

November 16, 2005

RESOLUTION AND ORDER

WHEREAS, the city council has received the report of the canvassing committee appointed to canvass the results of the election held on November 8, 2005, pursuant to Ordinance Nos. 26094 and 26095, as amended, for the purpose of deciding 14 propositions, and the city council after examining the report finds it correct in all respects; Now, Therefore,

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

SECTION 1. That the city council after having duly examined the report of the canvassing committee finds that it is a true and correct tabulation of the election results; that the election held on November 8, 2005, pursuant to Ordinance Nos. 26094 and 26095, as amended, was duly ordered and notice given in accordance with law; that the election was held in the manner required by law; that only duly qualified resident voters of the city of Dallas voted in the election; and that returns of the election have been made by the proper officers.

SECTION 2. That the canvass of the returns of the election and the tabulation of votes cast YES and NO in answer to Proposition Nos. 1 through 13 submitted on the official ballot and FOR and AGAINST in answer to Proposition No. 14 submitted on the official ballot, as stated by the report of the canvassing committee, are hereby approved and adopted.

SECTION 3. That a majority of the votes cast at the election were for Proposition Nos. 2 through 13, as described in Ordinance No. 26094, as amended, and Proposition No. 14, as described in Ordinance No. 26095, as amended, and those propositions are, therefore, approved and declared to be adopted.

SECTION 4. That a majority of the votes cast at the election were against Proposition No. 1, as described in Ordinance No. 26094, as amended, and that proposition is, therefore, defeated and declared not to be adopted.

SECTION 5. That it is hereby ordered that the charter amendments adopted by Proposition Nos. 2 through 13 shall become a part of the Charter of the City of Dallas.

SECTION 6. That the mayor is hereby authorized to certify to the Secretary of State an authenticated copy of the charter amendments under the city seal showing the approval of the qualified voters, in accordance with Section 9.007 of the Texas Local Government Code, as amended.

APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT CITY CONTROLLER CITY MANAGER

November 16, 2005

SECTION 7. That the city secretary is hereby directed to record the charter amendments in the records of the city of Dallas in accordance with Section 9.008 of the Texas Local Government Code, as amended.

SECTION 8. That this resolution will take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By *Asia Christopher*
Assistant City Attorney

APPROVED BY
CITY COUNCIL

NOV 16 2005

Mary Gray
City Secretary

Memorandum

DATE November 16, 2005

TO HONORABLE MAYOR AND
MEMBERS OF THE CITY COUNCIL

SUBJECT CANVASS COMMITTEE REPORT AND RESOLUTION

Attached is the report of the ad hoc canvass committee regarding the returns of the November 8, 2005 special election. Also attached is the resolution accepting the report. This is item # 3 on your agenda.

If you need further information, please advise.

SHIRLEY ACY
City Secretary

Attachments

11/16/05

**REPORT OF CANVASSING COMMITTEE AND
RESOLUTION AND ORDER APPROVING REPORT**

TO THE HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, your committee of the city council appointed on August 24, 2005 to canvass the returns of the election held in the city of Dallas on November 8, 2005, for the purpose of submitting to the qualified voters of the city 13 propositions relating to amending the Charter of the City of Dallas and one proposition relating to authorizing general obligation bonds for homeless assistance facilities, hereby report that we have carefully canvassed the returns of the election, and we submit the tabulated statement of the votes received by the respective propositions, attached hereto as Exhibit A.

In accordance with Ordinance No. 26094, as amended, the following propositions were submitted to the qualified voters of the city of Dallas:

PROPOSITION NO. 1

**Expanded Powers and Compensation of Mayor and Expanded City Council
Finance and Audit Oversight**

Shall Chapter III, Sections 1, 3A, 4, 13, and 19; Chapter IV, Sections 4 and 6; Chapter VI, Sections 1 and 2; Chapter IX, Sections 1 and 2 (before renumbering); Chapter XI, Sections 1, 2, 3, 4, and 5; Chapter XVI, Section 9, and Chapter XXIV, Section 21A (before renumbering) of the Charter of the City of Dallas be amended, and shall new Chapter IXA be added and shall new Section 22 be added to Chapter XXIV, to clarify that Place 15 on the city council is designated as the mayor; to increase the mayor's annual compensation from \$60,000 to \$120,000; to provide for the city manager to be appointed by, and to have his or her compensation fixed by, the mayor (instead of the city council) and to be removed by the mayor or by a majority vote of the full city council; to require the city manager and mayor to jointly prepare the city's annual budget for

presentation to the city council; to require the city manager to appoint the police chief and fire chief with the concurrence of the mayor; to create a finance, audit, and accountability committee (composed of at least five council members) that has all members and the chair and vice-chair appointed by a majority vote of the full city council (excluding the mayor, who may not vote or participate in the matter or serve on the committee); to provide for the appointment, discharge, and compensation of a council finance and budget oversight officer by a majority vote of the full city council (excluding the mayor, who may not vote on the matter); to provide residency requirements for the council finance and budget oversight officer; to provide for assistants to the council finance and budget oversight officer, who shall be exempt from civil service; to provide for the appointment, discharge, and compensation of the city auditor by a majority vote of the full city council (excluding the mayor, who may not vote on the matter); to provide for the selection of an independent auditor by a majority vote of the city council (excluding the mayor, who may not vote on the matter); and to make certain nonsubstantive changes, which amendments would take effect on the date of inauguration of the city council members elected at the May 5, 2007 general election, pending voting rights preclearance by the United States Justice Department?

PROPOSITION NO. 2

Residency Requirements for the City Manager, City Attorney, City Auditor, and City Secretary; Appointment and Removal of City Attorney, City Secretary, Assistants to the City Auditor, Assistants to the City Secretary, and Professional and Administrative Assistants to the Mayor and Council; Duties of City Auditor

Shall Chapter III, Sections 14 and 15; Chapter IIIA, Sections 1 and 2; Chapter VII, Section 1; and Chapter IX, Section 2 (before renumbering) of the Charter of the City of Dallas be amended, and shall new Section 2 be added to Chapter IX, to provide residency requirements for the city manager, city attorney, city auditor, and city secretary; to provide for the city attorney and the city secretary to be discharged during a term of office by a majority vote (instead of a two-thirds vote) of the full city council; to authorize the city secretary to terminate his or her assistants without city council consent; to clarify the duties of the city auditor; to provide for the appointment, discharge, and duties of assistants to the city auditor; to authorize city council members to select their professional and administrative assistants; and to make certain nonsubstantive changes?

PROPOSITION NO. 3**Municipal Courts and Municipal Judges**

Shall Chapter VII, Section 3; Chapter VIII, Sections 7 and 8; Chapter XII, Section 6; and Chapter XVI, Section 9 of the Charter of the City of Dallas be amended, and shall new Section 4A be added to Chapter VIII, to provide a procedure for the removal of municipal judges prior to the expiration of their terms; to correct obsolete references to the municipal courts as corporation courts; and to make certain nonsubstantive changes?

PROPOSITION NO. 4**Emergency Management and Continuity of Governance**

Shall Chapter II, Section 1 and Chapter III, Section 5 of the Charter of the City of Dallas be amended to authorize the city to adopt a disaster emergency preparedness ordinance that provides for the development of a comprehensive emergency management plan; to authorize the city attorney to initiate court action to order an election to fill city council vacancies in the event of the simultaneous death or disability of all city council members; and to make certain nonsubstantive changes?

PROPOSITION NO. 5**Disciplinary Actions, Appeals, Civil Service, and Other Personnel Matters**

Shall Chapter VI, Sections 1 and 2; Chapter VII, Section 1; Chapter XII, Sections 4 and 5; Chapter XIII Sections 3 and 9; and Chapter XVI, Sections 3, 4, 9, 11, and 12 of the Charter of the City of Dallas be amended to eliminate the provision allowing a police chief or fire chief, or an assistant above the rank of captain, to be restored to a prior held rank or a lower appointive rank upon being removed from his or her position for unfitness; to clarify the process for disciplining employees of the police and fire departments; to eliminate requirements that the city manager, the city attorney, and department directors be given a public hearing before the city council prior to being discharged; to exempt the city secretary's office and the city auditor's office from civil service; to clarify that city employees in the unclassified civil service and city employees exempt from civil service do not have the right to appeal disciplinary actions; to require a "reasonable person" standard to be used in civil service trial board hearings and administrative law judge hearings; to provide that charter provisions and city personnel rules will prevail over any conflicting civil service rule; and to make certain nonsubstantive changes?

PROPOSITION NO. 6**Election-related Matters**

Shall Chapter II, Section 1; Chapter III, Section 1; and Chapter IV, Section 3 of the Charter of the City of Dallas be amended, and shall new Section 13 be added to Chapter IV, to authorize the city to adopt regulations governing campaign contributions and expenditures for city elections; to require publication (both before and after a city council election) of all campaign contributions made to city council candidates; to provide for general elections to be held on the first authorized election date after March 1 (instead of after February 1) of each odd-numbered year; to provide for general elections to be held in May (instead of April) of odd-numbered years if the state ceases to restrict election dates; to provide that council members elected at a general election shall take office the first Monday following the 30th calendar day after the final canvass of the general election; and to make certain nonsubstantive changes?

PROPOSITION NO. 7**City Boards and Commissions**

Shall Chapter IV, Section 5; Chapter XVI, Section 1; and Chapter XXIV, Section 13 of the Charter of the City of Dallas be amended, and shall new Section 3 be added to Chapter II, to increase the size of the civil service board from five members to seven members; to provide for removal of a civil service board member or adjunct member without written reasons for removal or an opportunity to present a defense; to provide for city board and commission members (including civil service board members and adjunct members) to be appointed during September (instead of during August) of each odd-numbered year and to serve a term not to exceed two years from October 1 (instead of from September 1) or until their successors are appointed and qualified; to provide that advisory board and commission members may not hold over in their positions longer than nine months after the expiration of their terms or after the creation of vacancies in their positions; to provide that members of the city's redistricting commission serve a term ending upon completion of the redistricting commission's work; to require the city council to appoint a charter review commission at least every 10 years to review the city charter and make a report to the city council; and to make certain nonsubstantive changes?

PROPOSITION NO. 8**City Treasurer and Financial Matters**

Shall Chapter III, Section 20; Chapter XI, Sections 6, 7, 10, and 13; Chapter XVII, Section 9; and Chapter XXIV, Section 14 of the Charter of the City of Dallas be amended to provide that moneys to be derived from the sale of lawfully authorized commercial paper notes are deemed to be in the city's treasury; to designate the city's chief financial officer as the city treasurer; to clarify that city money is deposited into the city treasury or city depository instead of with the city treasurer; to correct obsolete references to the director of revenue and taxation and the director of finance; and to make certain nonsubstantive changes?

PROPOSITION NO. 9**Solid Waste Franchises**

Shall Chapter XIV, Sections 1, 2, 3, 5, 7, and 8 and Chapter XIX, Section 4 of the Charter of the City of Dallas be amended to authorize the city to grant franchises for solid waste hauling, solid waste pickup, solid waste recycling, and solid waste disposal; to exempt such franchises from rate regulation; and to make certain nonsubstantive changes?

PROPOSITION NO. 10**Fire-Rescue Department**

Shall Chapter II, Section 1; Chapter VI, Section 2; Chapter XIII, Sections 1, 2, 4, 5, 6, 7, 8, and 9; Chapter XVI, Section 16; and Chapter XXIV, Section 10 of the Charter of the City of Dallas be amended to rename the city's fire department as the fire-rescue department; to authorize members of the fire-rescue department to exercise police powers in rescue situations; and to make certain nonsubstantive changes?

PROPOSITION NO. 11**Official City Newspaper**

Shall Chapter III, Section 19; Chapter XI, Section 3; and Chapter XVIII, Sections 7 and 15 of the Charter of the City of Dallas be amended, and shall Chapter XXIV, Section 11 be repealed, to eliminate the charter requirement for an official city newspaper; to provide for city notices to be published in newspapers of general circulation in the city; and to make certain nonsubstantive changes?

PROPOSITION NO. 12**Annexations and Disannexations**

Shall Chapter I, Section 3 of the Charter of the City of Dallas be amended to clarify the process for annexing and disannexing territory to and from the city and to make certain nonsubstantive changes?

PROPOSITION NO. 13**Gender Neutral Language, Correction of State Law Cites, and Other Nonsubstantive Changes**

Shall Chapter III, Sections 3, 10, 11, 15, 17, 19, and 20; Chapter IIIA, Sections 1 and 2; Chapter VI, Sections 1 and 2; Chapter VII, Sections 1 and 3; Chapter VIII, Sections 4 and 6; Chapter IX, Section 3 (before renumbering); Chapter X, Section 2; Chapter XI, Sections 2, 11, and 13; Chapter XIV, Section 8; Chapter XV, Section 3; Chapter XVI, Section 17; Chapter XVIII, Section 13; Chapter XIX, Sections 6, 8, 11, and 17; Chapter XX, Sections 10 and 11; Chapter XXII, Section 4; Chapter XXIII, Sections 4 and 6; and Chapter XXIV, Sections 12 and 17 of the Charter of the City of Dallas be amended to make the charter language gender neutral; to correct obsolete references to state law; and to make other nonsubstantive changes?

In accordance with Ordinance No. 26095, as amended, the following proposition was submitted to the qualified voters of the city of Dallas:

PROPOSITION NO. 14

“THE ISSUANCE OF \$23,800,000 GENERAL OBLIGATION BONDS FOR HOMELESS ASSISTANCE FACILITIES, INCLUDING HOUSING FACILITIES FOR THE HOMELESS”

It appears that the following number of votes was cast respectively YES and NO on Propositions Nos. 1 through 13 and FOR and AGAINST on Proposition No. 14:

PROPOSITION NO. 1

YES	52,045
NO	59,648

PROPOSITION NO. 2

YES	76,272
NO	27,684

PROPOSITION NO. 3

YES	80,054
NO	19,972

PROPOSITION NO. 4

YES	85,474
NO	13,234

PROPOSITION NO. 5

YES	67,037
NO	27,158

PROPOSITION NO. 6

YES	75,914
NO	17,377

PROPOSITION NO. 7

YES	57,497
NO	33,079

PROPOSITION NO. 8

YES	72,642
NO	18,002

PROPOSITION NO. 9

YES	57,465
NO	36,511

PROPOSITION NO. 10

YES	68,997
NO	29,821

PROPOSITION NO. 11

YES	61,292
NO	32,777

PROPOSITION NO. 12

YES	68,079
NO	23,533

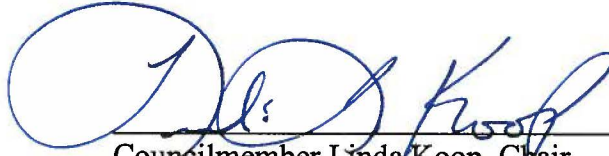
PROPOSITION NO. 13

YES	67,144
NO	28,047

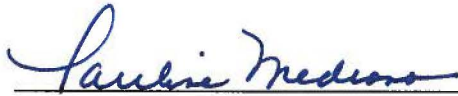
PROPOSITION NO. 14

FOR	61,746
AGAINST	42,655

From this tabulation it appears that Proposition Nos. 2 through 14 were approved and Proposition No. 1 was defeated by the qualified voters of the city of Dallas participating in the election.

A handwritten signature in blue ink, appearing to read 'Linda Koop', written over a horizontal line.

Councilmember Linda Koop, Chair

A handwritten signature in blue ink, appearing to read 'Pauline Medrano', written over a horizontal line.

Councilmember Pauline Medrano

Councilmember Ron Natinsky

**CANVASSING COMMITTEE OF THE CITY
COUNCIL OF THE CITY OF DALLAS**