agreed between the city manager and the city council.~~

~~(e) **Times Specified.**—The times specified for speakers and city council activities at the briefing meetings and the voting agenda meetings may be adjusted on days when the city council determines to hold an evening meeting.]~~

## 6.2. Presentations by Members of Council.

(a) The mayor shall refer to a council committee ~~[include on an agenda]~~ any item requested by [:

~~(1) five city councilmembers [~~council members~~] if the item is presented on an approved five-signature memorandum form, which includes, if applicable, [~~for a voting agenda,~~] a draft resolution or ordinance, [~~or~~~~

~~(2) a majority of a city council committee to be brought before the city council.]~~

(b) The five-signature memorandum form must include:

(1) an accurate description of the voting item or briefing request;

(2) the background information for the agenda posting; and

(3) the printed names and district numbers of the five councilmembers [~~council members~~] signing the five-signature memorandum form.

(c) The five-signature memorandum form must identify the lead city councilmember [~~council member~~] who must work with the City Attorney's Office on the substance and wording of the subject matter, and any resolution or ordinance before the five-signature memorandum form is signed.

(d) If applicable, the [~~For a voting item,~~] the lead city councilmember [~~council member~~] must attach the draft resolution or ordinance to the five-signature memorandum form and all five city councilmembers [~~council members~~] signing the five-signature memorandum form must also date, initial, and print their district numbers on the draft resolution or ordinance.

(e) The completed five-signature memorandum form with any necessary attachments must be date-stamped by the city secretary and the date-stamped five-signature memorandum form must be submitted to the mayor with copies provided to the city council, city manager, and city attorney.

(f) Unless the request is withdrawn by any of the five city councilmembers [~~council members~~]; [~~or by a majority of the city council committee, whichever applies,~~]

(1) the mayor shall refer a complete five-signature memorandum to a city council committee within 15 calendar days after receipt of the date-stamped five-signature memorandum. [~~place the item on: (1) the first briefing agenda scheduled at least 30 calendar~~

days after receipt of the request by the mayor on an approved five-signature memorandum form that is date-stamped by the city secretary, if the item is requested to be placed on a briefing agenda; ~~or~~]

(2) The council committee chair shall place the item on the city council committee agenda no later than the second city council committee meeting after receiving the five-signature memorandum from the mayor. The city council committee shall be briefed on the item, make a recommendation on the item to the city council not later than the next meeting after the city council committee is briefed, and forward its recommendation by memorandum to the mayor for placement of the item on a city council agenda. ~~[the first voting agenda scheduled at least 30 calendar days after receipt of the request by the mayor on an approved five-signature memorandum form that is date-stamped by the city secretary, if the item is requested to be placed on a voting agenda.]~~

(3) The mayor shall place the item on a city council briefing or voting agenda not later than the second regular meeting after receipt of the city council committee's written recommendation.

(g) Any change to a five-signature memorandum form or its attached resolution or ordinance made after it is submitted to the mayor will require a new five-signature memorandum form, restarting the calendaring of the item.

(h) The resolution or ordinance being considered must be posted with the agenda item.

(i) The mayor shall not refer to a council committee ~~[place on the agenda]~~ any five-signature memorandum that is not on a complete five-signature memorandum form, including any necessary resolution or ordinance.

(j) The mayor shall not place on an agenda any item that has been voted on by the city council within the one-year period preceding the date requested for placement of the item on the agenda.

6.3. **Public** ~~[Citizen]~~ **Speakers.** At briefing meetings and voting agenda meetings, a person may address the city council concerning voting items on the agenda before consideration of the voting item by city council. The public ~~[or]~~ may also present a topic ~~[subject for the city council's consideration]~~ during the open microphone periods in accordance with the rules in this section. ~~[following rules:]~~

(a) **Speakers to Register.** A person wishing to address the city council must first register with the city secretary and provide the following information: Name, residence address, daytime telephone number, the subject matter to be presented, and whether the subject is on the current city council meeting agenda. A person may register in person, by electronic mail, or by telephone. The earliest a person may register for an upcoming city council meeting is 8:15 a.m. of the next regular business day following the previous city council meeting. The deadline



for registering to address the council at a city council meeting is 5:00 p.m. of the last regular business day preceding the meeting.

(b) **Manager May Contact Speaker.** On the Tuesday before the Wednesday city council meeting, the city secretary will provide the city manager with the registration information of persons who have registered up to that time. The city manager may direct a member of the city staff to contact the person to try to resolve a problem. Contact by a member of the city staff should in no way suggest that the person should not appear and address the city council.

(c) **Speaker Rules.** In order that the city council may properly consider each matter brought to it by the public [~~citizens~~], speakers are asked to observe the following rules:

(1) Only one person may approach the microphone at any one time, and only the person at the microphone will be allowed to speak.

(2) There will be no substitutions or pooling of speakers.

(3) Speakers must address their comments to the presiding officer rather than individual city councilmembers [~~council members~~] or staff. Speakers may not refer to a city councilmember [~~council member~~] by name.

(4) Speakers may file copies of their remarks or supporting information with the city secretary. The city secretary will make the information available to the city council and city manager if requested.

(5) A person who addresses the city council during a public hearing or on a voting item must limit remarks to the specific subject matter being considered by the city council in that public hearing.

(6) Dallas residents [~~citizens~~] will be allowed to speak before nonresidents.

(7) Whenever it is necessary for a speaker to use an interpreter to translate their comments to the city council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council. [~~Any person who has addressed the city council at either a briefing meeting or a voting agenda meeting in the preceding 30 days, excluding speaking at a public hearing, may only speak during the open microphone period at the end of the city council meeting.~~]

(d) **Time Limits on Voting Items.** The length of time a person will be allowed to speak on voting items at city council meetings will be determined according to the following rules:

(1) A person who registers to speak on a voting item, other than a public hearing, will be called on at the time the item is considered by the city council [~~subject to the time restraints set forth in Subsection 6.1(e)~~]. A person who registers to speak on multiple voting

items must speak on all items at the time the first item for which the speaker is registered is considered by the city council. Speakers will have a maximum of three minutes to speak regardless of the number of voting items they wish to address. The mayor may determine the order in which speakers are called. ~~[The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time.]~~ If an item is deferred by a procedural motion from a city council agenda, a speaker who signed up to speak on the item may not be heard until the meeting at which the item is actually considered by the city council.

(2) The mayor may impose more restrictive time limits on voting items ~~[that are not public hearings, but]~~ for which a large number of persons register to speak.

(3) For called public hearings concerning applications to change zoning, to remove a flood plain designation, to change the name of a street, to use park land for another purpose, annexation, benefit assessment, budget, community development block grant, development code amendments, thoroughfare alignment, thoroughfare plan, and other specially-called hearings ~~[and similar cases]~~, each person who registers will have a maximum of three minutes to speak ~~[, or if the city council approves by a majority vote, each side of the issue will be allowed a maximum of 15 minutes to make a presentation.~~

~~(4) For other called public hearings, including annexation, benefit assessment, budget, community development block grant, development code amendments, thoroughfare alignment, thoroughfare plan, and other specially-called hearings, each person who registers will have a maximum of three minutes to speak].~~ The mayor may impose more restrictive time limits on public hearings for which a large number of persons register to speak.

(e) **Closed Public Hearings.** A person will not be permitted to address the city council during the consideration of a zoning ordinance placed on the agenda on which a public hearing has been held by the city council after ~~[if]~~ the public hearing has been closed.

(f) **Open Microphone.** The city council will provide an opportunity for the public ~~[citizens]~~ to present concerns or address issues that are not matters for consideration listed on a posted meeting agenda during an "open microphone" period at city council meetings, subject to the following rules:

(1) Five persons may speak on any matter, including an agenda item, during an open microphone period at the beginning of each city council meeting. These first five speakers will be called in the order in which they registered to speak with the city secretary. Whenever a person fails to speak when his name is called, the name of the next speaker registered for the initial open microphone period will be called, until either five persons have spoken, or all of the names have been called. An open microphone period will also be provided after the city council has concluded its agenda, at which time all speakers not heard earlier in the meeting may speak. For purposes of enforcing all provisions of Subsection 6.3 governing public ~~[citizen]~~ speakers, a person who signs up to speak during the open microphone period at the beginning of a city council meeting, but who fails to speak when called upon, will be deemed to have spoken at the meeting.

(2) Each speaker may speak only once, and the length of time a person will be allowed to speak during the open microphone period is three minutes. If a large number of speakers register for the open microphone period, however, the mayor may, with the concurrence of a majority of the city council, impose more restrictive time limits in order to allow the maximum number of persons to speak.

(3) The order in which speakers will be called will be determined by the mayor.

(4) No person may register to speak during an open microphone period more than once within any 30-day period.

(g) **Designated Speakers.** During designated speaker times city councilmembers [~~council members~~] may ask factual questions or make a brief acknowledgement of speakers. Speakers will have one minute to respond. More time may be granted to the speaker for a response at the discretion of the mayor or by a nondebatable motion approved by the city council. Councilmembers [~~Council members~~] will refrain from debate on any item during time allotted to speakers unless a specific time is granted by the mayor or by a nondebatable motion approved by the city council.

~~[(h) **Use of Interpreters.** Whenever it is necessary for a speaker to use an interpreter to translate his or her comments to the city council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council.]~~

6.4. **Communications to Mayor and City Council.** The city manager shall provide the city council with an analysis of major items to be acted upon by the city council at its meetings. The analysis shall be delivered to the city councilmembers [~~council members~~] preceding the meeting at which the item is to be discussed.

6.5. **Oral Presentations.** Matters requiring the city council's attention or action may be presented orally by the city manager. If matters have developed since the deadline for delivery of the agenda, the city manager, or any city councilmember [~~council member~~], may make an oral report to the city council, but formal action, if required, shall be delayed until the next meeting.

~~[6.6. **Public Hearings.**~~

~~(a) The city manager shall schedule public hearings on the city council's agenda to be held at least two weeks before the city council must vote on the matter, except for zoning and assessment hearings.~~

~~(b) By request of a majority of the city council or by the mayor, the city manager may schedule a public hearing on the same day or within two weeks before the time that a vote must be taken on the item.~~

~~(e) Whether a public hearing is closed or held open, the vote on the item may be placed on the agenda two weeks after the opening of the public hearing.~~

~~(d) The city council may schedule public hearings at times other than its regular meetings when it determines that the matter to be heard is a significant issue that requires more time than is available at regular meetings. The mayor may call an advertised public hearing at a specified time on any matters.]~~

## **SECTION 7 CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS.**

7.1. **Electronic or Printed Form.** All ordinances and resolutions shall be presented to the city council [~~only~~] in electronic or printed form.

7.2. **City Attorney to Approve.** All ordinances shall be approved as to form by the city attorney, or the city attorney shall file with the city council, in writing, any objection to an ordinance. [City Charter Chapter VII [~~§3 and~~] §4]

7.3. **Distribution of Ordinances.** The city manager shall prepare copies of all proposed ordinances to be available for distribution to all members of the city council at the meeting at which the ordinance is introduced, or at such earlier time as is appropriate.

7.4. **Rules of Order.** The most recent edition of Roberts Rules of Order Revised shall govern the proceedings of the city council in all cases, unless they [~~are in~~] conflict with these rules.

7.5. **Order of Precedence of Motions.** The following motions shall have priority in the order indicated:

- |     |                                  |                   |
|-----|----------------------------------|-------------------|
| 1.  | Adjourn (when privileged)        | See notes 1 and 2 |
| 2.  | Take a recess (when privileged)  | See notes 1 and 3 |
| 3.  | Raise a question of privilege    |                   |
| 4.  | Lay on the table                 |                   |
| 5.  | Previous question                | See note 5        |
| 6.  | Limit or extend limits of debate | See notes 3 and 5 |
| 7.  | Postpone to a certain time       | See note 3        |
| 8.  | Commit or refer                  | See note 3        |
| 9.  | Amend                            | See notes 3 and 4 |
| 10. | Postpone indefinitely            |                   |
| 11. | Main motion                      | See note 3        |

**Note 1:** The first two motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

**Note 2:** A motion to adjourn is not in order: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) while a vote is being taken.

**Note 3:** Can be amended - others cannot be amended.

**Note 4:** A motion to amend shall be nondebatable when the question to be amended is nondebatable.

**Note 5:** Two-thirds vote of members present required.

#### 7.6. **Reconsideration.**

(a) A motion to reconsider any action of the city council may be made, seconded, and voted on not later than the next succeeding voting agenda meeting of the city council. If reconsideration of the council action has not been posted on the council agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next voting agenda meeting after the posting requirements of the Texas Open Meetings Act are met.

(b) A motion to reconsider an action of the city council may only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the city council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

7.7. **The Previous Question.** When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be now put?" There shall be no further amendment or debate [5] but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the city council. An affirmative vote of two-thirds of the city ~~councilmembers~~ [council members] present shall be required to approve the previous question. (To demand the previous question is equivalent in effect to moving "that debate now cease, and the city council immediately proceed to vote on the pending motion." In practice, this is done with the phrase "Call for the Question," or by simply saying "Question.")

7.8. **Withdrawal of Motions.** A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been stated by the chair. If the mover modifies the motion, the seconder may withdraw the second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the city council.

7.9. **Amendments to Motions.** No proposal of a subject different from that under consideration shall be admitted as a motion or amendment to a motion. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.

7.10. **Appropriations of Money.** Before formal approval by the city council of motions providing for appropriation of money, information must be presented to the city council showing the purpose of the appropriation and the account to which it is to be credited. In addition, before finally acting on an appropriation, the city council shall obtain a report from the city manager as to the availability of funds and the city manager's recommendations as to the desirability of the appropriation.

7.11. **Deferral of Agenda Items.**

(a) A city councilmember [~~council member~~] may defer, until the next city council voting agenda meeting, a voting item appearing on the draft city council agenda by delivering a written list of the agenda item numbers to be deferred and the reason for the deferral of each agenda item to the city secretary before 5:00 p.m. of the Friday before the city council meeting for any item on the regular agenda and before 5:00 p.m. of the Monday before the city council meeting (or if Monday is a city holiday, then 5:00 p.m. of the Tuesday before the city council meeting) for any item listed as an addition on [~~the addendum to~~] the final agenda, unless the item:

(1) previously appeared on a city council meeting agenda and was deferred by request of a city councilmember [~~council member~~];

(2) was previously presented and discussed at a city council briefing meeting within the past six months at which a quorum was present during at least part of the briefing on that item;

(3) is a public hearing or was previously discussed within the past six months at a public hearing before the city council; or

(4) was placed on the agenda pursuant to a request by five city councilmembers [~~council members or by a majority of a city council committee under Subsection 6.2 of these rules~~].

(b) A majority vote of the city council is required to:

(1) defer an agenda item described in Paragraph (a)(1), (2), (3), or (4);

or

(2) defer an agenda item to a time later than the next city council voting agenda meeting.

(c) The city manager may delete agenda items by delivering a written list of the agenda item numbers to be deleted to the city secretary before 5:00 p.m. of the Friday before the city council meeting for any item on the draft city council [~~regular~~] agenda and before 5:00 p.m. of the Monday before the city council meeting (or if Monday is a city holiday, then 5:00 p.m. of the Tuesday before the city council meeting) for any item listed as an addition on [~~the addendum to~~] the final agenda.

(d) No later than 5:30 p.m. of the Friday before each city council meeting, the city secretary shall post a list of all items appearing on the regular agenda that were deferred by a city councilmember [~~council member~~] or deleted by the city manager. No later than 5:30 p.m. of the Monday before each city council meeting (or if Monday is a city holiday, then 5:30 p.m. of the Tuesday before the city council meeting), the city secretary shall post a list of all items appearing as additions on [~~the addendum to~~] the agenda that were deferred by a city councilmember [~~council member~~] or deleted by the city manager. The lists must be posted adjacent to each entrance to the city council chamber in Room 6 E North. The city secretary shall not include on these lists any item described in Paragraph (a)(1), (2), (3), or (4).

(e) For the convenience of the public, other city councilmembers [~~council members~~], and the staff, a city councilmember [~~council member~~] should announce the intent to defer an item on the agenda and the reason for the deferral of the agenda item when the item is considered [~~as soon as that determination is made~~].

#### 7.12. **Moratoriums.**

(a) A [~~No~~] moratorium on the acceptance of applications for permits, certificates, licenses, or other city approvals may be imposed for a maximum of [~~time period of greater than~~] 120 days, but a moratorium on commercial property development that is not based on a demonstrated shortage of essential public facilities may only be imposed for a maximum of 90 days. Moratoriums must be imposed in accordance with Chapter 212 of the Texas Local Government Code.

(b) No moratorium may be extended beyond its original time period except in accordance with state law [~~unless three-fourths of all members of the city council approve the extension. An extension may not exceed an additional 120 days each time~~].

(c) When the city council desires to extend a moratorium, it shall direct the city manager to:

(1) publish a notice of the proposed extension in the official newspaper of the City at least 15 days before the date the extension is to be considered; and

(2) use best efforts to notify the organizations and associations whose members would be most directly affected by the extension.

(~~d~~[e]) When the city council imposes a moratorium, it shall direct the city manager and all appropriate city boards and commissions to:

(1) expedite their performance of appropriate analyses, evaluation of alternatives, and preparation of recommendations as to what amendments, if any, should be made to the city's regulations during a moratorium; and

(2) submit these recommendations by a specified date.

## **SECTION 8 VOTES REQUIRED.**

Approval of every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of city councilmembers [~~council members~~] present, except that the City Charter and certain state statutes impose other voting requirements on various questions. In addition, these rules set forth certain instances in which the number of votes required is greater than a majority of all members. As a matter of convenience, questions on which the voting requirement is varied by City Charter, State statutes and these rules are listed below:

### **8.1. Charter and State Requirements.**

#### **(a) Removal of Certain Officers - Two-thirds Vote of All Members.**

Removal of the city manager (unless otherwise provided by contract) during a term of office requires a vote of two-thirds of all members of the city council. [City Charter Chapter VI §1]

#### **(b) Establishment of Departments - Three-fourths Vote of All Members.**

Ordinances creating or making any change in a department require approval of three-fourths of all members of the city council. [City Charter Chapter X §1]

#### **(c) Changing Paving Assessment Plans - Two-thirds Vote of All Members.**

A change that substantially affects the nature or quality of an improvement funded by an assessment requires a two-thirds vote of all members of the city council. [Texas Transportation Code §313.053(b)]

#### **(d) Expulsion of Members - Two-thirds Vote of All Members.**

Expulsion of a member of the city council requires an affirmative vote of two-thirds of all members of the city council. [City Charter Chapter III §16]

#### **(e) Changes in Zoning Ordinance - Three-fourths Vote of All Members.**

A change in zoning district classification or boundary that has been recommended for denial by the city plan commission or that has been protested by the owners of 20 percent or more of either the land in the area or request or land within 200 feet of the boundary of the area of request must have the approval of three-fourths of all members of the city council. [Texas Local Government Code §211.006(d) and (f) and Dallas Development Code §51A-4.701(c)(2)]

### **8.2. City Council Rules Requirements.**

#### **(a) Suspending Rules - Two-thirds Vote of Members Present.**

A city council rule may be suspended by an affirmative vote of two-thirds of the members present. [Rules of Procedure 10.1]

#### **(b) Special Meeting - Three Votes.**

Special meetings may be called by the mayor, city manager or any three city councilmembers [~~council members~~]. [City Charter Chapter III §7 [~~Rules of Procedure 2.2~~]]



(c) **The Previous Question - Two-thirds Vote of Members Present.** An affirmative vote of two-thirds of the members present is required to approve the previous question. [Rules of Procedure 7.7]

(d) **Extension of Moratoriums - Three-fourths Vote of All Members.** A moratorium may be extended by an affirmative vote of three-fourths of all members of the city council. [Rules of Procedure 7.12(b)]

## SECTION 9 CITY COUNCIL COMMITTEES.

### 9.1. Committees Established.

(a) The following standing committees of the city council are established:

**[To be determined]**

- ~~(1) Economic development and housing committee.~~
- ~~(2) Government performance and financial management committee.~~
- ~~(3) Quality of life, arts, and culture committee.~~
- ~~(4) Public safety and criminal justice committee.~~
- ~~(5) Mobility solutions, infrastructure, and sustainability committee.~~
- ~~(6) Human and social needs committee.]~~

(b) Each standing committee shall review matters in its area of responsibility that are referred to it by the city council, the city manager, or an individual city councilmember [~~council member~~].

(c) Except as provided in Section 6.2(f), a[A] standing committee may by majority vote recommend action to the city council, but a standing committee recommendation is not necessary for a matter to be placed on the city council agenda. The committee chair may make a statement on behalf of the standing committee on an item in a briefing or voting meeting of the council.

### 9.2. Appointment.

(a) A standing committee shall consist of not less than three members of the city council appointed by the mayor. The mayor shall also appoint a chair and vice chair of each committee. Only city councilmembers [~~council members~~] may serve on a standing committee.

(b) The mayor may remove and reassign members to and from the various standing committees.

### 9.3. **Committee Meetings.**

(a) Standing committees shall meet each month in accordance with the schedule adopted by the city council in its annual calendar, unless the chair cancels the meeting or establishes another meeting time. The chair may also schedule additional meetings, but such meetings may not exceed two each month unless called by the mayor or the city council.

(b) ~~[The chair of a committee must place an item on the agenda of a committee meeting at the request of any three members of the committee. The request must allow for at least 72 hours public notice that the item will be considered at the committee meeting.]~~

(e)] A majority of the members of the committee constitutes a quorum. Committee meetings must be conducted in accordance with the Texas Open Meetings Act. Committees may also, as approved by the mayor or the city council, conduct public hearings to receive public comments.

9.4. **Ad Hoc Committees.** The ad hoc committees shall be established for a designated period of time which may be extended by the mayor. The ad hoc committees shall meet as needed, and the ad hoc committee chair shall determine and schedule the meeting dates and times ~~[and shall meet as needed]~~.

### 9.5. **Reserved.**

### 9.6. **Agenda and Information.**

(a) At least one week before ~~[Before]~~ each city council committee meeting, the city manager shall provide to each committee chair an agenda ~~[and supporting information]~~ for their ~~[each]~~ committee meeting. The committee chair shall provide feedback on their committee agenda to the city manager before 5:00 p.m. on the Wednesday before the committee meeting ~~[members and the public]~~.

(b) Items may be scheduled on the agenda for committee briefing by the chair, the city council, the city manager, or the mayor.

(c) The committee chair shall place on the committee agenda an item requested by any three members of that city council committee not later than the second committee meeting after the committee chair receives the written request.

**SECTION 10                    RULES SUSPENSION OR AMENDMENT.**

10.1. **Suspension of Rules.** Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the members of the city council present. The vote on any such suspension shall be taken by “Yeses” and “Nos” [~~yeas and nays~~] and entered upon the record.

10.2. **Amendment of Rules.** These rules may be amended, or new rules adopted, by a majority vote of the members of the city council present.

## City Council Rules of Procedure Proposed Changes

***\*Highlighted amendments in yellow have been included in the proposed Rules of Procedures.***

TYPE	SECTION	AMENDMENT	REQUEST
Cleanup	All	Search and replace to make all references to Mayor, City Council members, City Manager, City Secretary, City Auditor, Committee Chair consistent and use upper case letter for title.	Mendelsohn
Cleanup	All	Request to remove or add "out of date" watermark to outdated Rules of Procedure on city's website.	Mendelsohn
Cleanup	All	Remove all outdated Rules of Procedures from the entirety of the City's website	Gates
Cleanup	All	Search and replace "citizen" with "resident"	Bazaldua
Cleanup	All	Search and replace "council member" with "councilmember"	CMO
Cleanup	All	Correct typographical errors.	City Auditor CAO CMs
Cleanup	2.1 Regular Meetings	The city council will meet [ <del>at 11:00 a.m.</del> ] on the day the council members take office, and thereafter on dates and at times set by the city council, unless postponed or canceled for valid reasons.	Gates
Amend	2.1 Regular Meetings	Change Council Agenda meetings back to regular hours (9:00 a.m. Agenda, 1:00 p.m. Public Hearings. Meeting locations to be held at City Hall (Agree with CM Kleinman proposed edits) [ <i>See Section 6.1</i> ]	Kleinman Mendelsohn
Amend	2.2 Special Meetings	Change from 3 Councilmember requirement to 5 Councilmember requirements	Kleinman
Cleanup	2.3 Public Notice	The agenda for all [ <del>regular</del> ] meetings and the notice listing items to be considered shall be posted by the city secretary [ <del>on the City's official bulletin board</del> ] in accordance with the Texas Open Meetings Act. [Texas Government Code Chapter 551].	CAO
Cleanup	2.7 City Attorney Participation	The city attorney, or designated assistant city attorney, shall attend all meetings of the city council unless excused and shall [ <del>upon request,</del> ] give an opinion, either written or oral, on questions of law, and [ <del>The city attorney</del> ] shall act as the city council's parliamentarian.	CAO
Cleanup	2.10 Executive Session	The city council may meet in executive session....The city council shall follow the letter and the spirit of the Texas Open Meetings Act [ <del>and closed executive sessions shall be kept to a minimum</del> ].	CAO

## City Council Rules of Procedure Proposed Changes

***\*Highlighted amendments in yellow have been included in the proposed Rules of Procedures.***

Delete	3.1 City Council Members	Omit Subsection (g)	Bazaldua
Amend	3.2(e) Administrative staff	All remarks and questions addressed to the city council shall be addressed to the city council as a whole and not to any individual member <u>without permission of the Mayor or presiding officer.</u>	Bazaldua
Amend	3.3(a)	Citizens and other visitors are welcome to attend all public meetings of the city council and will be admitted to the city council chamber or other room in which the city council is meeting up to the fire safety capacity of the room. Citizens and other visitors are welcome to attend all public meetings of the city council and will be admitted to the city council chamber or other room in which the city council is meeting up to the fire safety capacity of the room. <u>When visitor attendance at a briefing exceeds capacity, the Mayor shall move meeting to council chambers to accommodate resident participation in government.</u>	Mendelsohn
Amend	3.3(f)	Citizens or other visitors attending city council meetings shall not bring food or <u>drink, other than water,</u> into the city council chamber or into any other room in which the city council is meeting.	Mendelsohn
Cleanup	4.1 Seating Arrangement	City <u>councilmembers</u> [ <del>council members</del> ] shall occupy the seats in the city council chamber assigned to them by the mayor <u>on the day city councilmembers take office</u> [ <del>, but any two or more members may exchange seats</del> ]. (Agree with CM Gates proposed edits)	Gates  Mendelsohn
Amend	4.4 Right to Appeal	Change “aye” to “yes” to be consistent with 4.5 (Agree with CM Kleinman proposed edits)	Kleinman Mendelsohn
Amend	4.5(b) Voting	After the result of vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by majority vote of the members present <u>or the presiding officer.</u> (Agree with CM Kleinman proposed edits)	Kleinman  Mendelsohn
Change/ Cleanup	4.9 Excusal from Attendance	<del>[Excusal from] Attendance.</del> City <u>councilmembers</u> [ <del>council members</del> ] are expected to attend meetings and stay in attendance during each meeting. [ <del>No member shall be excused from attendance at a city council meeting except for good and valid reasons.</del> ]	CAO
Delete Section	4.10 Excusal During Meetings	Remove this section as that is not the practice: [ <del>No member should leave a city council meeting while in session without advising the presiding officer.</del> ] (Agree with CM Kleinman proposed edits)	Kleinman  Mendelsohn
Amend	4.11(b)(3) Official City Business	Attending a meeting <u>or otherwise performing official business</u> of a board, commission, or committee to which the city council member has been appointed by the mayor or the city council.	Kleinman
Amend	4.11(c) Official City Business	In addition to absences automatically considered to be on official city business at the direction of the city council under Paragraph (b) of this subsection, the city council may be resolution	CMO

## City Council Rules of Procedure Proposed Changes

***\*Highlighted amendments in yellow have been included in the proposed Rules of Procedures.***

		<u>within two regular meetings after the date of the absence, designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of the Dallas City Charter Chapter III §4.</u>	
New Section	4.13 Absences from Council Meetings	<p><b>4.13. Absences from Council Meetings</b></p> <p><u>(a) At the end of each city council compensation year, the city secretary shall provide to the city auditor and city manager an attendance data report for each city councilmember.</u></p> <p><u>(b) Within 60 days after the end of the city council compensation year, the city auditor shall determine if any councilmember's compensation must be adjusted pursuant to Dallas City Charter Chapter III §4 and shall inform the chief financial officer of the percentage of meetings missed during the prior city council compensation year.</u></p> <p><u>(c) The chief financial officer shall calculate and collect any compensation adjustments required via payroll deductions of substantially equal payments from paychecks paid during the calendar year in which the debt was incurred.</u></p>	CMO
New Section	6. Order of Business	<b>Council questions on agenda-related items:</b> City councilmembers shall submit written questions to the city manager regarding items appearing on the upcoming agenda before 5:00 p.m. on the Friday before the city council meeting. The city manager shall provide written responses to city councilmembers before 12:00 p.m. on the Tuesday before the city council meeting.	CMO
Cleanup	6.1(a)(2) Agenda	The mayor shall determine the contents of the agenda relating to policy items. The mayor shall transmit these items to the city manager on an approved form in time for distribution to the city council at the same time operational items are distributed. <del>[The resolution or ordinance being considered must be posted with the agenda item.]</del>	CAO
Amend	6.1(b)(2) Briefing	Voting items will not be scheduled on briefing days except for emergencies, construction contracts, construction change orders, architectural and engineering contracts, <del>[and]</del> architectural and engineering supplemental agreements, <u>and approval of the minutes.</u>	Bazaldua
Amend/ Required	6.1(b)(2) Briefing	Voting items will not be scheduled on briefing days except for emergencies, construction contracts, construction change orders, architectural and engineering contracts, <del>[and]</del> architectural and engineering supplemental agreements, <u>budget resolutions and ordinances, minutes, and board and commission appointments.</u> Speakers may sign up to speak on any voting item placed on a briefing agenda. Speakers shall be allowed to speak <u>before consideration of the item.</u> Speakers may also sign up to speak at open microphone periods at the beginning and end of each	CAO

## City Council Rules of Procedure Proposed Changes

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		briefing meeting. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules.	
Delete	6.1(c)(1) Voting Agenda Meeting	Delete: “On the second Wednesday shall begin at 2:00 and on the fourth Wednesday the voting agenda shall begin at 9:00AM ... Change to “The voting agenda meeting shall begin at 9:00 AM.” Remove or correct similar language in this section regarding reconvening for public hearings. (Agree with CM Kleinman proposed edits)	Kleinman  Mendelsohn
Amend	6.1(c)(1) Voting Agenda Meeting	Change: 2:00 p.m. with 3:00 p.m.	Narvaez
Required	6.1(c)(1) Voting Agenda Meeting	Add: At a voting agenda meeting, the city council shall hear speakers who wish to comment on matters that are scheduled on the city council's voting consent and individual item agenda for that day. Speakers shall be allowed to speak <u>before consideration of the item</u> ....	CAO
Delete Section	6.1(c)(2) Voting Agenda Meeting	Reduce the cost to the City by hosting all City Council meetings at City Hall.	McGough
Delete Section	6.1(c)(2) Voting Agenda Meeting	<del>[Up to five of the second Wednesday city council meetings in a calendar year should be held outside of city hall, at locations and dates recommended by the city manager, in accordance with the Texas Open Meetings Act, and approved by city council with the adoption of the city calendar.]</del> (Agree with CM Kleinman proposed edits)	Kleinman  Mendelsohn
Amend	6.1(c)(2) Voting Agenda Meeting	Up to five of the second Wednesday city council meetings in a calendar year <u>may</u> <del>[should]</del> be held outside of city hall, at locations and dates recommended by the city manager, in accordance with the Texas Open Meetings Act, and approved by city council with the adoption of the city calendar.	Narvaez
Delete Section	6.1(d) Fifth Wednesday	<del>[(d) When a fifth Wednesday occurs in a month, the city council meeting may be used for special workshops, planning sessions, or other matters as agreed between the city manager and the city council.]</del>	Kleinman
Delete Section	6.1(e) Times Specified	<del>[The times specified for speakers and city council activities at the briefing meetings and the voting agenda meetings may be adjusted on days when the city council determines to hold an evening meeting.]</del>	Mendelsohn
Amend	6.2(a) Presentation by Members	Change the order between item 6.2.(a)(1) and (2) to allow for better flow and understanding of items: (a) The mayor shall include on an agenda any item requested by: (1) a majority of a city council committee to be brought before the city council; or	Blackmon

## City Council Rules of Procedure Proposed Changes

***\*Highlighted amendments in yellow have been included in the proposed Rules of Procedures.***

		(2) five city council members if the item is presented on an approved five-signature memorandum form, which includes, for a voting agenda, a draft resolution or ordinance.	
Amend	6.2(a) Presentation by Members	Add: 6.2(1) a majority of a city council committee <u>with a date provided by the committee can place an item on the committee agenda in lieu of a five-member signature memo</u> <del>[to be brought before the city council]</del> . See Section 9.1.b for more clarification.	Blackmon
<b>Amend</b>	6.2(a) Presentation by Members	Add: A five-signature memorandum must first be briefed to either the full council or appropriate council committee before being placed on a voting agenda.	McGough
<b>Amend</b>	6.2(b) Presentation by Members	Add: A five-signature memorandum must be briefed to a council committee before going to council. The council committee may recommend changes and committees shall make a recommendation.	Kleinman
<b>Amend</b>	6.2(b) Presentation by Members	Add: Five-signature memorandum must be briefed to committee before going to council.	Gates
<b>Amend</b>	6.2(f) Presentation by Members	Add for a five-signature memorandum: The Mayor shall request that a council committee chair place the item on a committee agenda <del>or that the city manager place the item on the briefing agenda. Once briefed, then . . . (1) or (2)</del>	Kleinman
Amend	6.2(f)(2) Presentation by Members	Add: the first voting agenda scheduled at least 30 calendar days after receipt of the request by the mayor on an approved five-signature memorandum form that is date-stamped by the city secretary, if the item is requested to be placed on a voting agenda. <u>The Mayor will request staff conduct a briefing of the item at the voting meeting.</u>	Mendelsohn
Amend	6.2(j) Presentation by Members	Add: The mayor shall not place on an agenda any item that has been voted on by the city council within the one-year period preceding the date requested for placement of the item on the agenda <u>unless council rules are suspended by a 2/3s vote of members present.</u>	Blackmon
<b>New Section</b>	6.2(k)	A five-signature memorandum may request the Mayor instruct a committee chair to add a briefing or voting item to a committee agenda <u>within 30 days.</u>	Mendelsohn
<b>New Section</b>	6.2(l)	An affirmative vote by a majority of any council committee to place an item on the council agenda will add the item to the council agenda within 30 days with no additional action needed.	Mendelsohn
<b>Required</b>	6.3 Citizen Speakers	Add: At briefing meetings and voting agenda meetings, a person may address the city council concerning voting items on the agenda <u>before consideration of the voting item by city council.</u> <u>Residents [or] may also present a subject for the city council's consideration during the open microphone periods in accordance with the rules in this subsection.</u> <del>[following rules:]</del>	CAO
<b>Required</b>	6.3(c)(7) Speaker Rules	In order that the city council may properly consider each matter brought to it by citizens, speakers are asked to observe the following rules: (7) <u>Whenever it is necessary for a speaker to use an interpreter to translate his or her comments to the city council, the time required for the</u>	CAO



## City Council Rules of Procedure Proposed Changes

***\*Highlighted amendments in yellow have been included in the proposed Rules of Procedures.***

		<p><del>translation will not be counted against the designated time allotted for the speaker to address the city council [Any person who has addressed the city council at either a briefing meeting or a voting agenda meeting in the preceding 30 days, excluding speaking at a public hearing, may only speak during the open microphone period at the end of the city council meeting.]</del></p> <p>NOTE: addition is moved from 6.3(h). Also, regarding the deleted portion, this rule may only apply to open microphone speakers under 6.3(c)(7) to comply with TOMA</p>	
<b>Amend</b>	6.3(c)(7) Speaker Rules	This is not consistent with 6.3(f)(4)	Mendelsohn
<b>Required</b>	6.3(d) Time Limits on Voting Items	<p>(d) The length of time a person will be allowed to speak on voting items at city council meetings will be determined according to the following rules:</p> <p>(1) A person who registers to speak on a voting item, other than a public hearing, will be called on at the time the item is considered by the city council<del>[, subject to the time restraints set forth in Subsection 6.1(e)].</del> A person who registers to speak on multiple voting items must speak on all items at the time the first item for which the speaker is registered is considered by the city council. Speakers will have a maximum of three minutes to speak regardless of the number of voting items they wish to address. The mayor may determine the order in which speakers are called. <del>[The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time.]</del> If an item is deferred <u>by procedural motion</u> from a city council agenda, a speaker who signed up to speak on the item may not be heard until the <u>meeting at which the</u> item is actually considered by the city council.</p> <p>(2) The mayor may impose more restrictive time limits on voting items that are not public hearings, but for which a large number of persons register to speak.</p> <p>(3) For called public hearings concerning applications to change zoning, to remove a flood plain designation, to change the name of a street, to use park land for another purpose, <u>annexation, benefit assessment, budget, community development block grant, development code amendments, thoroughfare alignment, thoroughfare plan, and other specially-called hearings</u> <del>[and similar cases]</del>, each person who registers will have a maximum of three minutes to speak<del>;</del> <u>or if the city council approves by a majority vote, each side of the issue will be allowed a maximum of 15 minutes to make a presentation.</u></p> <p><del>(4) For other called public hearings, including annexation, benefit assessment, budget, community development block grant, development code amendments, thoroughfare alignment, thoroughfare plan, and other specially called hearings, each person who registers will</del></p>	CAO

## City Council Rules of Procedure Proposed Changes

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		<del>have a maximum of three minutes to speak].</del> The mayor may impose more restrictive time limits on public hearings for which a large number of persons register to speak.	
Amend	6.3(f)(1)	<b>Add:</b> An open microphone period will also be provided after the city council has concluded its agenda <u>and adjourned</u> , at which time all speakers not heard earlier in the meeting may speak.	Kleinman
Delete Section	6.3(f)(4)	<b>Delete Section:</b> <del>[(4) No person may register to speak during an open microphone period more than once within any 30-day period.]</del>	Narvaez
Cleanup	6.5 Oral Presentations	Add: Matters requiring the city council's attention or action may be presented orally by the city manager. If matters have developed since the deadline for delivery of the agenda, the city manager, or any city council member, may make <u>an</u> oral report to the city council, but formal action, if required, shall be delayed until the next meeting.	Mendelsohn
Cleanup	6.6 Public Hearings	<del>[6.6. <b>Public Hearings.</b> (a) The city manager shall schedule public hearings on the city council's agenda to be held at least two weeks before the city council must vote on the matter, except for zoning and assessment hearings. (b) By request of a majority of the city council or by the mayor, the city manager may schedule a public hearing on the same day or within two weeks before the time that a vote must be taken on the item. (c) Whether a public hearing is closed or held open, the vote on the item may be placed on the agenda two weeks after the opening of the public hearing. (d) The city council may schedule public hearings at times other than its regular meetings when it determines that the matter to be heard is a significant issue that requires more time than is available at regular meetings. The mayor may call an advertised public hearing at a specified time on any matters.]</del>	CAO
Cleanup	7.1 <u>Electronic or Printed Form</u>	Delete section or add: Section 7.1 states, "All ordinances and resolutions shall be presented to the city council only in printed form." Deleted or edit to add in printed <u>or electronic form</u> .	CMO
Cleanup	7.2 City Attorney to Approve	All ordinances shall be approved as to form by the city attorney. [City Charter Chapter VII [ <del>§3 and</del> ] §4]	CAO
Amend	7.11(a) Deferral of Agenda Item	Add language to require a reason for deferral of an agenda item as well as the agenda item number submitted in writing.	McGough
Delete	7.11(a)(4) Deferral of Agenda Item	Delete this section as should be able to defer 5 person memos until the next voting Agenda: <del>[(4) was placed on the agenda pursuant to a request by five city council members or by a majority of a city council committee under Subsection 6.2 of these rules.]</del>	Kleinman

## City Council Rules of Procedure Proposed Changes

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Amend	7.11(e) Deferral of Agenda Items	Add: (e) For the convenience of the public, other city council members, and the staff, a city council member <u>shall</u> <del>should</del> announce the <u>reason for the</u> intent to defer an item on the agenda as soon as that determination is made.	Gates
Amend	7.11(e) Deferral of Agenda Items	Add: (e) For the convenience of the public, other city council members, and the staff, a city council member should announce the intent to defer an item on the agenda as soon as that determination is made <u>and include the reason for deferral.</u>	Mendelsohn
Required	7.12 Moratoriums	<p>(a) <u>A</u> <del>No</del> moratorium on the acceptance of applications for permits, certificates, licenses, or other city approvals may be imposed for a <u>maximum of</u> <del>[time period of greater than]</del> 120 days, <u>but a moratorium on commercial property development that is not based on a demonstrated shortage of essential public facilities may only be imposed for a maximum of 90 days.</u> Moratoriums must be imposed in accordance with Chapter 212 of the Texas Local Government Code.</p> <p>(b) No moratorium may be extended beyond its original time period <u>except in accordance with state law</u> <del>[unless three fourths of all members of the city council approve the extension. An extension may not exceed an additional 120 days each time].</del></p>	
Amend	8.2 (b) Special Meeting	Special meetings changed to 5 CMs	Kleinman
Cleanup	8.2(b) Special Meeting	Add: Special meetings may be called by the mayor, city manager or any three city council members. <u>[City Charter Chapter III §7 [Rules of Procedure 2.2]]</u>	CAO
Amend	9 Committees	Add: Language clarifying that city council committees are advisory only and clarify further that a recommendation by the committee is not necessary for an item to be placed on the city council agenda.	CMO
Amend	9 Committees	<u>CITY COUNCIL COMMITTEES AND CITYWIDE TASK FORCES</u>	Blackmon
Amend	9.1 Committees Established	Add: Define how committees are established. (Agree with CM Gates proposed edits)	Gates Mendelsohn
Amend	9.1(a) Committees Established	Add: Legislative committee.	Narvaez
Amend	9.1(a)(1)	Separate economic development and housing into their own individual committees.	Narvaez
Amend	9.1(a)(2)	Add: (2) Government performance and financial management committee <u>(required by City Charter).</u>	Gates
Amend	9.1(b)	Add: A standing committee <u>shall</u> <del>may</del> by majority vote recommend action by the city council <u>and such item shall be placed on the city council agenda as directed by the council committee</u> <del>[but committee recommendation is not necessary for a matter to be placed on the city council</del>	Blackmon

## City Council Rules of Procedure Proposed Changes

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		agenda]. The committee chair may make a statement on behalf of the committee on an item in a briefing or voting meeting of the council.	
Amend	9.1(b)	Add: A standing committee may by majority vote recommend action by the city council, but committee recommendation is not necessary for a matter to be placed on the city council agenda. The committee chair may make a statement on behalf of the committee on an item in a briefing or voting meeting of the council. <u>All items that receive a majority vote by a committee must be placed on the voting agenda at the guidance of the committee's timeline.</u>	McGough
New Section	9.1(c)	(c) Each citywide task force created shall have at least one councilmember and one staff liaison to ensure collaboration by city council and staff.	Blackmon
<b>Amend</b>	9.4 Ad Hoc Committees	Add: The ad hoc committees shall be established for a designated period of time which may be extended by the mayor. <u>The ad hoc committees shall meet as needed, and the chair shall determine and schedule the meeting dates and times [and shall meet as needed].</u>	CMO
New Section	9.5 Mayor Appointments	List all board, commission, and ad hoc positions appointed by the Mayor (RTC, Legislative, etc...)	Mendelsohn
Amend	9.6(a) Agenda and Information	Add: Before each committee meeting, the city manager shall provide <u>the committee chair an agenda and supporting information one week in advance of the committee meeting, subject to the chair's approval. The agenda and all supporting documentation must be made available to the committee members and the public 72 hours before the committee meeting for ample time to review [for each committee meeting to committee members and the public].</u> Items may be scheduled on the agenda for committee briefing by the chair, the city council, the city manager, or the mayor.	McGough
<b>Amend</b>	9.6(a) Agenda and Information	<u>At least one week before [Before] each city council committee meeting, the city manager shall provide to each committee chair an agenda [and supporting information] for their [each] committee meeting. The committee chair shall provide feedback on their committee agenda to the city manager before 5:00 p.m. on the Wednesday before the committee meeting [members and the public].</u>	CMO
<b>Cleanup</b>	10.1 Suspension of the Rules	Change "yeas" and "nays" to yes and no to be consistent with other sections (Agree with CM Kleinman proposed edits)	Kleinman Mendelsohn
Amend	10.2 Amendment of Rules	Add: These rules may be amended, or new rules adopted, by a <u>two-thirds [majority]</u> vote of the members of the city council present.	Mendelsohn

# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Members of the Ad Hoc Administrative Committee

SUBJECT **City Attorney Position Profile**

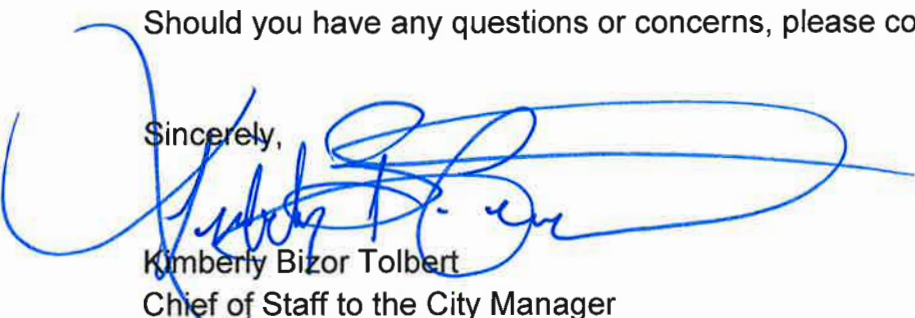
As a follow up to the Ad Hoc Administrative Committee meeting that was held on September 23, 2019, please find attached the executive search position description for the 2016 City Attorney recruitment and the draft of the 2019 position profile.

The 2019 draft position profile has been highlighted in yellow to reflect all the additional information that has been either revised or added as compared to the 2016 position description.

Please review the current draft position profile and provide any feedback to me by Tuesday, October 1, 2019. The profile will be finalized with the search consultant by Friday, October 4, 2019 to begin the search process.

Should you have any questions or concerns, please contact me at 214.670.3302.

Sincerely,



Kimberly Bizer Tolbert  
Chief of Staff to the City Manager

Honorable Mayor & Members of the Council  
T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
Michael Mendoza, Chief of Economic Development and Neighborhood Services  
M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

## Position Description

February 2016

### City of Dallas

1500 Marilla Street

Dallas, TX 75201

www.dallascityhall.com



City of Dallas

The City of Dallas has retained Major, Lindsey & Africa on an exclusive basis to conduct a search for a City Attorney. The City of Dallas is an equal opportunity employer. Interested candidates, please respond to the MLA search consultant who contacted you about this search or directly to [dallascityatty@mlaglobal.com](mailto:dallascityatty@mlaglobal.com). Please do not contact the City directly; all resumes sent to the City will be routed to MLA for handling and will create delays.

### CITY ATTORNEY

**Overview:** The City Attorney serves as the chief legal advisor to the City Council, the City Manager, and all departments, offices and agencies of the City of Dallas. The City Attorney also serves in a managerial and supervisory role to the City Attorney's Office, which is comprised of approximately 160 individuals and over 90 attorneys. Further, the City Attorney is tasked with representing the City and issuing legal advice on all matters concerning the City government as well as rendering advice on all proposed legislation affecting the City from municipal, state, and federal sources.

**Overview of the City of Dallas:** As the ninth largest U.S. city and part of the fourth largest metropolitan area in the nation, the City of Dallas covers roughly 343 square miles in North Texas. Centrally located within a four-hour flight from most North American destinations, Dallas has a Council/Manager form of government. The City Attorney's Office is made up of over 90 attorneys, including 2 managing Senior Executive City attorneys and 15 cross-functional practice groups.

**Compensation:** Competitive compensation package (including excellent benefits) commensurate with experience.

**Experience:** A minimum of 15 years of legal experience gained in private practice, corporate legal departments, and/or municipal or other government roles, including significant exposure to and knowledge of laws and regulations affecting municipalities as well as experience managing a professional legal staff.

**Relocation:** This is a national search and, as such, relocation benefits will be provided. If, at the time of appointment, the City Attorney resides outside the City of Dallas, then he or she will be required to move within the City limits within a time period required by the City Council.

**Bar:** Admission to the State Bar of Texas and, where applicable, in federal court.

#### **ORGANIZATIONAL OVERVIEW:**

Located in North Texas, the City of Dallas has a population of more than 1.2 million and covers an area of approximately 343 square miles. The seat of Dallas County, Dallas is the ninth largest city in the United States and part of the fourth largest metropolitan area in the nation. Dallas currently is governed by a Council/Manager form of government, with Mike Rawlings serving as Mayor and A.C. Gonzales serving as City Manager along with 14 Council Members representing the 14 Council Districts throughout the City.

#### **SUMMARY OF POSITION DESCRIPTION**

The City Attorney provides, monitors, and manages all legal advice and counsel for the City of Dallas on behalf of the City Manager, City Council, and all City departments and agencies, ensuring that the City's actions are consistent with applicable law, and manages and oversees the administration of the City Attorney's Office with a focus on efficient, proactive and effective support for the City.

#### **POSITION RESPONSIBILITIES**

Essential Functions:

- Plans, organizes, and directs, through two managing Senior Executive Assistant City Attorneys, the operations of the City Attorney's Office, including prosecution of all cases brought before the Municipal Court, prosecution and defense of all cases involving the City of Dallas in state and federal courts, inspection and issuance of legal opinions on papers, documents, contracts, and other instruments, legal issues in which the City may be interested, and provision of legal advice to all official boards and commissions and all City officers and employees with respect to questions involving an official duty or other legal matter pertaining to the affairs of the City of Dallas.
- Represents the City in all litigation and controversies.

- Approves as to form, in writing, all proposed ordinances before they are adopted by the City Council.
- Drafts all proposed ordinances granting franchises.
- Inspects and passes upon all papers, documents, contracts, and other instruments in which the City may be interested.
- Provides legal advice to the City Manager and City Council with respect to questions involving an official duty or other legal matters.
- As directed by the City Council, institute suit against any offending party in the court having jurisdiction over the specific matter to obtain a judgment or forfeiture of the franchise or privilege.
- Advises the City Council, City Manager, and all departments of the City concerning new or proposed state or federal legislation and represents the City before all legislative bodies in matters affecting the City.
- Appears in any and all litigation affecting the City and represents the City in such manner as he or she deems to be in the best interest of the City, and institutes such legal proceedings as may be necessary or desirable on behalf of the City.
- When necessary, engages and monitors outside counsel.

#### **QUALIFICATIONS & SKILLS**

- **Required Knowledge, Skills & Abilities**
  - Thorough knowledge of federal and state laws and regulations concerning city government.
  - Thorough knowledge of principles of management techniques and municipal administration.
  - Extensive experience in litigation as well as litigation management.
  - Ability to communicate effectively orally and in writing.
  - Ability to manage and supervise subordinate staff.
  - Ability to work with a diversified group of individuals.
  - Ability to establish and maintain an effective working relationship with all levels of management, City officials, vendors, other government agencies, other employees, and the general public.
- **Special Requirements**
  - Bachelor's degree.
  - Juris Doctor Degree from an ABA-accredited law school.
  - Admission to the State Bar of Texas and, where applicable, in federal court.



- The City Attorney shall be a resident of the City of Dallas. If, at the time of appointment, the City Attorney resides outside the City of Dallas, then he or she shall move into the City within a time period required by the City Council.
- **Desired Traits**
  - Proficiency at developing, instituting, and maintaining performance matrixes and measurements to increase efficiency within a large legal team.
  - Demonstrated ability to serve as a solutions-orientated advisor who consistently offers problem-solving solutions in the course of representing a municipal organization, large corporation, or client base.
  - Exceptional management skills which encompass the ability to work across multiple levels of management while providing solid leadership, guidance, and mentorship.

#### **PROCESS**

Submit a resume in Microsoft Word format with a letter describing your interest and relevant skills addressed to:

#### **Pete Boerner**

Managing Partner - Texas

[dallascityatty@mlaglobal.com](mailto:dallascityatty@mlaglobal.com)

#### **Ann-Margaret Dudley**

Director, In-House Practice Group

[dallascityatty@mlaglobal.com](mailto:dallascityatty@mlaglobal.com)

No calls, please.

You may be required to complete additional documents to be considered for this position.

**CITY OF DALLAS, TX  
CITY ATTORNEY**

**THE COMMUNITY**

The City of Dallas, Texas, is the third-largest city in the state of Texas and the ninth-largest in the United States. Almost twenty percent of the population of Texas lives in the Dallas-Fort Worth metroplex area, which is the largest metropolitan area in the South and the fourth-largest in the United States. Divided between Collin, Dallas, Denton, Kaufman, and Rockwall counties, the City has a population of approximately 1.34 million residents and a total metropolitan population of approximately 7.5 million in 2018.

Dallas was founded in 1841 and was formally incorporated as a city in February 1856. The City's economy is primarily based on banking, commerce, telecommunications, computer technology, energy, healthcare/medical research, transportation, and logistics. The City is home to the third-largest concentration of Fortune 500 companies in the nation.

The City's prominence arose from its historical importance as a center for the oil and cotton industries, and its position along numerous railroad lines. With the advent of the interstate highway system in the 1950s and 1960s, Dallas became an east/west and north/south focal point of the interstate system with the convergence of four major interstate highways in the city, along with a fifth interstate loop around the city. Dallas developed a strong industrial and financial sector and a major inland port, due largely to the presence of Dallas/Fort Worth International Airport (DFW)—one of the largest and busiest airports in the world. The City is also home to Dallas Love Field Airport, located just 6 miles northwest of downtown, and is the headquarters to Southwest Airlines.

The City of Dallas has more than 300 public and almost 90 private primary and secondary schools. Also, the region is home to more than 40 higher education institutions, including the University of Texas Southwestern Medical School, Southern Methodist University, the University of Texas at Dallas, the University of North Texas, Texas Christian University and the University of Texas at Arlington.

For the sports enthusiast, the region offers a wide variety of sporting events including the Dallas Cowboys (NFL); Texas Rangers (MLB); Dallas Mavericks (NBA); Dallas Wings (WNBA); Dallas Diamonds (IWFL); Dallas Stars (NHL); Dallas Vigilantes (AFL); FC Dallas (MLS); Dallas Rattlers (MLL); Mesquite Championship ProRodeo; NASCAR events at the Texas Motor Speedway; and a variety of collegiate sporting events.

The area also offers world-class entertainment, art, shopping, dining, cultural, and recreational opportunities. In 2018, Dallas was rated as a Beta+ world city by the Globalization and World Cities Study Group & Network. Dallas is the largest economic center of the 12-county Dallas – Fort Worth – Arlington metro area, which had a 2017 gross metropolitan product of \$535 billion. And, according to the Brookings Institution, Dallas-Fort Worth was one of the first three metropolitan areas to fully recover from the 2008 recession, surpassing previous levels of economic activity by the end of 2012.

**THE ORGANIZATION**

The City of Dallas has a Council-Manager form of government. Under this form of government, the elected City Council sets policies for the operations of the City. The City Council consists of the Mayor and 14 Council members serving as representatives to the 14 Council Districts. The administrative responsibility of the City rests with the City Manager, who has a Chief of Staff, four

Assistant City Managers; a Chief of Diversity and Inclusion, Chief Innovation Officer, Chief of Economic Development & Neighborhood Services. The Chief Financial Officer also reports directly to the City Manager.

Dallas is a full-service city comprised of more than two dozen departments, including Police, Fire-Rescue, and municipal court services. The City Manager oversees all departments and functions of the City except those of City Attorney, City Secretary, City Auditor, and Judiciary, each of whom reports directly to the City Council. In addition, the Parks Department does not report directly to the City Manager but has its own board that is appointed by the City Council.

Dallas has a total proposed FY 2019/2020 operating budget of \$2.9 billion and capital budget of \$872 million. The City currently employs a staff of over 12,000 full-time employees.

### THE DEPARTMENT

The mission of the City Attorney's Office (CAO) is to provide the highest quality legal services to the City Council, City employees, and boards and commissions in the most ethical, timely, efficient, and cost-effective manner. The Office provides legal counsel to the City Council, city officials, departments and employees on all legal matters involving the City, legal opinions and representation for all matters concerning city government and advises the City Council of all proposed legislation affecting the City from municipal, state and federal sources.

The City Attorney's Office has approximately 164 staff and a \$18,483,486 annual operating budget. The Office's goals include:

- Respond to Council and department requests in a timely manner;
- Continue to actively pursue violations of state law and City ordinances that affect quality of life issues;
- Continue to cross-train lawyers to provide quicker responses to legal issues; and,
- Continue to minimize the impact on taxpayers by reducing the use of outside counsel and providing more legal services in-house.

The FY 2018-19 budget and FY 2019-20 planned budget for the CAO support the department's efforts to showcase Dallas as a world-class destination by focusing on reducing crime, creating a sustainable community, and improving the quality of life of residents. The CAO will continue to collect more than \$2.5 million in revenue, prosecute more than 200,000 cases through municipal and community prosecution programs, draft thousands of contracts, ordinances, and resolutions, provide thousands of legal opinions, handle hundreds of claims and lawsuits, and provide innovative programs through the Community Courts division.

The following are service areas within the City Attorney's Office:

Community Courts: Neighborhood-focused courts that address complex individual problems and build stronger communities. Allows the City to focus and leverage its resources in target areas to maximize program benefits and neighborhood impact.

Community Prosecution: Community Prosecutors use litigation and creative problem-solving strategies to address and abate code violations, improve the quality of life, increase public safety, and strengthen communities throughout the city. of Funds

DFW International Airport Legal Counsel: Provides services to the DFW Airport Board and staff

regarding federal regulatory matters, contracts with airlines, commercial real estate, labor and environmental law, contract compliance and procurement, and ground transportation regulations.

Environmental Enforcement, Compliance, and Support: Prosecutes stormwater and other environmental violations and litigation. Provides legal advice to City departments regarding stormwater and other environmental compliance.

General Counsel: Provides legal advice and counsel to the City Manager, the City Council, City boards and commissions, and all City departments. Responsible for drafting and reviewing contracts and ordinances of the City and providing legal advice on a wide variety of matters.

Litigation: Represents the City, its officers and employees in lawsuits, claims, and appeals involving civil rights, personal injuries, employment, collections, eminent domain, bankruptcy, City ordinances, Open Records Requests, zoning, land use, public utilities, and other issues.

Municipal Prosecution: Prosecutes class C misdemeanors and fine-only City ordinance violations, including animal cruelty, juvenile, dangerous dog appeals, demolition, environmental, family violence, and traffic violations.

Police Legal Liaison: Serves as general counsel to the Dallas Police Department, provides legal training and advice about subpoenas, public information requests, and expunctions, prepares opinions and bulletins, requests decisions from the Attorney General, and files answers in court.

## **THE POSITION**

The City Attorney serves as the chief legal counsel for the City of Dallas and provides supervision to all attorneys and staff in the City Attorney's Office. Responsibilities of the City Attorney include, but are not limited to:

- Plans, organizes, and directs the operations of the City Attorney's Office through two managing Senior Executive Assistant City Attorneys including the administration of oaths and affidavits, prosecution of all cases brought before the Municipal Court, prosecution and defense of all cases involving the City of Dallas in state and federal courts, inspection and issuance of legal opinions on papers, documents, contracts and other instruments, legal issues in which the City may be interested, and provision of legal advice to all official boards and commissions and all City officers and employees with respect to questions involving an official duty or other legal matter pertaining to the affairs of the City of Dallas.
- Represents the city in all litigation and controversies.
- Administers oaths and affidavits.
- Approves as to form in writing all proposed ordinances before they are adopted or files with the city council, in writing, any objection to an ordinance.
- Drafts all proposed ordinances granting franchises.
- Inspects and passes upon all papers, documents, contracts, and other instruments in which the city may be interested.
- Provides legal advice to the City Manager and the City Council with respect to questions involving an official duty or other legal matters.
- As directed by City Council, institutes lawsuits against any offending party in the court having jurisdiction over the specific matter to obtain a judgment or forfeiture of the franchise or privilege.

## DRAFT PROFILE- 2019

- Advises the City Council, City Manager, and all the departments of the city concerning new or proposed state or federal legislation and represents the city before all legislative bodies in matters affecting the city.
- Appears in any and all litigation affecting the city and represents the city in such a manner as he/she deems to be in the best interest of the city and institutes such legal proceedings as may be necessary or desirable on behalf of the city.
- The City Attorney works with the Risk Management department to manage Risk funds, and the City Attorney manages outside counsel expenditures.
- Hires or discharges such clerical personnel or other personnel as may be authorized for the city attorney's department by City Council.
- When deemed in the best interest for the city, advises or represents officers and employees of the city in litigation in matters arising out of the official conduct of their office or duties or in the course of their employment.
- Performs such other legal duties as directed or requested by the City Council or as required to resolve legal issues involving the City of Dallas.

### ISSUES, CHALLENGES, AND OPPORTUNITIES

Critical to the success of the new City Attorney is establishing trust. The City of Dallas has a large and diverse Council with varying levels of experience as elected officials. The City Attorney must be able to establish trust with the Council and other stakeholders, while being mindful of the Council's role as policymakers and, as importantly, understanding their own role as legal advisor and the need to remain objective at all times.

A challenge for the City Attorney includes overseeing and effectively managing a large, complex, legal department which provides services to the Mayor, Council, the city's large number of Departments, Boards and Committees. Managing resources to meet the operational needs of the City Attorney's Office in a cost-effective and timely manner, along with establishing a culture of being supportive and responsive is crucial.

As a large and dynamic city, Dallas has a very broad spectrum of legal issues and challenges. As such, the City Attorney's Office has a varied, ever-changing workload, and the City Attorney must be a strategic legal advisor to help navigate through highly complex legal issues in a manner that serves the best interest of the City.

The City Attorney position provides an interesting and dynamic opportunity to lead a substantial legal department in one of the most prestigious communities in the country. The City Attorney will be an integral part of executive leadership which supports Council in its efforts to improve quality of life and make a positive, long-term impact on the City of Dallas.

### THE IDEAL CANDIDATE

The size and complexity of Dallas' city government requires a strong leader, skilled manager, and experienced administrator to serve as the new City Attorney. An innovative, creative and forthright individual is needed. Must have strong political and business acumen and perform with the highest degree of professionalism, honesty and integrity.

An open, approachable, and transparent communicator who can articulate information in a manner that can be easily understood is sought. The successful candidate will demonstrate a commitment to presenting the same complete, unbiased, balanced information to all members of the City Council in an apolitical manner and assist the Council as they reach consensus on complex and sensitive issues. The City Council is also seeking a candidate with the confidence,

diplomacy, and tact to communicate any foreseeable issues or challenges when the Council proposes action, as well as have a personal commitment to fully support Council's decisions. The City Attorney must provide sound advice and recommendations to the Council, as well as providing the Council with options and alternatives as needed, providing competent legal work based on the law and facts without political, partisan or personal considerations.

The ideal candidate will be trustworthy and garner credibility and respect among the City Council, City staff and committees, citizens, and the business community. The City Attorney will establish and maintain effective relationships, exercise good judgment and maintain confidentiality of critical or sensitive information. An individual committed to employee development, staff empowerment, and strong succession planning will be valued, as will one with a strategy for attracting and retaining great talent. The new City Attorney should also demonstrate an understanding of and embrace the value of organizational diversity and a balanced strategy for minority inclusion.

A transformative individual who can look at the City Attorney's Office with an analytical eye and approach issues with fresh and innovative ideas will be valued. A strategic, adaptable thinker will do well in this position. The City Attorney will be expected to evaluate current policies and procedures with a customer-focused goal and the aim of improving organizational effectiveness and efficiencies while balancing fiscal responsibilities.

A Bachelor's degree and graduation from an accredited college of law, plus a license to practice law in the State of Texas, is required. Candidates should have at least ten (10) years of senior legal administration experience. Experience in legal areas such as Appellate, Constitutional, Land Use/Zoning, Purchasing, Environmental, Open/Public Records, Contracts, and Labor/Employment Law, including litigation and transactional is beneficial. Texas municipal experience and knowledge of the City of Dallas organization is a plus. A strong candidate will have prior experience as a City Attorney or Assistant City Attorney in a large, complex organization or other significant and applicable public sector experience; or have significant experience managing a large private sector organization with a focus on municipal and civil law.

### **THE COMPENSATION**

The salary for this position is competitive and open, depending upon qualifications. The City offers an excellent benefits package. For additional information on benefits, please visit: <https://dallascityhall.com/departments/humanresources/benefits/Pages/default.aspx>.

The City Attorney is required to be a resident of the City of Dallas. If at the time of appointment, the City Attorney resides outside of the city limits, then he/she will be required to relocate to within a time period determined by City Council.

### **TO APPLY**

If interested in this outstanding opportunity, please visit our website at [www.srnsearch.com](http://www.srnsearch.com) and apply online. The position is open until filled.

Résumés will be screened according to the qualifications outlined above. Screening interviews with the most qualified applicants will be conducted by S. Renée Narloch & Associates to determine a select group of finalist candidates who will be asked to provide references. References will be contacted only following candidate consent. Final interviews will be held with

## **DRAFT PROFILE- 2019**

the Mayor and City Council. Candidates will be advised of the status of the recruitment following the selection of the City Attorney.

Questions regarding this recruitment may be directed to Ms. S. Renée Narloch at [info@srnsearch.com](mailto:info@srnsearch.com) or 850.391.0000.

The City of Dallas is an equal opportunity employer.

**PURSUANT TO TEXAS OPEN RECORDS LAW, APPLICATIONS AND RESUMES ARE SUBJECT TO DISCLOSURE.**

# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Standard and Poor's Global Ratings Reviews Survey of Fifteen Largest U.S. City Pension Systems - INFORMATION**

On September 23, 2019, Standard and Poor's Global Ratings (S&P) released an article reviewing the fifteen (15) largest U.S. city pension systems, including the Employees' Retirement Fund (ERF), the Dallas Police and Fire Pension System (DPFP), and the Supplemental Police and Fire Pension Plan of the City of Dallas.

According to S&P's report, "primary fixed costs—covering pensions and OPEB as well as debt service payments—are generally high and in many cases poised to rise considerably in the coming years," while "other key risks include the rising risk of recession and increasing medical costs and aging demographics." A key takeaway from the report states that overall, "pension funding levels improved for most of the 15 largest U.S. cities in fiscal 2018 and the median funded ratio aligns with the U.S. median."

The City of Dallas is highlighted in the report as the city with the largest funded ratio gain in fiscal year 2018, with 21 percent improvement in the DPFP System, following significant pension reform in 2017. As it relates to the City, S&P explains, "in April 2019, we affirmed our 'AA-' rating (with a stable outlook) on the city's general obligation (GO) debt, noting that upside potential depends partly on moderation in pension liabilities and citing carrying charges as a potential source of downside pressure."

A key takeaway from the report warns that "the risks of increasing medical costs and aging demographics [...] will expose cities to higher OPEB payments." Fortunately, Dallas adopted a policy discontinuing subsidies for retiree health care for employees hired after 2010. Therefore, while we have an OPEB liability which will continue to grow in the near term, it will begin to decline and ultimately will be eliminated, which ratings agencies consider credit positive.

With consistent economic growth and prudent fiscal management of the pension systems and OPEB liability, the City's efforts continue to support strong analysis of the City's credit components, including general obligation bonds and enterprise systems.



DATE September 27, 2019  
SUBJECT Standard and Poor's Global Ratings Reviews Survey of Fifteen Largest U.S. City Pension Systems - INFORMATION

Please let me know if you need additional information.

  
M. Elizabeth Reich  
Chief Financial Officer

[Attachment]

c: T.C. Broadnax, City Manager  
Chris Caso, Interim City Attorney  
Mark Swann, City Auditor  
Billieae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
Michael Mendoza, Chief of Economic Development and Neighborhood Services  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Fifteen Largest U.S. City Pensions See Modest Gains In 2018, But Recession Risk And Rising OPEB Cost Challenges Persist

September 23, 2019

Since the Great Recession, municipal defined-benefit pension plans have taken center stage as one of the key sources of long-term credit risk in what has historically been a remarkably stable, low-risk asset class. The 2008 financial crisis and subsequent economic downturn led to steep declines in asset values for U.S. municipal pension funds, followed by a period of inconsistent and often below-target investment performance. S&P Global Ratings believes that these issues have frequently been exacerbated by underfunding, where many municipalities continue to contribute less than actuarially recommended rates to their pension funds and where states have often failed to update statutory formulas in a timely manner to better align with actuarial recommendations. As funding levels have consequently been pressured, so too has the post-recession economic recovery been among the weakest in history, creating more acute budgetary pressure directly related to pension and other postemployment benefits (OPEBs) for many local governments, while focusing market attention ever more sharply on the risks that postretirement obligations pose for local government budgets and credit quality.

## PRIMARY CREDIT ANALYST

**Scott Nees**  
Chicago  
(1) 312-233-7064  
scott.nees@spglobal.com

## SECONDARY CONTACTS

**Carol H Spain**  
Chicago  
(1) 312-233-7095  
carol.spain@spglobal.com

**Todd D Kanaster, ASA, FCA, MAAA**  
Centennial  
+ 1 (303) 721 4490  
Todd.Kanaster@spglobal.com

**Geoffrey E Buswick**  
Boston  
(1) 617-530-8311  
geoffrey.buswick@spglobal.com

## Key Takeaways

- Fixed costs remain elevated for most of the largest cities and in most cases will likely grow over time, pressuring infrastructure investment, and in some cases, priority service provision.
- Pension funding levels improved for most of the 15 largest U.S. cities in fiscal 2018 and the median funded ratio aligns with the U.S. median.
- Despite elevated costs, most of the largest cities are not making what we consider adequate funding progress in their plans, and a handful are not even making the payments necessary to preserve their current funding status.
- Other key risks include the rising risk of recession and increasing medical costs and aging demographics that will expose cities to higher other postemployment benefit (OPEB) payments.

In this year's annual survey of the 15 largest American cities, S&P Global Ratings continues to see a picture that is decidedly mixed in terms of where the largest cities stand with respect to their

pension and OPEB liabilities. Primary fixed costs—covering pensions and OPEB as well as debt service payments—are generally high and in many cases poised to rise considerably in the coming years due to poor pension funding levels, actuarial assumptions and methods that defer meaningful funding progress into the future, and movement toward the adoption of more conservative actuarial assumptions that revise funding levels downward and require higher employer contributions. We expect that cities with poorly funded pension plans will continue to struggle with cost pressures, as rising pension payments compete for the dollars needed to fund priority services and infrastructure investment. On the other hand, we continue to observe many cities that are proactively addressing their pension and OPEB liabilities through meaningful reforms that, though often more costly in the short term, will better position them in the long run to meet their obligations without impairing their fiscal health.

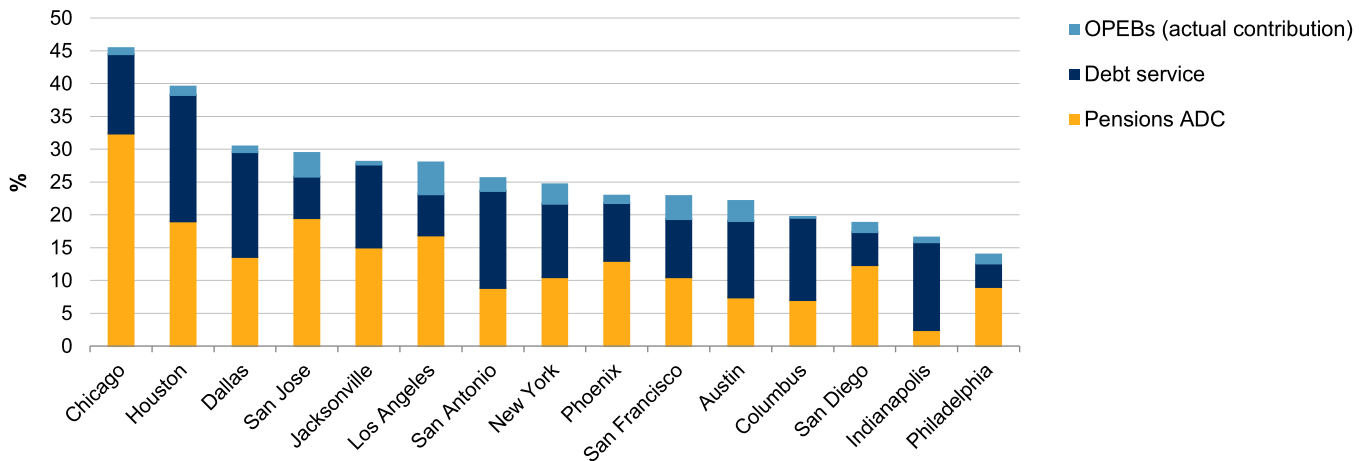
This year, we take stock of some of the key trends we have traditionally focused on in our survey of the largest U.S. cities' pensions—cost trends and affordability, funding levels, and ongoing pension reform efforts—while highlighting some new themes that we think deserve emphasis, including what we expect will be greater focus on OPEB obligations; the potential effects of a recession on funding levels and costs; and the quantitative measurement of funding progress, enabling a more precise pinpointing of funding shortfalls and the risk of cost acceleration.

## **High Fixed Costs Are Set To Crowd Out Other Spending Priorities**

Pension, OPEB, and debt service spending is high among the 15 largest U.S. cities, exceeding 25% of governmental expenditures on average in the most recent fiscal year. Six of the cities in our sample—Chicago (BBB+/Stable), Dallas (AA-/Stable), Houston (AA/Stable), Jacksonville, Fla. (AA/Stable), Los Angeles (AA/Stable), and San Antonio (AAA/Stable)—dedicated more than one-quarter of their 2018 budgets to fixed costs. We expect spending on pensions and OPEBs to continue to rise well into the future for the largest U.S. cities, as many pension plans are poorly funded or employ funding practices that defer costs into the future (see, for example, the "Measuring Static Funding And Minimum Funding Progress" section below). Further, we expect that changing demographics—an increasing number of retirees relative to active employees—along with rapidly rising medical costs will create greater cost pressure from government OPEB plans. We expect higher fixed costs to increase pressure on other priority services such as public safety and public works, absent tax base growth, tax rate hikes, or new revenue streams, and indeed we are already observing the effects of this trend in some of the cities facing the greatest cost pressures.

Chart 1

**Primary Fixed Costs – Pensions, Debt Service, And OPEBs**  
(Fiscal 2018 % of governmental expenditures)



OPEB--Other postemployment benefit. ADC--Actuarially determined contribution. San Diego pension ADC excludes payments made by the city enterprises. Primary fixed costs include actuarially determined pension contributions, actual OPEB contributions, and principal and interest payments on debt, and are here expressed as a percentage of total governmental fund expenditures. S&P Global Ratings will frequently make analytical adjustments to expenditures per our criteria to account for items such as one-time expenditures.

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Chicago has been a consistent outlier in our survey over the past three years. Its pensions are the most poorly funded of the largest U.S. cities, such that they have contributed to the largest structural budget deficit in the city's recent history. The city has instituted a hiring freeze and has cut other expenditures going into the 2020 budget cycle. With fixed costs at 45% of expenditures and rising, we expect it will continue to face cost pressures that compete with other discretionary spending and absorb a greater share of its total revenue capacity. In contrast, Indianapolis (AA+/Stable) has the best-funded pensions in our survey, and the results, as shown in Chart 1, are telling in comparison to peers. In fiscal 2018, Indianapolis' pension and OPEB contributions were just over 3% of total spending, and it spent 4.3x more on debt service than it did on retirement benefits, signaling that a substantially greater share of its resources are being devoted to capital investment than to legacy costs.

The figures in Chart 1 also suggest a growing likelihood that pension and OPEB costs will increasingly compete with infrastructure spending as cost pressures grow. The majority of the 15 cities contributed more to pensions and OPEBs in fiscal 2018 than they paid in debt service (a proxy for capital investment), with the median city spending 1.2x more on pensions and OPEBs than on debt service. As noted, we believe that these current cost measures actually understate the likely future mismatch between outlays for pensions and OPEBs and those for debt, as we expect pension and OPEB costs to accelerate relative to other expenditure categories for many large U.S. cities. By implication, any of the major cities facing growing demand for new infrastructure investment or dealing with a backlog of deferred capital will experience greater

budgetary pressure over time as mounting retirement costs command an ever greater share of budgets and crowd out spending elsewhere.

## **GASB 74, 75 Add OPEB Transparency As Costs Appear Likely to Rise**

Beginning in fiscal 2017, Government Accounting Standards Board (GASB) Statements Nos. 74 and 75 required more uniform reporting standards and greater transparency around OPEB liabilities, which we believe will continue to foster greater awareness of the extent of municipal OPEB obligations. We think that risks associated with OPEBs have frequently been underappreciated, likely in no small part due to OPEB costs being modest as a share of budgets historically and the greater flexibility that some municipalities have to modify their benefit offerings. At the median, OPEB costs represented only 1.3% of expenditures among the 15 largest cities in fiscal 2018, though this only measures actual contributions. We find that most OPEB plans are funded on a pay-as-you-go basis, where the sponsoring government is paying for benefits directly from its operating budget. These municipalities are not prefunding the plans by accumulating assets in a trust to earn investment income that will be available to cover future benefit payments. In our 15-city sample, we found that only Los Angeles has routinely made actuarially determined contributions to its OPEB plans in recent years and is the only city with an OPEB plan that is funded at greater than 50%. Its City Employees' and Water & Power plans were 81% and 78% funded, respectively, at the end of fiscal 2018.

The common use of pay-as-you-go financing for OPEBs exposes cities to cost acceleration and volatility. We expect that OPEB spending will be a more significant cost pressure in the future than in the past as baby boomers continue to reach retirement age, as longevity improves, and as rising medical costs continue to outpace general price inflation, trends that have been underway for some time. While many states allow for greater flexibility to reduce OPEB liabilities by directly cutting benefits, changing eligibility and vesting requirements, or shifting costs onto employees, we recognize that these types of measures represent cuts to total employee compensation and to that end may be politically contentious. Unless we see a municipality implementing what we consider a credible plan to actually cut benefits, then we will treat OPEB benefit payments as hard costs that must be paid, as with other types of fixed obligations. For more information, see "OPEB Brief: Risks Weigh On Credit Even Where There Is Legal Flexibility" (published May 22, 2019, on RatingsDirect) and "New GASB Statements 74 And 75 Provide Transparency For Assessing Budgetary Stress On U.S. State & Local Government OPEBs" (published March 14, 2018).

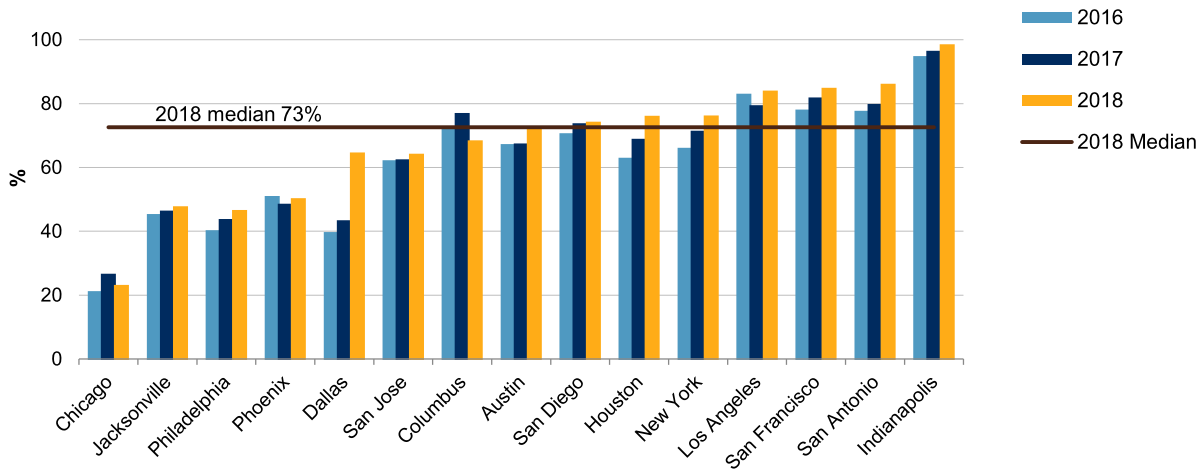
## **Pension Reform Efforts Keep Funded Ratios Stable As Recession Risk Looms**

Data from the Center for Retirement Research at Boston College's Public Funds Database for fiscal 2018 show a median GASB 67 funded ratio of 73% for the public-sector pension funds in the sample, which coincidentally matches the median weighted funded ratio for the pension plans of the largest U.S. cities in our 2018 survey. Chart 2 shows the weighted funded ratios from 2016 to 2018 for the largest U.S. cities. Only two cities saw a decline in funded status in 2018 compared to the prior year. Chicago's weighted funded ratio fell by 4% due to investment losses in all four of its pension funds, negative amortization, and assumption changes (specifically, the use of a lower, blended discount rate to value liabilities), and Columbus' (AAA/Stable) funded ratio fell by 9% amid investment losses in both of the Ohio Police & Fire Pension Fund (OP&F) and the Ohio Public Employees' Retirement System (OPERS). The two cities with the largest gains were Dallas and Houston, which saw 21% and 7% improvements, respectively, as Dallas instituted significant pension reforms in 2017 and Houston issued pension obligation bonds (POBs) in 2018. The median

city's weighted funded ratio improved by 3% in 2018.

Chart 2

**Weighted Pension Plan Funded Ratios**  
All plans (2016–2018)



The weighted funded ratios represent the funded ratio for all plans for each city, where each plan ratio is weighted by the city's proportionate share of the pension liability for that plan. The 2018 median was derived from the 2018 reported GASB 67 funded ratios included in the Center for Retirement Research at Boston College and the Center for State and Local Government Excellence's Public Plans Database. Copyright © 2019 by Standard & Poor's Financial Services LLC. All rights reserved.

As in the examples of Chicago and Columbus, pension funds are sensitive to funding setbacks if they realize investment losses or if investment returns fall below the rate of return assumption, as they are heavily dependent on investment earnings to pay for future benefits. We think this sensitivity is worth underscoring at this moment given that we are currently well into what is now the longest economic expansion since World War II and are forecasting a 30%-35% chance of a recession in the next 12 months (see "U.S. Business Cycle Barometer: Recession Risk Rises," published on Aug. 15, 2019). In addition to placing funding levels at risk, recessions and accompanying market volatility can place upward pressure on required contributions through the remainder of the plan funding horizon. The effects on the near-term budget will depend on the severity of investment shortfall in a market downturn scenario, the length and the severity of the recession, and its effects on revenue performance, as well as plan-specific characteristics. In general, cities with more aggressive target investment allocations and aging demographics are at the greatest risk. For more discussion, see the "Investment Returns, Demographics, and Market Risk" section below.

Two other key factors that we frequently see contributing to slow funding progress include contribution practices that are not actuarially based or that otherwise defer funding progress (which we discuss in detail in the "Measuring Static Funding" section below) and an ongoing movement toward pension reform, one component of which has been the adoption of more conservative liability measures that result in weaker funding levels. In particular, we have seen a clear trend across the sector toward lowering investment rate of return assumptions in light of a

generally more bearish assessment of long-term economic growth and expectations for weaker market returns. A February 2019 survey by the National Association of State Retirement Administrators (NASRA) found that 30% of the 129 pension plans sampled had reduced their assumed rate of return in the prior year and 90% had reduced their return assumption since 2010 (see "NASRA Issue Brief: Public Pension Plan Investment Return Assumptions," February 2019).

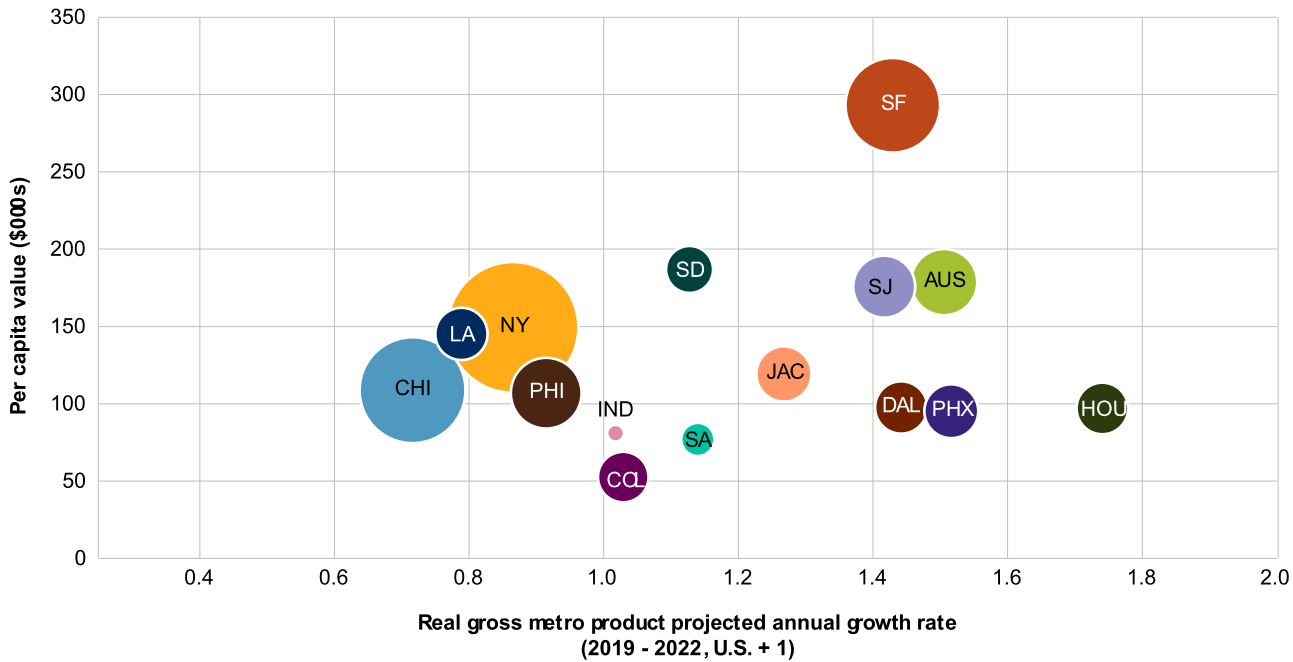
Along similar lines, most of the 15 largest cities have reduced their return assumptions for at least one of their pension plans within the last few years. We view the move to more realistic actuarial assumptions, particularly more conservative rate of return assumptions, favorably, though also recognize its role in rising plan contributions. As cities adopt more conservative actuarial assumptions, so too will their annual contributions increase, a kind of budgetary catch-22 that can place near-term fiscal priorities in tension against long-term stability. Still, while the turn to more conservative assumptions inherently involves these kinds of difficult budgetary tradeoffs, the costs of unrealistic assumptions are much greater in the long run, particularly if aggressive assumptions result in systematic underfunding that is allowed to compound over many years, generating a much larger problem down the road.

### **Issuer-Specific Economic Fundamentals Are Key To Affordability**

Our view of how pension and OPEB risk factor into credit quality is informed by an assessment of issuer-specific economic fundamentals and trends, which bear heavily on plan affordability. Despite the size of their liabilities, cities that are in rapidly growing and wealthy economies will, all else equal, be comparatively better positioned to manage liability growth, as they are more likely to see stronger future revenue performance and favorable demographic trends. These are especially important considerations in the context of municipal pensions and OPEBs, given the cost trajectory we are observing for retirement benefits. To the extent that revenue growth is not keeping pace with higher costs, we expect that the crowd-out effect discussed above will be more pronounced. Further, many municipalities, including a majority of the 15 largest cities, depend on future payroll growth to pay for their unfunded pension liabilities; to the extent that slow economic growth portends weaker demographic trends, these municipalities could see higher-than-expected costs if their payroll growth assumptions are not met.

Chart 3 shows each of the 15 cities' combined per capita net pension and net OPEB liabilities across all plans (as reflected in the bubble sizes), against two affordability measures: per capita market value (vertical axis) and the projected gross metro product (GMP) of their namesake metropolitan statistical areas (MSAs) compared to the projected U.S. gross domestic product (GDP) from 2019 through 2022 (horizontal axis, where U.S. projected GDP growth=1). Cities positioned higher on the scale are comparatively wealthier on a per capita basis, while those further to the right are projected to see stronger medium-term economic growth.

**Per Capita Net Pension And OPEB Liabilities  
(Relative to per capita market value and projected economic growth)**



The bubble sizes reflect each city's combined net pension liabilities and net OPEB liabilities on a per capita basis across all plans. The vertical axis represents per capita market value and the horizontal axis the projected real GMP annual growth rate relative to the projected U.S. GDP growth rate from 2019 through 2022, where the projected U.S. growth rate is equal to 1. The projections are derived from data from IHS Global Insight. AUS = Austin, CHI = Chicago, COL = Columbus, DAL = Dallas, HOU = Houston, IND = Indianapolis, JAC = Jacksonville, LA = Los Angeles, NY = New York, PHI = Philadelphia, PHX = Phoenix, SA = San Antonio, SD = San Diego, SF = San Francisco, SJ = San Jose. OPEB—Other postemployment benefit. NPL—Net pension liability. NOL—Net OPEB liability. Source: S&P Global Ratings. Copyright © 2019 by Standard & Poor's Financial Services LLC. All rights reserved.

New York (AA/Stable), Chicago, and San Francisco (AAA/Stable) have the largest per capita pension and OPEB liabilities, though San Francisco is positioned at the opposite end of the scale. San Francisco has exceptionally strong per capita wealth and projected GMP that is approaching 1.5x the national growth rate, whereas New York and Chicago have comparatively less wealthy economic bases and GMP that is projected to trail the national growth rate. In general, with the exception of Los Angeles, the Sun Belt cities are better positioned than their Midwest and Mid-Atlantic counterparts to realize strong economic growth in the coming few years and also tend to have lower per capita liabilities, factors we think suggest that they will be relatively better off to the degree that they experience cost acceleration from pension and OPEBs. For more information on our near-term economic expectations and local government credit conditions by region, see "U.S. State And Local Governments Will Need to Keep Their Hands On The Wheel," published on RatingsDirect on July 31, 2019.

Table 1

**Select Affordability Metrics**

	NPL per capita (\$)	NOL per capita (\$)	OND per capita (\$)	NPL + NOL + OND per capita (\$)	Primary fixed costs as % of total governmental funds expenditures	Weighted pension funded ratio (2018) (%)
Austin	1,767	2,700	5,373	9,840	22	73



Table 1

Select Affordability Metrics (cont.)

	NPL per capita (\$)	NOL per capita (\$)	OND per capita (\$)	NPL + NOL + OND per capita (\$)	Primary fixed costs as % of total governmental funds expenditures	Weighted pension funded ratio (2018) (%)
Chicago	11,171	254	8,782	20,207	45	23
Columbus	2,103	497	2,997	5,597	20	68
Dallas	2,399	386	5,115	7,900	30	64
Houston	1,689	1,022	4,832	7,543	40	76
Indianapolis	31	257	4,395	4,683	17	98
Jacksonville	2,900	207	2,916	6,023	28	47
Los Angeles	2,081	694	4,194	6,969	28	84
New York	5,687	11,727	9,582	26,997	25	76
Philadelphia	3,918	1,182	4,567	9,667	14	48
Phoenix	2,851	108	1,932	4,891	23	50
San Antonio	518	606	6,182	7,305	26	86
San Diego	1,856	391	5,820	8,066	19	74
San Francisco	4,912	4,200	7,171	16,284	23	85
San Jose	3,022	892	7,039	10,953	29	64
Mean	3,127	1,675	5,393	10,195	26	68
Median	2,399	606	5,115	7,900	25	73

NPL--Net pension liability. OPEB--Other postemployment benefit. NOL--Net OPEB liability. OND--Overall net debt. The net pension liability (NPL) represents the share of the total pension liability that is not matched by assets and is therefore unfunded. Similarly, the net OPEB liability (NOL) represents the unfunded share of the total OPEB liability. Overall net debt (OND) includes both direct debt as well as debt from overlapping entities. The weighted funded ratio is the combined funded ratio of all plans that each city sponsors or participates in, as weighted by its proportionate share of the total pension liability.

Recent Trends Among Largest Plans

Turning to the cities' largest pension plans, funding levels were more or less stable from 2016 to 2018, on average improving by 5.4% over the three-year period. Plan funding practices, investment performance, and, in the case of Houston, the issuance of POBs are key factors that we see contributing to the largest year-over-year changes. The average and median funded ratios for the 15 cities' largest pension plans were 66% and 70% in fiscal 2018, respectively. At the extremes, Chicago's Municipal Employees' Annuity and Benefit Fund (MEABF) was the most poorly funded plan at 23%, and Indianapolis' 1977 Police Officers' and Firefighters' Pension and Disability Fund the best funded at 102%.

While trends in funding status are a useful indicator of year-over-year funding progress and, indirectly, future cost trends, we also observe that certain plans are at greater risk of experiencing cost acceleration due to plan actuarial assumptions and methods and funding practices. In the next section, we also analyze fiscal 2018 performance among the largest plans by looking at two quantitative measures that better enable us to pinpoint funding shortfalls that could contribute to setbacks in funding status and cost acceleration. And in the final section, we also examine the largest plans' investment allocation (as reflected in their rate of return assumptions) in light of their demographic makeup, which we believe better informs our view of their exposure to market

risk and funding volatility.

## Measuring Static Funding And Minimum Funding Progress Of The Largest Plans

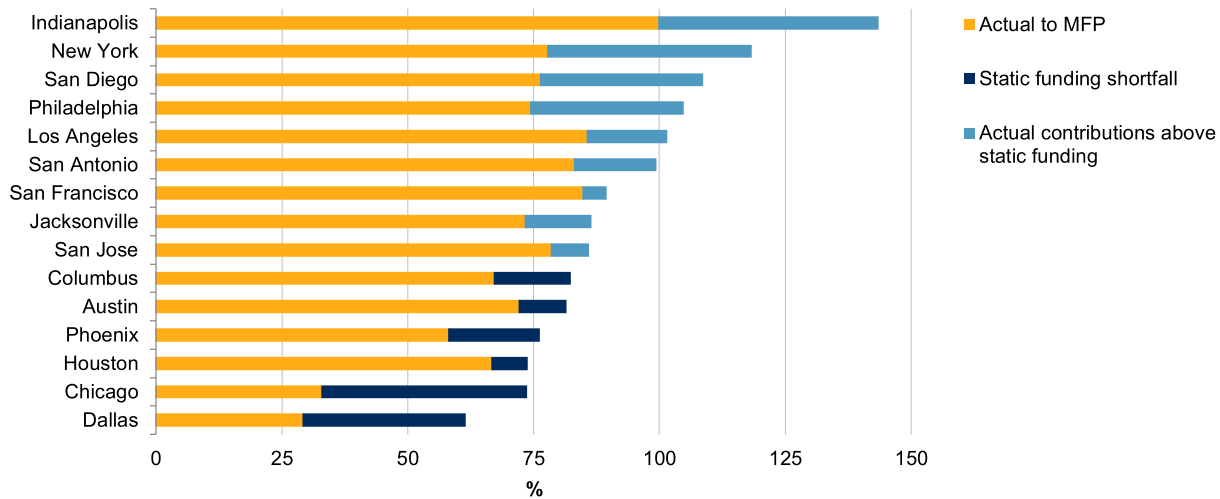
S&P Global Ratings incorporates pension and OPEB risk into its credit analysis for local governments by first looking to current reported liabilities and costs and then to the likely future liability and cost trajectory in light of plan-specific contribution practices and actuarial assumptions and methods. (For more information, see "Quick Start Guide To S&P Global Ratings' Approach to U.S. State And Local Government Pensions," published on May 13, 2019). Key factors that we routinely observe contributing to cost acceleration include weak contribution practices, such as funding based on a statutory formula that is out of sync with actuarial recommendations, and actuarial assumptions and methods that defer contributions into the future, thereby trading long-term plan stability for short-term budget relief. Regardless of the particular circumstance, a key observation that informs this perspective is that actuarial funding is a necessary, though not sufficient, component of a prudent funding practice. Indeed, plans that are funded on an actuarial basis often do introduce significant risk of cost acceleration, particularly when actuarial contributions are structured around assumptions and methods that are unrealistic, do not align well with plan experience and are not updated regularly, or fail to require meaningful progress in paying down unfunded liabilities within a reasonable timeframe.

Chart 4 compares total contributions to each city's largest pension plan in the most recent fiscal year to two measures that enable us to assess the adequacy of the plan contribution practices—static funding and minimum funding progress. "Static funding" is equal to the sum of the plan's annual service cost (the present value of benefits earned in the current year) and the interest cost on the portion of the total pension liability that is not backed by assets. Typically, when annual contributions are equal to this amount, the funding level will remain unchanged, or static, year over year. If all assumptions are perfectly met, a static funding shortfall will result in a decline in the funding level, as annual contributions will not be enough to match current-year earned benefits and interest costs.

"Minimum funding progress" is equal to the static funding level plus 1/30 of the beginning net pension liability. Regardless of the particular actuarial assumptions and methods that inform required contributions, contribution practices that ensure at least 100% of the minimum funding progress metric each year will, in our view, make the minimum contribution necessary to make steady funding progress within a reasonable timeframe.

Chart 4

**Static Funding And Minimum Funding Progress For The Largest Plans**



MFP--Minimum funding progress. Indianapolis -- 1977 Police and Firefighters. New York -- Teachers' Retirement System (TRS). San Diego -- City Employees' (SDCERS). Philadelphia -- Municipal Pension Plan. Los Angeles -- Los Angeles Fire and Police. San Antonio -- Fire and Police Pension Fund. San Francisco -- City and County Employees' (SFERS). Jacksonville -- Police and Fire Pension Plan. San Jose -- Police and Fire Retirement Plan (PFDRP). Columbus -- Ohio Police and Fire Pension Fund (OP&F). Austin -- Employees' Retirement and Pension (COAER). Phoenix -- Public Safety Personnel (PSPRS). Houston -- Municipal Employees' Pension System. Chicago -- Municipal Employees' (MEABF). Dallas -- Police and Fire Pension System.

Five of the six plans that experienced a static funding shortfall in fiscal 2018 fund their plans based on a statutory formula that does not match actuarial recommendations. Although Phoenix funds its Public Safety Personnel Retirement System (PSPRS) on an actuarial basis, its contributions are based in part on the assumption of an above-average long-term rate of return on investments and the plan is relying on future payroll growth to pay down its net pension liability, which backloads contributions. On the other hand, nearly all of the plans with contributions exceeding the static funding level in 2018 are funded on an actuarial basis with assumptions that are generally more conservative, including long-term investment return assumptions that are below the national average and amortization schedules that pay down unfunded liabilities more rapidly.

Only five plans had contributions greater than 100% of the minimum funding progress metric in 2018. Common characteristics of these plans include actuarially based funding practices; a below-average investment rate of return assumption (with the exception of Philadelphia's Municipal Pension Plan); and more frequent use of level-dollar amortization of unfunded liabilities, meaning that the plans are making increased contributions now in lieu of relying on future payroll growth and increasingly large contributions over time. Although the near-term costs of these funding practices are no doubt higher than they would be otherwise, making at least minimum funding progress reduces the likelihood of future cost acceleration through a more effective payment structure and one that is ultimately less costly over the long run, as the cities that are paying their liabilities down more rapidly will also pay lower interest costs over the life of

their plans.

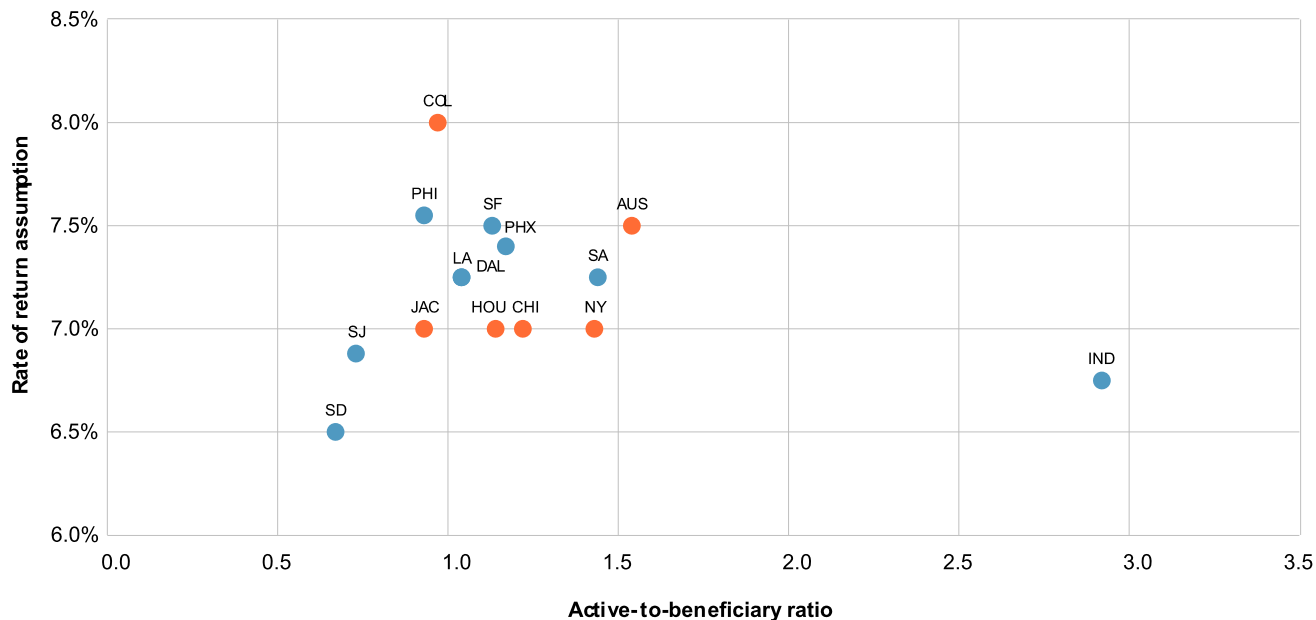
## **Investment Returns, Demographics, And Market Risk Of The Largest Plans**

The investment rate of return assumption—typically the single most significant variable in determining funding levels and annual contributions—can usefully be taken as an indicator of a plan's exposure to investment volatility and market risk. Plans with a higher rate of return assumption will have a target asset allocation that can reasonably be expected to produce greater returns over the long run, but at the cost of greater volatility and greater exposure to larger percentage decreases in asset values during a market downturn.

We believe that the investment rate of return assumption—and the level of market risk that it implies—is best considered within the context of each plan's unique characteristics, including its demographics and contribution practices. More mature plans, with a lower ratio of active employees to retirees and beneficiaries, will typically have more assets banked relative to the payroll of their working population, and to that extent, will be subject to greater volatility in contributions should they see large swings in investment returns. Conversely, younger plans tend to have fewer assets relative to payroll and a longer investment horizon that better situates them to absorb investment losses over the long term, thereby making a greater appetite for investment risk more appropriate.

Moreover, actuarial funding is generally more effective at absorbing market volatility while maintaining funded status, as investment losses in a given year will automatically be factored into future contributions. By contrast, most statutory contribution practices we see do not make such an automatic adjustment following a year of below-target investment returns, rendering these plans more susceptible to deterioration in funded status due to market volatility, particularly if their investment returns are chronically below their rate of return assumption and the statutory contribution rate is left unmodified. (For more discussion, see "Looking Forward: The Application Of The Discount Rate In Funding U.S. Government Pensions," published Sept. 13, 2018, and "The Increasing Cost of Governmental Pensions: Discount Rates And Contribution Practices," published Sept. 27, 2018.)

**Plan Demographics And Investment Rate of Return Assumptions  
(Largest Plans)**



Dallas' largest plan—the Police & Fire Pension System—is beneath the marker for Los Angeles, as both plans have the same rate or return assumption and nearly identical active-to-beneficiary ratios. Dallas' largest plan is not funded on an actuarial basis.  
 AUS = Austin, CHI = Chicago, COL = Columbus, DAL = Dallas, HOU = Houston, IND = Indianapolis, JAC = Jacksonville, LA = Los Angeles, NY = New York, PHI = Philadelphia, PHX = Phoenix, SA = San Antonio, SD = San Diego, SF = San Francisco, SJ = San Jose.  
 Source: S&P Global Ratings. Copyright © 2019 by Standard & Poor's Financial Services LLC. All rights reserved.

Chart 5 shows each of the 15 cities' largest pension plans by their rate of return assumption (on the vertical axis) and their ratio of active employees to retirees and beneficiaries (on the horizontal axis), with the blue markers signifying plans that are funded on an actuarial basis and the red markers indicate plans that are not actuarially funded.

We see that one-third of the plans had rate of return assumptions that were above the 7.27% average in NASRA's sample from February 2019. In particular, the Ohio Police and Fire Pension Fund (OP&F)—a cost-sharing multiple-employer plan that is the largest plan for Columbus—is an outlier with an 8% rate of return assumption, and Philadelphia's Municipal Pension Plan is not far behind with a 7.55% return assumption. Further, both plans have an active-to-beneficiary ratio of less than 1x, meaning that they have more retirees and beneficiaries than active employees, and to that extent, are more dependent on assets and employer contributions to maintain their funded status. These plans and others that are positioned toward the upper-left portion of the chart are comparatively more vulnerable to investment risk, and are thus more likely to see cost acceleration following a market downturn.

Indianapolis' 1977 Police and Firefighters' plan is another outlier but in a different way. The city closed its pre-1977 plan to new entrants when it created the 1977 plan, so the new plan has a healthy active-to-beneficiary ratio and, being fully funded, can meet its projected benefit payments with less dependence on future investment earnings. Accordingly, it has one of the lowest investment rate of return assumptions in our sample at 6.75%. The lowest rate of return assumption belongs to San Diego City Employees' Retirement System (SDCERS; 6.5%), which also has the lowest active-to-beneficiary ratio of any plan in our sample at 0.67x. The city has lowered

its return assumption in stages over the past few years, which we think is prudent given its exposure to cost increases if were SDCERS to experience significant investment losses. Along similar lines, we expect that, in general, cities with aging demographics may likewise consider lowering their return assumptions over time to reduce contribution volatility from market exposure. Those that do not could be at greater risk of asset volatility and cost increases following a market downturn or a period of below-target investment returns.

## **Recent Pension Developments In The Largest Cities**

### **Chicago**

In her 2019 State of the City Address in August, the city's newly elected mayor announced that Chicago faces a sizable \$838 million structural budget gap for fiscal 2020 (see "How Chicago Closes Its Fiscal 2020 Budget Gap Will Be Pivotal To The Rating," published Sept. 3, 2019). The city is currently midway through a multiyear hike in contributions to its four single-employer defined-benefit pension plans. This so-called contribution "ramp" follows from legislation passed in 2016 and 2017 requiring the city to make increasing fixed-dollar payments through 2020 for two of the plans and through 2022 for the other two, after which contributions to all four plans will be actuarially based and designed to reach 90% funding in 40 years. The mayor's announcement, while not surprising to many observers, makes clear the precariousness of Chicago's current fiscal trajectory as well as the key role that rising pension costs have played in creating it.

Despite higher contributions based on the funding ramp, fiscal 2018 saw several setbacks for Chicago's pensions. The combined net pension liability across all plans increased from the prior year to just over \$30 billion (\$11,171 per capita) from \$28 billion (\$10,092 per capita) in 2017. This was primarily due to negative amortization (where contributions are not sufficient to cover interest on the liability); investment losses in all four funds; and, consequently, the use of a single blended discount rate to measure liabilities in the Laborers', Policemen's, and Firemen's funds in 2018. The use of a single blended discount rate indicates that under current assumptions and funding practices, plan assets are projected to be depleted—per current projections, in the 2070s for three plans. While we expect that these developments will only minimally affect the city's actuarially determined contributions, the larger near-term challenge will be that of narrowing the substantial gap between actual and statutorily required contributions. Chicago's 2020 budget forecast shows projected contributions increasing by more than \$1 billion from 2019 levels by 2025 (an 83% increase overall), with the most significant spikes occurring in 2020 and 2022. We believe that the city's ability to address these higher costs in a sustainable way will be key to preserving credit quality.

### **San Diego**

San Diego (AA/Stable) has a single-employer, defined-benefit pension plan, the San Diego City Employees' Retirement System (SDCERS), and various defined-contribution pension plans covering most of its employees. At our most recent rating action (August 2019), we revised the city's rating outlook to stable from positive, citing in particular the uncertain effects of a long-awaited resolution to a lawsuit over the city's 2012 pension reform, along with our concern regarding the potential budgetary fallout. In 2012, San Diego voters approved Proposition B, a ballot measure that closed the city's defined-benefit plan to new employees and in its place provided a 401(k)-style plan for nonpolice new hires. Following a lawsuit challenging the legality of Prop B and a related series of appeals, the California Supreme Court ruled last year that the

measure violated state labor laws in that the city had failed to properly confer with its employee unions prior to placing Prop B on the ballot. The court remanded the case back to the state appeals court to enact an unspecified judicial remedy. San Diego's subsequent petition to the U.S. Supreme Court to review the decision was rejected in March 2019.

We understand that it is now highly likely that the city will need to provide some remedy to the staff hired after 2012 who were affected by Prop B, though it remains unclear if the remedy will take the form of a retroactive defined-benefit service credit, a retroactive defined-benefit contribution payment, or otherwise. We believe the case's eventual resolution creates potential for either one-time payments to affected retirees or an increase in plan liabilities, leading to cost increases. In any event, we expect that San Diego's strong economic base and forward-planning management will enable it to absorb whatever costs come out of the settlement without pressuring the rating, although we believe that future upside potential will be limited, absent clarity around the extent of the city's exposure to contingent risk stemming from the lawsuit and its plan to fund potential cost increases.

## **Dallas**

Dallas provides pension benefits to its employees via three separate retirement plans: the Employees Retirement Fund (ERF), the Dallas Police and Fire Pension System (DPFP), and the Supplemental Police and Fire Pension Plan of the City of Dallas. A combination of negative investment returns, changes in actuarial assumptions and methods following a five-year experience study, and payouts related to a deferred retirement option plan challenged DFPP's funded status from 2015 through 2017. The city's contributions to ERF and DPFP have met statutorily required payments in recent years, though these fall short of actuarial recommendations. The city's combined fixed costs totaled 30% of adjusted governmental fund expenditures in fiscal 2018 (including 14.4% for pensions and OPEBs and 15.9% for debt service). The plans have net pension liabilities of \$765.6 million for ERF (82.5% funded), \$2.39 billion for DPFP (47%), and \$15.9 million for the supplemental plan (53%).

In the summer of 2017, the state legislature passed House Bill (HB) 3158, which significantly changed the contributions to and benefits provided by DPFP and requires additional changes if certain funding benchmarks are not. As a result, its funding ratio improved to 47% in 2018 from only 25% the year prior. In April 2019, we affirmed our 'AA-' rating (with a stable outlook) on the city's general obligation (GO) debt, noting that upside potential depends partly on moderation in pension liabilities and citing carrying charges as a potential source of downside pressure.

## **Houston**

Following a one-notch downgrade in 2016 that largely reflected pension pressures, Houston's GO rating remained on negative outlook for nearly two years before we revised the outlook back to stable in early 2018 after the city adopted a package of significant pension reforms and issued POBs to shore up funding levels. The reform package—which was formally enacted in July 2017—included benefit reductions and increased contributions; lower rate of return assumptions; the adoption of a closed, 30-year amortization period; and the adoption of a cost corridor system that caps the city's maximum annual contributions when investment returns are less than projected. In conjunction with these reforms, the city also issued \$1 billion in POBs to address its unfunded liabilities. (For more on pension obligation bonds, see "Pension Obligation Bonds' Credit Impact On U.S. State And Local Government Issuers," published Dec 6, 2017).

Houston's three, single-employer defined-benefit plans had a combined NPL of just over \$4 billion

and a weighted funded ratio of 76% as of the 2018 valuations, while combined pension, OPEB, and debt service costs were elevated at 40% of governmental fund spending. At our most recent rating action (August 2019), we expressly tied Houston's future credit potential—both downside and upside—at least in part to how well or poorly it manages its pension liabilities and overall fixed-cost burden.

Research Assistant: Emma Tanur

## Analytical Contacts

City	Rating	Rating date	Primary analyst	Email contact
Austin	AAA/Stable	August 2019	Amahad Brown	amahad.brown@spglobal.com
Chicago	BBB+/Stable	March 2019	Carol Spain	carol.spain@spglobal.com
Columbus	AAA/Stable	September 2019	Errol Arne	errol.arne@spglobal.com
Dallas	AA-/Stable	April 2019	James Hobbs	andy.hobbs@spglobal.com
Houston	AA/Stable	August 2019	James Hobbs	andy.hobbs@spglobal.com
Indianapolis	AA+/Stable	June 2019	Anna Uboytseva	anna.uboytseva@spglobal.com
Jacksonville	AA/Stable	August 2019	Randy Layman	randy.layman@spglobal.com
Los Angeles	AA/Stable	May 2019	Jennifer Hansen	jen.hansen@spglobal.com
New York	AA/Stable	July 2019	Nora Wittstruck	nora.wittstruck@spglobal.com
Philadelphia	A/Stable	August 2019	Lisa Schroeer	lisa.schroeer@spglobal.com
Phoenix	AA+/Stable	May 2017	Alyssa Farrell	alyssa.farrell@spglobal.com
San Antonio	AAA/Stable	July 2019	Karolina Norris	karolina.norris@spglobal.com
San Diego	AA/Stable	August 2019	Benjamin Geare	benjamin.geare@spglobal.com
San Francisco	AAA/Stable	February 2019	Chris Morgan	chris.morgan@spglobal.com
San Jose	AA+/Stable	June 2019	Tim Tung	tim.tung@spglobal.com



#### Survey Methodology

Our calculation of pension liabilities was derived from pension plan and city CAFRs reporting under GASB 67 and 68 standards and GASB 68 allocation reports currently available to us. We have combined information across multiple pension plans for each city and weighted the respective plans' fiduciary net position to total pension liability ratio by the city's proportionate share of the plan liability to calculate the weighted pension funded ratio. Where applicable, we used cost-sharing multiple-employer pension plan CAFRs and the city's reported proportionate share of plan liabilities to calculate its net pension liability. We exclude component unit enterprise pension plans with annual pension contributions paid by non-governmental fund revenue

We will frequently make analytical adjustments to governmental fund expenditures pursuant to our criteria, and may also adjust debt service to account for refundings and actuarially determined pension contributions to exclude payments made by component units or enterprises. Accordingly, some of the ratios included in this report—particularly those reflected in Chart 1—may not match the data in the city CAFRs

Chart 4 uses the following calculation for the largest plan to estimate annual plan funding progress: Total employer and employee plan contributions ÷ the sum of service cost + total interest cost x (1 - average plan funded ratio) + (beginning plan net pension liability ÷ 30). If the beginning unfunded pension liability is negative, the beginning plan net pension liability ÷ 30 would be treated as zero. Likewise, for funded ratios at or above 100% in fiscal 2018, the interest cost factor would be zero

We excluded Indianapolis' pre-1977 police and fire pension plans from the city's ratios since the state of Indiana passed legislation in 2008 to cover annual benefit payments on a pay-as-you-go basis for the city's pre-1977 fire and police plans, which are now closed to new entrants

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# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Hotel Occupancy Tax Online System**

On April 10, 2019, the City Council approved a service contract with MUNIRevs to provide a Hotel Occupancy Tax (HOT) and short-term rental (STR) online portal. The new system allows hotels to register, file reports, and pay taxes online.

The LODGINGRevs online portal will “go-live” in two phases:

- On October 1, the online system will become available to hotels for registration only. All current taxpayers will be required to re-register using the online system. The City Controller’s Office will conduct outreach to any hotels that may not have internet access and provide a hard copy of the registration form.
- On November 1, the system will begin accepting tax filings and tax payments.

The City Controller’s Office has communicated extensively with hoteliers about the upcoming changes via emails and letters, and thus far received positive feedback from numerous hoteliers pleased they will no longer be required to manually fill out and mail or hand deliver reporting forms and payments.

The LODGINGRevs system also features short term rental discovery, monitoring, and compliance functionality; these services are not part of the “go-live” yet. We plan to brief the City Council on a communication plan before contacting any hosts.

Please let me know if you need additional information.

A handwritten signature in blue ink that reads "M. Elizabeth Reich".

M. Elizabeth Reich  
Chief Financial Officer

c: T.C. Broadnax, City Manager  
Chris Caso, Interim City Attorney  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
Michael Mendoza, Chief of Economic Development and Neighborhood Services  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Interagency Transportation Report – September 2019**

Many agencies in the Dallas-Fort Worth Metroplex support the region's vast transportation network including the North Central Texas Council of Governments Regional Transportation Council (RTC), the Texas Department of Transportation (TxDOT), Dallas Area Rapid Transit (DART), the North Texas Tollway Authority (NTTA), Dallas Fort-Worth International Airport (DFW Airport) and others.

The attached Interagency Transportation Report aims to deliver brief updates on these agency's efforts and their impact on the City of Dallas. This report has traditionally been distributed monthly to the Mobility Solutions, Infrastructure and Sustainability (MSIS) Committee. When committee meetings are re-established, staff anticipates returning to a similar practice coinciding with the Committee that oversees the City's transportation efforts.

If you have any questions or concerns, please contact me by phone at (214) 670 – 1875 or by email at [majed.al-ghafry@dallascityhall.com](mailto:majed.al-ghafry@dallascityhall.com).

A handwritten signature in blue ink, appearing to read 'Majed Al-Ghafry'.

Majed Al-Ghafry, P.E.  
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
Michael Mendoza, Chief of Economic Development and Neighborhood Services  
M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# INTERAGENCY TRANSPORTATION REPORT - SEPTEMBER 2019

RTC / TxDOT / NTTA / DART / DRMC / DFW Airport / HSR



## **TRANSPORTATION INVESTMENT SUMMIT**

The annual "Transportation Investment Summit" was held in Irving, Texas on September 12 and 13, 2019. This Summit highlighted the growth in Texas' infrastructure market and examined strategies for increasing investment in sectors such as transportation, economic development, water, and international trade, as well taking a fresh look at technology innovation.

At this summit, private sector and public agencies' staff and legislatures from transportation and water-related disciplines come together to discuss the future of infrastructure and its importance in developing a strong and robust economy.

The September 2019 RTC meeting was held during the Summit.

## **OCTOBER 2, 2019 IS NATIONAL WALK TO SCHOOL DAY**

October 2, 2019 is "National Walk and Bike to School Day". Children and adults from around the world walk to school to celebrate the benefits of walking and bicycling, and to spotlight the importance of traffic safety.

For more information and for organizer resources, see NCTCOG's website at [NCTCOG Walk to School Day Website](#)

## **UBER RELOCATION INCENTIVES**

At their September 12, 2019 meeting, the RTC approved NCTCOG staff's request for approval of a mobility partnership program for Uber. NCTCOG offered five main elements to assist with transportation ideas with an implementation range of \$10-\$15 Million. They are (high-level summary only):

- Annual transit passes for Uber employees
- Evaluate sidewalks and bicycle connections to and from Uber headquarters
- Modernize signal intersections to create "pedestrian progression"
- Battery powered transit shuttle to aid in circulation of Deep Ellum to Downtown
- Use of land under I-345 near Uber headquarters for recreational activities and potential parking

## UPCOMING RTC MEETINGS

Date	Time	Location
October 10, 2019	1:00 PM	North Central Texas Council of Governments
November 14, 2019	1:00 PM	North Central Texas Council of Governments
December 12, 2019	1:00 PM	North Central Texas Council of Governments



## TXDOT OPEN HOUSE FOR TEXAS TRANSPORTATION PLAN 2050

**On Wednesday, October 9<sup>th</sup> from 5:30 PM to 7:00 PM**, TxDOT will host a second-round open house to gather public input for development of their Texas Transportation Plan 2050 (TTP).

**The open house is being held at North Central Texas Council of Governments Transportation Council Meeting Room 616 Six Flags Drive, Arlington, TX 76011.**

The TTP 2050 is the state's multi-modal, long-range transportation plan that guides policy development for the state's future transportation. The TTP 2050 will include strategies for development, construction, and implementation of projects and services for all transportation modes, information about emerging transportation technology (i.e. self-driving cars) and emergency operations.

## TEXAS TRANSPORTATION COMMISSION APPROVES I-30 CANYON FUNDING

On August 29, 2019 the Texas Transportation Commission **approved \$300 million for design and construction of the I-30 Canyon from I-35E to I-45.**

Earlier this year, the City Council adopted “Guiding Principles” for the design of this important project. City staff continues to work closely with TxDOT staff and other stakeholders to ensure a design that conforms to this guidance.

TxDOT's preliminary timeline shows the construction procurement process starting in the Spring of 2021 with contract execution completed in the Summer of 2022. The construction would start thereafter, although a construction start date is still to be determined.



NOTE: Highlighted areas are not drawn to exact scale.

TxDOT graphic

## UPDATE ON I-635 EAST

- TxDOT SIGNS CONTRACT WITH DESIGN BUILD FIRM

On August 22, 2019, TxDOT signed a contract with the design/build firm who will be completing the project. They anticipate beginning construction in Spring 2020.

- PROJECT INFORMATION

Project will increase capacity by:

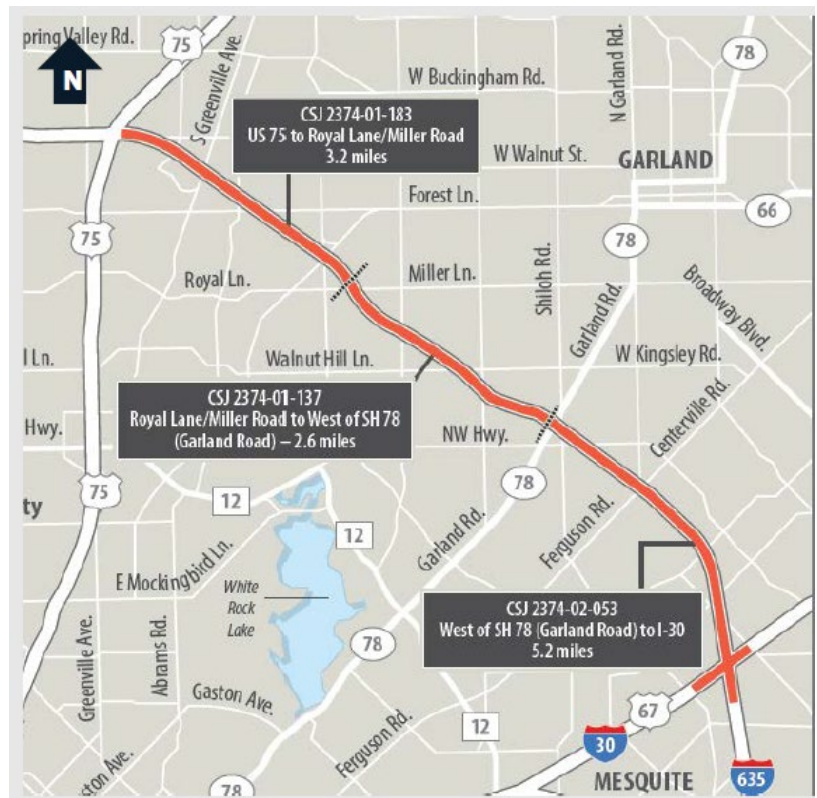
- Adding one general purpose lane in each direction
- Constructing two new continuous frontage roads in each direction
- Reconstructing existing "grandfathered" toll managed lanes, (one in each direction)
- Improving I-635/I-30 interchange

Project limit

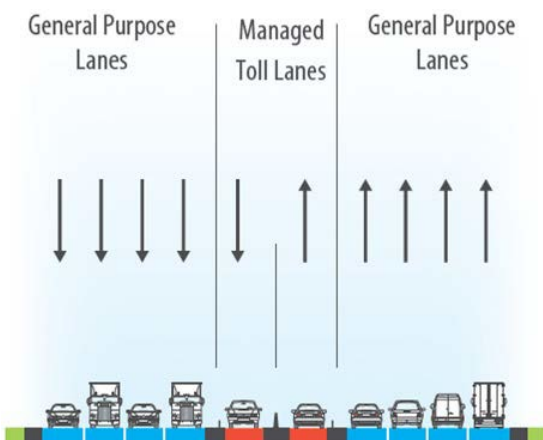
- US 75 to I-30 including the I-30 interchange

Project length

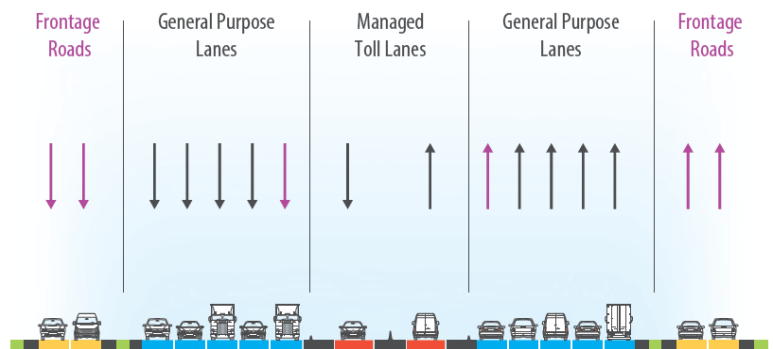
- 11 miles



### EXISTING Typical Section



### PROPOSED Typical Section







## **DART BOARD APPROVES CONTRACT TO ANALYZE BUS SERVICE**

At their September 24, 2019 meeting, the DART Board approved a contract with Jarrett Walker & Associates, LLC, for bus planning service.

Earlier this year, a workshop was held focusing on best practices for the design of a new bus network to increase ridership and significantly improve access to jobs, education, medical services and nutrition. Following that workshop, the DART Board directed staff to hire a firm with proven experience in designing effective bus networks.

There will be a presentation to the DART Board on **October 22, 2019** outlining the study timelines and decision points.

## **SILVER LINE BREAKS GROUND**

On September 19<sup>th</sup>, DART held six events with local officials along the Silver Line rail corridor to mark the official kick-off of the construction project. The rail line from Plano to DFW Airport, is expected to start service in December 2022.

Updates on this project and the CBD D2 project can be found on DART's website using the following links:

- Cotton Belt – [www.dart.org/cottonbelt](http://www.dart.org/cottonbelt)
- CBD Subway (D2) – [www.dart.org/d2](http://www.dart.org/d2)

## **AMAZON SITE SPECIFIC AGREEMENT ADDS WEEKEND AND HOLIDAY SERVICE**

In August 2019, the DART Board **approved a one-year extension** of the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement **for services to the Amazon Fulfillment Center at I-20 and JJ Lemmon in southern Dallas.** This agreement also expands services to include weekend and holiday services.

The shuttle service runs between 5:00 AM and 8:00 AM during morning peak hours and between 5:00 PM and 8:00 PM during evening peak hours and runs from the Amazon Fulfillment Center to the Blue Line stations at UNT Dallas and Camp Wisdom.



## **NTTA BOARD CHAIR CHANGES**

At the September 11, 2019 NTTA Board meeting, Mr. John Mahalik was unanimously re-elected to serve as chairman. Other officers elected at the meeting:

- Vice Chairwoman – **Jane Willard**
- Board Secretary – **Lorelei Griffith**
- Asst. Board Secretary – **Karen Madison-Ponds**
- Board Treasurer – **Horatio Porter**
- Asst. Treasurer – **Cynthia Demers**



## **DRMC MEETING**

The Dallas Regional Mobility Coalition is a transportation advocacy group made up of cities, counties and transportation agencies in a five-county region (Dallas, Denton, Collin, Rockwall and Ellis) with a primary mission to advance critical mobility projects through advocacy efforts with state and federal elected officials and regional transportation agencies.

**The next DRMC meeting is scheduled for 11:00 AM on Friday, October 4, 2019.**

Meetings are held at the North Texas Tollway Authority headquarters at 5900 West Plano Parkway, Plano, Texas 75093.

2019 Airport of the Year



## **DFW CONTINUES SUSTAINABILITY EFFORTS**

As a part of DFW's continual effort to reduce its environmental footprint, our concessionaires began to phase out single-use plastic straws at all terminal locations beginning Sept. 16, 2019. Restaurants are being encouraged to provide a naturally degradable straw alternative to customers upon request and offer reusable straw products for customer purchase. With the implementation of this initiative, DFW Airport will achieve 16 of the 17 United Nations Sustainable Development Goals.

DFW Airport was recently recognized by the United Nations Secretariat for Climate Change as part of the UN Global Climate Action in New York City. DFW

was presented with a certificate recognizing its role as North America's 1st, and the world's largest, Carbon Neutral Airport.

### **DFW NEW SERVICE**

American Airlines has announced that **it will begin direct service to Tel Aviv**, Israel next year. This will be the only nonstop service between Texas and Israel with three weekly flights, utilizing a Boeing 787-900 aircraft. Service is expected to commence in fall of 2020.

Additionally, Avianca Cargo has launched a new route from Bogota, Colombia to Dallas Fort Worth. This new service begins October 2 and will operate twice a week. Avianca Cargo selected this new route because DFW's central location in the United States which will allow Colombian providers to get their goods to US consumers faster than through other major ports. This new cargo route supports DFW's goal of serving as the gateway between Latin America and Asia.



### **FEDERAL SAFETY REGULATIONS MOVED FORWARD**

The **Federal Railroad Administration agreed to move forward** in its rule-making for the set of safety regulations overseeing the project.

This is **a major step forward** in order to ensure the first high-speed train comes to construction and completion. The project will be the first true high-speed train in America and has a specific approach – no at-grade crossings, dedicated and bidirectional tracks, and based on the latest generation of Shinkansen trains, the N700 Supreme. This type of train is currently being tested and will be deployed in advance of the Olympics this summer. This system has transported over 10 billion people over more than 50 years without any crashes or fatalities as a result of operations. It is an impeccable safety case, and no other system in the world is like it.

### **TEXAS CENTRAL SELECTS DESIGN BUILD PARTNERS**

**Salini Impreglio and Lane Construction have been selected as the civil infrastructure design build partners.** The scope of the contract includes the design and construction of the viaduct and embankment sections along the entire route, the installation of the track system and construction of related buildings and services along the route that will house maintenance and other rail system equipment. They are working to ensure that when the federal approvals and financial close are complete, the construction can start quickly thereafter.

# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **2019 City Calendar Amendments Approved by City Council**

Following City Council action on Wednesday, September 25, the City Council Agenda meeting on Tuesday, October 8, will begin at 9 a.m. in the Council Chambers. A limited number of zoning items are anticipated to be scheduled on that day to accommodate individuals celebrating Yom Kippur at sundown. The City Council action also moved the November 14 Council Agenda meeting to the Dallas City Hall – Council Chambers from the previously planned Campbell Green Recreation Center.

Should you have any questions or concerns, please contact me at 214.670.5682 or [carrie.prysock@dallascityhall.com](mailto:carrie.prysock@dallascityhall.com).

A handwritten signature in black ink that reads "Carrie Prysock".

Carrie Rogers  
Director  
Mayor and City Council Office

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Billieae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
Michael Mendoza, Chief of Economic Development and Neighborhood Services  
M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Taking Care of Business – September 26, 2019**

## Updated Items

### [Encampment Resolution Schedule – September 24, 2019 & September 30, 2019](#)

The Office of Homeless Solutions (OHS) has scheduled the following sites for homeless encampment resolution on:

September 24, 2019	September 30, 2019
<ul style="list-style-type: none"><li>• Lyndon B Johnson Freeway- Eastbound and North Central Expressway- Southbound (District 11)</li><li>• 9216 Lyndon B Johnson Service road- Eastbound (District 10)</li><li>• Lyndon B Johnson Freeway- Eastbound and Greenville Avenue (District 10)</li><li>• North Stemmons Freeway- Southbound and Royal Lane (District 6)</li><li>• 9999 Denton Drive/Denton Drive at Northwest Highway (District 6)</li><li>• 1121 Round Table Drive (District 6)</li><li>• North Stemmons Freeway at Medical District (District 6)</li></ul>	<ul style="list-style-type: none"><li>• 2880 North Haskell Street (District 2)</li><li>• 815 South RL Thornton Freeway (District 1)</li><li>• 500 South Hill Avenue (District 2)</li><li>• 4900 East RL Thornton Freeway (District 2)</li><li>• 1001 South Riverfront Boulevard (District 2)</li><li>• 1800 South Boulevard (District 7)</li><li>• 647 South Haskell Street (District 2)</li></ul>

OHS Street Outreach team will continue to engage with homeless individuals to provide notice of clean-up and connect to resources and shelter. OHS Community Mobilization staff are meeting with stakeholders to determine long-term sustainability of encampment sites and will provide periodic updates. Should you have any questions or concerns, please contact Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer, and Monica Hardman, Director of Office of Homeless Solutions.

### [Speed Mentoring Event Follow-up](#)

On Friday, September 20, 2019 the Office of Welcoming Communities and Immigrant Affairs (WCIA), in collaboration with Goldman Sachs and Mountain View College, organized a Speed Mentoring Workshop for over 20 residents. Anyone could register and participants were from all over the city and with different education and professional backgrounds. A diverse panel of professionals spoke about their experiences, reflections, and tips for students interested pursuing careers in law, medicine and finance. Following the panel, both professionals and attendees broke into two concurrent sessions where attendees chose between having their resume reviewed or participating in a mock interview. At the end of breakout sessions, everyone gathered to eat lunch and network. Free LinkedIn headshots were also provided. Should you have any questions or concerns, please contact Liz Cedillo-Pereira, Chief of Equity and Inclusion.

DATE September 27, 2019  
SUBJECT **Taking Care of Business – September 26, 2019**

## **New Items**

### [National Night Out](#)

On October 1, 2019 the City of Dallas will celebrate the 36<sup>th</sup> Annual National Night Out (NNO) event. The NNO is an annual community-building campaign that promotes community-police partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. Communities across the city will be hosting block parties, parades, cookouts, and various events with safety demonstrations, seminars, youth events, exhibits, and more. Residents may find local events [here](#) through an interactive map and general information about the event [here](#). Should you have any questions or concerns, please contact Kristen Mcneal, Community Engagement Manager for the Mayor's Office and National Night Out Coordinator.

### [Neighborhood Vitality Grant Cycle](#)

The 2019-2020 Dallas Neighborhood Vitality Grant (DNVG) cycle opens October 1, 2019 with applications due by November 18. The DNVG program awards grants from \$1,500 to \$10,000 for projects that address specific neighborhood needs while increasing resident engagement, promoting neighborhood pride, and building stronger organizations. The Planning and Urban Design Department will host a series of seven information sessions and a grant writing workshop at various locations throughout the city to prepare neighborhood organizations to submit a complete application. Attendance required for eligibility and details about the program, sessions, and registration can be found [here](#). Applicants are encouraged to register before attending. Should you have any questions or concerns, please contact Peer Chacko, Director of Planning and Urban Design.

### [What Works Cities](#)

On September 10, 2019, the City joined the What Works Cities (WWC) initiative launched by Bloomberg Philanthropies. WWC is a program that helps local governments improve residents' lives by using data and evidence to effectively tackle pressing challenges. WWC is one of the largest-ever philanthropic efforts to enhance cities' use of data and you can find information about the program [here](#). All Dallas employees now have free access to the WWC Training Academy courses and resources. The Academy offers training on a range of topics from basic data literacy to behavioral insights and is available to all levels of knowledge and experience. To get started, employees must create an account at the [Training Academy](#) using access code unique access code. This code is also a coupon to be used when registering for courses as it allows access to all content for free. Contact the Office of Innovation to retrieve the code and for additional information about the program. Should you have any questions or concerns, please contact Laila Alequresh, Chief Innovation Officer.

### [Values Ambassador Program](#)

On Thursday, September 26, the Values Ambassador Program held its first meeting hosted by the Department of Aviation at Dallas Love Field. Values Ambassadors met to conduct ethics training and to discuss the first 45 days in their role. The program was launched by the Office of Ethics and Compliance (EAD) in May 2019 and 40 employees from 22 departments have become Values Ambassadors with the mission to promote the City's Values of Service. Should you have any questions or concerns, please contact Liz Cedillo-Pereira, Chief of Equity and Inclusion.

DATE September 27, 2019  
SUBJECT **Taking Care of Business – September 26, 2019**

### [Speak Up Line](#)

The Office of Ethics and Compliance (EAD) is working with the City Auditor's Office (AUD) and Public Affairs and Outreach (PAO) to create media and marketing materials to promote the renaming of the "Fraud, Waste, & Abuse" hotline to the "Speak Up Line". This is part of an initiative to create a "speak up" culture within the City and to encourage transparency. Posters and communications will be available in the upcoming weeks and will be shared with you. Should you have any questions or concerns, please contact Liz Cedillo-Pereira, Chief of Equity and Inclusion.

### [\\$500,000 Grant to Preserve African American History](#)

On September 24, 2019 the City was awarded a National Park Service (NPS) Grant in the amount of \$500,000 to preserve the Juanita J. Craft Civil Rights House at 2618 Warren Ave., in the Phyllis Wheatly Historic District of South Dallas. This funding will support major renovations that will preserve a piece of African American civil rights history in Dallas. The house was damaged by major flooding in May 2018. Through this nationally recognized award, the NPS seeks to support efforts nationwide to preserve resources, places, and stories that tell defining parts of U.S. history and the African American experience and the civil rights movement. Should you have any questions or concerns, please contact Joey Zapata, Assistant City Manager.

### [Media Inquiries](#)

As of September 18, 2019, the City has received media requests from various news outlets regarding the following topics:

- Water Main Break on Canton
- Possible Pythons at White Rock Lake
- Robert E Lee Statue
- DFR Deploys 9 of its Own to Assist with Imelda Aftermath
- Local Printing Press Business Destroyed by Two-Alarm Fire
- Church-Owned South Dallas Building Destroyed by Fire
- DFR Dispatches Resources to Assist with Imelda's Aftermath in South Texas
- Man Drowns After Kayak Overturns in Lake Ray Hubbard
- Firefighter Suffers Minor Burns in Southeast Dallas House Fire

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SUBJECT **Taking Care of Business – September 26, 2019**

Please see the attached document compiling information provided to the media outlets for the September 18 – September 24, 2019 for your reference. Should you have any questions or concerns, please contact Kimberly Bizer Tolbert, Chief of Staff.



T.C. Broadnax  
City Manager

- c:
- |  |   |
|--|---|
| Chris Caso, City Attorney (Interim)                        | Joey Zapata, Assistant City Manager                                       |
| Mark Swann, City Auditor                                   | Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer |
| Biliera Johnson, City Secretary                            | Michael Mendoza, Chief of Economic Development and Neighborhood Services  |
| Preston Robinson, Administrative Judge                     | M. Elizabeth Reich, Chief Financial Officer                               |
| Kimberly Bizer Tolbert, Chief of Staff to the City Manager | Laila Alequresh, Chief Innovation Officer                                 |
| Majed A. Al-Ghafry, Assistant City Manager                 | M. Elizabeth Cedillo-Pereira, Chief of Equity and Inclusion               |
| Jon Fortune, Assistant City Manager                        | Directors and Assistant Directors   |



DATE September 27, 2019  
SUBJECT **Taking Care of Business – September 26, 2019**

**Public Affairs & Outreach  
Media Requests  
September 18 – September 24**

**Date:** September 19, 2019  
**Topic:** Water Main Break on Canton  
**Summary of Statement:** Repairs were made, and water restored at 12:54 p.m. Temporary paving will be placed down to open all lanes between 3 and 4 p.m.  
**Department:** Dallas Water Utilities  
**Media Entity:** Karen Ballesteros, Assignment Editor, NBC 5  
Mike Pool, Assignment Editor, WFAA

**Date:** September 18, 2019  
**Topic:** Possible pythons at White Rock Lake  
**Summary of Statement:** There have not been any sightings or reports of pythons at White Rock Lake  
**Department:** PKR, DWU  
**Media Entity:** WFAA

**Date:** Sept. 20, 2019  
**Topic:** Robert E Lee statue  
**Summary of Statement:** The City does not have any information as to the whereabouts of the sculpture  
**Department:** OCA  
**Media Entity:** WFAA

Dallas Fire-Rescue Department  
Media Requests: September 16 - 22, 2019.

**Tuesday, September 17<sup>th</sup>: All local media outlets -** What information do you have on the 2-alarm fire on Directors Row? Are all your crews safe?

**City Response -** At [17:44](#) Dallas Fire-Rescue units were assigned to a 911 call for a structure fire at Lincoln Press, located at 9020 Directors Row, near Highway 183 and Regal Row.

When firefighters arrived at the one-story commercial structure, they observed lots of smoke coming from the roof. Though they initiated an offensive attack, a second alarm was requested for the fire after the building suffered a partial roof collapse; and as an additional result, firefighting efforts became defensive in nature.

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Between approximately 40 and 50 firefighters worked the incident, and there were no reported injuries. While the fire appears to be contained, they are still pouring water onto the structure to make sure the flames are completely out.

There was one person (reported as an employee) inside the building when the fire began but she was able to make it out safely. Simultaneous to her evacuating the building, someone from a neighboring business witnessed what was going on and called 911 reporting smoke coming from an air conditioning unit on the roof of the building.

Due to the extensive damage caused by the fire, investigators were unable to make entry into the building. However, in speaking with the sole occupant, and witness, they don't believe there to be anything suspicious about the cause. Until follow-up investigative efforts can be made the cause of the fire will officially remain undetermined.

**Wednesday, September 18<sup>th</sup>: CBS 11 (Tiffany Moore) & NBC5/Telemundo (Karen Ballesteros)** - Hi there, can you give me any information about the fire at Wheatland and Hampton?

**City Response** - At [16:10](#) Dallas Fire-Rescue units responded to a 911 call for a structure fire at a vacant building, located at 8000 South Hampton Road, in South Dallas.

When firefighters arrived at the one-story vacant structure, it was fully involved and efforts went defensive early on. Firefighters used hand-lines and master streams to pour water onto the structure; and after a partial roof collapse, the fire was declared extinguished in just under an hour.

The building, formerly part of the Arbor Acre School, was actually owned by the Wheatland United Methodist Church. Due to the amount of damage it sustained, the building has been deemed unsafe for entry and will subsequently be torn down. As an additional result, the cause of the fire will remain undetermined.

There were no reported injuries as a result of this fire.

**Thursday, September 19<sup>th</sup>: All local media outlets** – Is DFR sending any resources to Southeast Texas to assist with the search and rescue efforts from the storm?

**City Response** – On Thursday, September 19<sup>th</sup>, at approximately 6:00 a.m., Dallas Fire-Rescue received a request from Texas Task Force 1 for assistance with the aftermath of Imelda after it made landfall.

Almost immediately, DFR (per the request) rostered six members and sent two rescue boats to assist; which are expected to be deployed for up to two weeks. Currently, they are en route to Beaumont, TX, where they'll receive more specific information about exactly what role they'll play.

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**Friday, September 20<sup>th</sup>**: **The following information will soon be sent to the local media outlets** – Friday, September 20<sup>th</sup>, Dallas Fire-Rescue received a Texas Intrastate Fire Mutual Aid System (TIFMAS) State of Texas Assistance Request (STAR) for one tactical tender, staffed with three members, to assist in the post-Imelda recovery efforts. Specifically, the members will be taking the tender to Vidor, Texas, where they are expected to back-fill at fire stations while the first responders of that community are out addressing the most immediate emergency response needs resulting from the storm. There is not definitive timeline for the duration of the deployment, but it could last several weeks.

**Friday, September 20<sup>th</sup>**: **The following information will soon be sent to the local media outlets** – Friday, September 20<sup>th</sup>, Dallas Fire-Rescue received a Texas Intrastate Fire Mutual Aid System (TIFMAS) State of Texas Assistance Request (STAR) for one tactical tender, staffed with three members, to assist in the post-Imelda recovery efforts. Specifically, the members will be taking the tender to Vidor, Texas, where they are expected to back-fill at fire stations while the first responders of that community are out addressing the most immediate emergency response needs resulting from the storm. There is not definitive timeline for the duration of the deployment, but it could last several weeks.

**Saturday, September 21<sup>st</sup>**: **All local media outlets** - Is there any information available on a water rescue under way at Lake Ray Hubbard?

**City Response** - At [10:48](#) a.m. Dallas Fire-Rescue units were assigned to a 911 call for a water rescue after a kayak, carrying an adult male and female reportedly preparing for a race, capsized in Lake Ray Hubbard.

More specifically, the incident took place at Windsurf Bay Park, located at 5556 Locust Grove Road, and neither passenger was wearing a life vest. While the woman resurfaced and was promptly rescued by a bystander in a boat, the man never did.

Multiple agencies, to include DFR, DPD, Rowlett FD and the Texas Game Warden, worked in conjunction to search the water. After getting a promising sonar hit, DPD's Dive Team made their way into the lake and recovered the man's body at approximately 2:00 p.m.

**Sunday, September 22<sup>nd</sup>**: **Dallas Morning News (Darcy Birden)** - I am reaching out about the structure fire at 2300 Jordan St. Is there any information available?

DATE September 27, 2019  
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**City Response** - At 10:00 a.m., Dallas Fire-Rescue responded to a 911 call for a structure fire at a home, located at the 2300 block of Jordan Street, in Southeast Dallas.

Initial reports indicated several children being inside the structure, but when firefighters arrive at the location they found there were only two adult males inside the home; and they both were able to make it out safely.

Approximately 22 firefighters responded to the scene and put the flames out in approximately 15 minutes. Unfortunately, one firefighter suffered minor burns during fire operations. He was taken to a local hospital for evaluation but is expected to be okay.

Reportedly, there were as many as six people living in the house, so the American Red Cross was called out to assist them with their needs. Investigators determined the cause to be accidental in nature, and most probably began as the result of an unspecified electrical short of a window air conditioning unit.