

CATEGORY: ITEMS FOR INDIVIDUAL CONSIDERATION

AGENDA DATE: February 28, 2001
COUNCIL DISTRICT(S): All
DEPARTMENT: City Secretary
CMO: Teodoro J. Benavides, 670-3296
MAPSCO: N/A

**SUBJECT**

An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 5, 2001, for the purpose of submitting to the qualified voters of the City a proposed amendment to the Dallas City Charter - Financing: This action has no cost consideration to the City

BACKGROUND

Article 11, Section 5 of the Texas Constitution states, in part, "Cities having more than five thousand (5000) inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters...Furthermore, no city charter shall be altered, amended or repealed oftener than every two years." The Dallas City Charter was last amended in a special election held May 3, 1997.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

This action has no cost consideration to the City.

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Addendum addition 19: An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 5, 2001, for the purpose of submitting to the qualified voters of the City a proposed amendment to the Dallas City Charter - Financing: This action has no cost consideration to the City

The following individuals addressed the city council regarding the special election:

Joe Martin, 3105 Gladiolus Ln.

Marvin Crenshaw, 5134 Malcolm X Blvd., representing Malcolm X Community Council

Roy Williams, 4230 Mesa Glen Ln., representing Forty Acres And A Mule

Councilmember Miller moved to approve the item, but add that city council compensation be \$37,500 instead of \$40,000 and that the compensation for the mayor be \$60,000.

Motion seconded by Councilmember Chaney.

Councilmember Walne moved to substitute for Councilmember Miller's motion that city councilmembers receive \$500 per diem for up to 70 days per year, with \$35,000 being a cap, and that no councilmember benefits beyond the current charter provision would be allowed and that the mayor receive compensation of \$60,000 with further benefits to be determined by the city council.

Motion seconded by Mayor Pro Tem Poss.

Mayor Kirk asked Councilmembers Miller and Walne if their motions would not take effect until October 1, 2001. Councilmembers Miller and Walne both agreed.

Mayor Pro Tem Poss asked Councilmember Miller if she would accept a friendly amendment to her motion that benefits will not be included.

Councilmember Miller did not accept the friendly amendment.

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Mayor Pro Tem Poss withdrew her friendly amendment after Assistant City Attorney Lisa Christopherson explained that councilmembers could only get the compensation set forth in the charter and that the annual compensation did not give councilmembers status or benefits as a city employee.

Councilmember Loza asked Councilmember Miller if she would accept a friendly amendment to her motion that attendance be included the same as boards and commission.

Councilmember Miller stated that she would not accept the amendment as part of her motion.

Councilmember Finkelman offered an amendment to Councilmember Miller's motion that councilmembers who miss more than 10% of required council meetings or committee meetings aside from meetings missed because of city related business would have their salary reduced by a similar percentage over the course of a budget year.

Mayor Kirk ruled that Councilmember Finkelman's motion was out of order until Councilmember Walne's motion was voted on.

During debate on Councilmember Finkelman's motion, Deputy Mayor Pro Tem Salazar moved the previous question.

Motion seconded by Councilmember Chaney.

Mayor Kirk called the vote on Deputy Mayor Pro Tem Salazar's motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes:	10]	Kirk, Poss, Salazar, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Forsythe Lill
Voting No:	[4]	Loza, Walne, Finkelman, Blumer
Absent when vote taken:	[1]	Greyson

Mayor Kirk declared the previous question was ordered as two-thirds of the city council members present had voted in the affirmative.

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Mayor Kirk then called the vote on Councilmember Walne's motion:

Voting Yes:	[4]	Kirk, Poss, Walne, Finkelman
Voting No:	[10]	Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Blumer, Forsythe Lill
Absent when vote taken:	[1]	Greyson

The voting board malfunctioned. Mayor Kirk called the vote on Councilmember Walne's motion again:

Voting Yes:	[4]	Kirk, Poss, Walne, Finkelman
Voting No:	[11]	Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Greyson, Blumer, Forsythe Lill

Mayor Kirk declared the motion failed.

Councilmember Loza offered an amendment to Councilmember Miller's motion that if a councilmember is deemed to have missed 10% of regular scheduled council and committee meetings over a 12 month period; that councilmember's salary will be reduced proportionate to the percentage of meeting that he or she has missed within that 12 month period unless the councilmember was excused on official business.

During debate on Councilmember Loza's motion, Councilmember Miller moved the previous question.

Motion seconded by Councilmember Mallory Caraway.

Mayor Kirk called the vote on Councilmember Miller's motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes:	[12]	Poss, Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Walne, Finkelman, Forsythe Lill
Voting No:	[2]	Kirk, Blumer
Absent when vote taken:	[1]	Greyson

Mayor Kirk declared the previous question was ordered as two-thirds of the city council members present had voted in the affirmative.

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Mayor Kirk called the vote on Councilmember Loza's motion:

Voting Yes:	[8]	Kirk, Poss, Loza, Chaney, Walne, Finkelman, Blumer, Forsythe Lill
Voting No:	[6]	Salazar, Miller, Thornton Reese, Hill, Mallory Caraway, Fantroy
Absent when vote taken:	[1]	Greyson

Mayor Kirk declared the motion adopted.

Mayor Kirk then called the vote on Councilmember Miller's motion:

Voting Yes:	[12]	Kirk, Poss, Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Finkelman, Forsythe Lill
Voting No:	[2]	Walne, Blumer
Absent when vote taken:	[1]	Greyson

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 24540.

2/28/01

ORDINANCE NO. 24540

An ordinance ordering a special election to be held in the city of Dallas on May 5, 2001 on the question of adopting amendments to the Charter of the City of Dallas; providing for annual compensation of city council members; prescribing the form of the ballot; designating polling places; providing for the use of an electronic voting system for early voting and a computerized voting system for voting on election day; permitting only resident qualified voters to vote; providing for early voting; providing for an early voting ballot board to process early voting; providing for notice of the election; and providing an effective date.

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 of Dallas on Saturday, May 5, 2001, 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 one proposition on whether the Charter of the City of Dallas should be amended. The proposed amendments will affect only the section listed below and will read as set forth below (the new portions being underlined and the repealed portions being crossed through):

CHAPTER III. CITY COUNCIL.

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

(a) Effective October 1, 2001 [~~May 1, 1969~~], each member of the city council, other than the mayor, shall receive as compensation for [~~his~~] services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council [~~50 per diem for each regular or called meeting attended by him~~]. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council.

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

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

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

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

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

PROPOSITION NO. 1

City Council Compensation

Shall Chapter III, Section 4 of the Charter of the City of Dallas be amended to provide for city council members, other than the mayor, to receive annual compensation of \$37,500 (paid on a biweekly basis), plus expenses of office; to provide for the mayor to receive annual compensation of \$60,000 (paid on a biweekly basis), plus expenses of office; and to provide that, if more than 10 percent of regular city council and city council committee meetings are missed by a city council member, including the mayor, during a compensation year, the member's annual compensation will be reduced by the percentage of meetings missed?

24540

PROPOSICIÓN NO. 1**Remuneración del Concilio de la Ciudad**

¿Deberá enmendarse el Capítulo III, Sección 4 de la Carta Constitucional de la Ciudad de Dallas para estipular que los miembros del concilio de la ciudad, que no sean el alcalde, reciban una remuneración anual de \$37,500 (pagado sobre una base bisemanal), más gastos del cargo; para estipular que el alcalde reciba una remuneración anual de \$60,000 (pagado sobre una base bisemanal), más gastos del cargo; y para estipular que, si un miembro del concilio de la ciudad, incluyendo el alcalde, deja de asistir a más del 10 por ciento de las reuniones ordinarias y de comité del concilio de la ciudad durante un año de remuneración, la remuneración anual del miembro será reducida por el porcentaje de reuniones a las que no asistió?

SECTION 3. That the election must 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. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, must be printed in both the English and Spanish languages and must 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 Nos. 20741, 21350, 21579, 22343, 22693, and 23348. Locations of the polling places in the respective election precincts are as designated in Exhibit A, attached to and made a part of this ordinance by reference.

SECTION 5. That each voter must vote in the precinct in which the voter resides, and only resident qualified voters are entitled to vote.

SECTION 6. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231, as amended by Ordinance

Nos. 20741, 21350, 21579, 22343, 22693, and 23348, may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the special election even though the person may own property subject to taxation in the city.

SECTION 7. That early 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, as amended. Early voting will be conducted at the locations and during the dates and times designated in Exhibit B, attached to and made a part of this ordinance by reference.

SECTION 8. That applications for early voting ballots to be voted by mail must be mailed to Early 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, April 27, 2001.

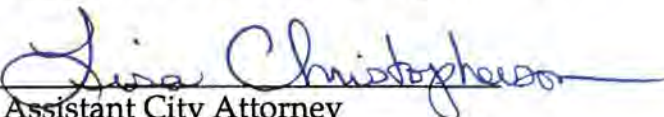
SECTION 9. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

SECTION 10. That the mayor or, in the mayor's absence or inability to act, the mayor pro tem shall give notice of the special election by causing the notice to be published in a newspaper within the city and posted on the city's public meeting bulletin board in accordance with applicable state law governing notice of charter elections.

SECTION 11. That this ordinance will 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:

MADELEINE B. JOHNSON, City Attorney

By 
Assistant City Attorney

Passed FEB 28 2001

LC/UC/0062U