

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 26, 1990

90-3083

Agenda item 82: An ordinance calling a special election for charter amendments pursuant to the settlement of a lawsuit styled Williams, et al v. the City of Dallas, CA-3-88-1152-R, and pursuant to an order of the District Court for the Northern District of Texas

Deputy Mayor Pro Tem Ragsdale moved passage of the ordinance.

Motion seconded by Councilman Lipscomb.

After discussion, the mayor called the vote on the motion:

Voting Aye: Strauss, Evans, Ragsdale, Tandy, Palmer, Bartos,
Wells, Lipscomb, Miers, Buerger

-10

Voting Nay: Box

- 1

The mayor declared the motion adopted.

Assigned ORDINANCE NO. 20742.

09/26/90

ORDINANCE NO. 20742

An ordinance ordering a special election for the purpose of settling a lawsuit styled Williams, et al. v. The City of Dallas, CA3-88-1152-R, and pursuant to an order of the District Court for the Northern District of Texas, to be held in the city on the question of adoption of amendments to the Charter of the City of Dallas; providing for a 15-member city council, one member as mayor elected by all qualified voters of the city and 14 members elected from districts; providing for compensation for city council members; designating December 8, 1990 as the date of the special election; prescribing the form of the ballot; designating polling places; providing for voting by an electronic voting system; providing for absentee voting; providing for an absentee ballot board to process absentee voting; providing for notice of the election; and providing an effective date.

WHEREAS, the city council has determined that it is in the best interest of the city to compromise and settle the lawsuit of Williams, et al. v. The City of Dallas, CA3-88-1152-R, involving the election plan of the city council; and

WHEREAS, the court has ordered the city to hold a city charter election on December 8, 1990 for the purpose of submitting propositions to the electorate containing charter

amendments concerning the city's election plan and city council compensation; Now, Therefore,

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

SECTION 1. That a special election is ordered to be held in the city on December 8, 1990, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city, propositions on whether the Charter of the City of Dallas should be amended. The proposed amendments affect only the sections or subsections listed below and shall read as follows (the new portions being underlined and the repealed portions being crossed through) with the amendments to be effective in accordance with the transition provision set forth herein:

CHAPTER III. CITY COUNCIL

SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by the Charter of the city, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city[~~/ the members by the qualified voters residing in a particular district~~] and 14[~~10~~] members by the qualified voters residing in a particular [~~district~~] district, Places 1 through 14[~~10~~], as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. The city council members so elected shall take office on the first Monday in the month next succeeding the election and they shall serve until their respective successors shall have been elected and shall have qualified.

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

(a) Each [effective May 1/ 1989/ date] member of the city council other than the mayor shall receive as compensation for [his] services the sum of \$2500 for each month (prorated for partial months) that the member serves or such other amount as may be established in accordance with Subsection (c) [for the first four years of the term provided by him].

(b) The mayor shall receive as compensation for services the sum of \$2917 for each month (prorated for partial months) that the mayor serves or such other amount as may be established in accordance with Subsection (c).

(c) In each fourth year commencing in the year 1994, the mayor shall appoint a compensation commission of 15 members who shall be qualified voters of the city and who shall be representative of the geographic areas of the city and reflective of the racial and ethnic makeup of the population of the city. The disqualifications applicable to the redistricting commission described in Chapter IV of this Charter are applicable to the compensation commission. The compensation commission shall prepare a recommendation to the citizens of the city as to whether the then current levels of compensation paid to the mayor and members of the city council should be changed and, if so, by what amount. The compensation commission shall file its report with the city secretary at least 120 days prior to the next succeeding general election of the city. If any change in the amount of compensation is recommended, the city secretary, with the assistance of the city attorney, shall, without further official action required, place an appropriate proposition on the ballot at the next general election permitting the qualified voters of the city to vote "for" or "against" the recommendations of the compensation commission. If a majority of the voters voting at the election favor the recommendation, the change in compensation shall be effective on the date the newly elected city council takes office.

(d) In addition to receiving compensation as provided in Subsections (a) through (c) [the above], all necessary expenses incurred by members of the city council in the performance of their duties shall be paid by the city, when authorized by the city council. [When a city councilman is out of the city on the official business of the council and if the disbursement of the council he shall be paid the same as though he had attended the meetings that are missed by him while so engaged in city business.]

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CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 4. ELECTION OF CITY COUNCIL MEMBERS.

All qualified voters of the city shall be entitled to vote for a candidate in Place 15. The qualified voters of the respective districts shall be entitled to vote for one candidate from Place ~~11/ 12/ 13/ or 14/ corresponding to the regional district of which the voter is a resident/ and for one candidate from Place~~ 1, 2, 3, 4, 5, 6, 7, 8, 9, ~~or~~ 10, 11, 12, 13, or 14, corresponding to the ~~local~~ district of which the voter is a resident.

SEC. 5. ~~LOCAL AND REGIONAL~~ DISTRICT LIMITS.

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

[The text of Subsection (b) remains unchanged.]

SEC. 6. CANDIDATE'S RESIDENCE.

(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, ~~or~~ 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of ~~local~~ District 1, 2, 3, 4, 5, 6, 7, 8, 9, ~~or~~ 10, 11, 12, 13, or 14 and has resided therein for a period of at least six months prior to the date of the election. Any person elected to a place representing a ~~local~~ district must continuously reside in the ~~local~~ district during that person's term of office. ~~[No person shall be eligible as a candidate for member of council, Place 11/ 12/ 13/ or 14/ unless that person is at the time a bona fide resident of regional district 11/ 12/ 13/ or 14 and has resided therein for a period of at least six months prior to the date of the election. Any person elected to a place representing a regional district must continuously reside in the regional district during that person's term of office.]~~
A candidate for member of council, Place 15, may be a resident of any portion of the city, must have resided in the city for a period of six months prior to the date of the election, and must continuously reside within the city during the person's term of office.

(b) If the [local of redistricted] district in which a person will have resided for at least six months prior to the date of an election will change because of the relocation of a [local of redistricted] district boundary, the person is eligible to become a candidate:

(1) for the new [local of redistricted] district assigned to the person's residence; or

(2) for the previous [local of redistricted] district of the person's residence if the person moves to a residence within the revised boundaries of that [local of redistricted] district prior to becoming a candidate for election.

SEC. 8. DESIGNATION ON OFFICIAL BALLOT.

The places on the official ballot shall be designated as "Member of Council, Place No. _____," designating the place numbers for which the voters [in each local of redistricted district] are eligible to vote, with Place 15 designated as mayor and being the first in order and the district place being second in order[of the district being the first in order], and the candidate's name shall appear in the place for which the candidate's petition and acceptance were filed. The city secretary shall make up the official ballot from the names presented to the city secretary in the manner hereinabove set out. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the city secretary.

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

SEC. 21. TRANSITIONAL PROVISIONS TO THE 1989 AND 1990 AMENDMENTS.

Amendments to this Charter that are approved at an election on August 12, 1989 or December 8, 1990 create a new system of government that requires an orderly transition. Accordingly, the following transitional provisions shall apply:

(1) The next regular general election for members of the city council scheduled under the present Charter for May, 1991 is deferred to and shall be held in accordance with the Settlement Agreement, the last signature of which was executed September 6, 1990, approved by the court in the lawsuit styled Williams, et al. v. The City of Dallas, CA3-88-1152-R[of the settlement agreement].

official election date in November, 1991, if, however, the Voting Rights Section of the Civil Rights Division of the United States Department of Justice has not issued a letter interposing no objection to a redistricting plan by August 1, 1991, the general election shall be held on the official election date in January, 1992. Any runoff elections shall be held two weeks after the general election. All general elections thereafter shall be held on the first Saturday in May of odd-numbered years or on such other date as shall be fixed by law.

[The text of Subsections (2), (3), and (4) remains unchanged.]

(5) Sections 1, 2, 3A, 4, 5, 9, and 14 of Chapter III; Sections 3, 4, 5(a), 6, 7, and 8 of Chapter IV; Section 1 of Chapter XVI; Section 2 of Chapter XVII; and Section 13 of Chapter XXIV whether adopted at the August 12, 1989 election or the December 8, 1990 election, shall take effect on the date council members take office after the general election in November, 1991 or January, 1992, as the case may be, except that for the purposes of preparing city council district lines and for filing for candidacy in that election, they shall take effect immediately.

[The text of Subsections (6), (7), and (8) remains unchanged.]

(9) Notwithstanding any other provision of this section, no amendment that is approved at the election on August 12, 1989, or the election on December 8, 1990, shall be effective unless and until the Voting Rights Section of the Civil Rights Division of the United States Department of Justice issues a letter interposing no objection to the implementation of the amendment, if voting rights review is required for the amendment.

SECTION 2. That an electronic voting system shall be used for the special election in compliance with the provisions of the Texas Election Code, and the vote shall be upon an official ballot prepared in such a manner as will permit the voters to vote "Yes" or "No" upon the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1.

14-1 City Council Structure

Shall Chapter III, Section 1; Chapter IV, Sections 4, 5(a), 6, and 8; and Chapter XXIV, Section 21(1) and (9) of the Charter of the City of Dallas be amended to provide for: 15 members of the city council, 14 members elected by qualified voters of districts and one member elected as mayor by all qualified voters of the city; and transitional provisions?

PROPOSICION NO. 1.

Estructura 14-1 del Concilio de la Ciudad

¿Deberán enmendarse el Capítulo III, Sección 1; el Capítulo IV, Secciones 4, 5(a), 6 y 8; y el Capítulo XXIV, Sección 21(1) y (9) de la Carta Constitucional de la Ciudad de Dallas para estipular: 15 miembros del concilio de la ciudad, 14 miembros elegidos por votantes calificados de los distritos y un miembro elegido como alcalde por todos los votantes calificados de la ciudad; y disposiciones transitorias?

PROPOSITION NO. 2.

City Council Compensation

Shall Chapter III, Section 4 and Chapter XXIV, Section 21 of the Charter of the City of Dallas be amended to provide for: city council members to receive a monthly fee of \$2,500 plus expenses of office; the mayor to receive a monthly fee of \$2,917 plus expenses of office; a compensation commission composed of qualified voters of the city to review the compensation of the city council and the mayor and submit recommendations for voters approval; and transitional provisions?

PROPOSICION NO. 2.

Remuneración del Concilio de la Ciudad

¿Deberán enmendarse el Capítulo III, Sección 4 y el Capítulo XXIV, Sección 21 de la Carta Constitucional de la Ciudad de Dallas para estipular: que los miembros del concilio de la ciudad reciban un honorario mensual de \$2,500 más gastos de oficina; para que el alcalde reciba un honorario mensual de \$2,917 más gastos de oficina; una comisión de remuneración compuesta de votantes calificados de la ciudad para revisar la remuneración del concilio de la ciudad y del alcalde y enviar recomendaciones para la aprobación de los votantes; y disposiciones transitorias?

SECTION 3. That the election shall be held and conducted in the manner provided by law governing the holding of city charter elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as may be required by law.

SECTION 4. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231 as amended by Ordinance No. 20741. Locations of the polling places in the respective voting precincts are as designated in Exhibit "A," attached to and made a part of this ordinance by reference.

SECTION 5. That absentee voting, both by personal appearance and by mail, will be by the use of an electronic voting system in accordance with the Texas Election Code. Absentee voting shall be conducted on Monday, November

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19, 1990, through Wednesday, November 21, 1990, between 9:00 a.m. and 5:00 p.m.; Monday, November 26, 1990, through Friday, November 30, 1990, between 9:00 a.m. and 5:00 p.m.; Saturday, December 1, 1990, between 9:00 a.m. and 4:00 p.m.; and Monday, December 3, 1990, through Tuesday, December 4, 1990, between 7:00 a.m. and 7:00 p.m. at the following locations:

MAIN ABSENTEE VOTING LOCATION

Elections Department
Dallas County Records Building
500 Main Street
Dallas, Texas

BRANCH ABSENTEE VOTING LOCATIONS

Beckley-Saner Recreation Center
114 W. Hobson Avenue

City Secretary's Office
Dallas City Hall
1500 Marilla Street, Room 5FS

Cummings Recreation Center
2900 Cummings Street

Fretz Recreation Center
6950 Belt Line Road

George B. Dealey Recreation
Center, 6501 Royal Lane

Harry Stone Recreation, Center
2403 Millmar Drive

Highland Hills Recreation Center
7071 Bonnie View Road

Kiest Recreation Center
3300 Rugged Drive

Lake Highlands North
Recreation Center
9940 White Rock Trail

Martin Luther King, Jr.
Community Center
2922 Martin Luther King, Jr.
Boulevard

Martin Weiss
Recreation Center
1111 Martindale Avenue

North Dallas Justice Center
10056 Marsh Lane

Pleasant Oaks Recreation Center
8701 Greenmound Avenue

Samuell-Grand Recreation Center
6200 East Grand Avenue

West Dallas Multi-Purpose Center
2828 Fish Trap Road

SECTION 6. That applications for absentee ballots to be voted by mail shall be mailed to Absentee Voting Clerk, Elections Department, Dallas County Records Building, 500 Main Street, Dallas, Texas 75202. Applications for ballots by mail must be received no later than close of business on Friday, November 30, 1990.

SECTION 7. That the absentee ballots shall be processed by an absentee ballot board to be created in accordance with the Texas Election Code.

SECTION 8. That notice of the election shall be given by the mayor, or, in her absence or inability to act, by the mayor pro tem, by publication as required by state law in a newspaper of general circulation published in the city.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALESIE MUNCY, City Attorney

BY *Jessie Christopherson*
Assistant City Attorney

Passed SEP 26 1990.

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