



**City of Dallas**

MARTIN LUTHER KING, JR. COMMUNITY CENTER  
ADVISORY BOARD MEETING  
VIRTUAL MEETING  
MONDAY, JANUARY 25, 2021 - 6:30P.M.

WebEx Meeting Address:

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=c9a13c972a0eb21a0e83095b98312c500>

Join by phone

1-408-418-9388 US Toll Free

Access code:

146 348 2821

MINUTES

PRESENT

Ms. Candace Wicks  
Mr. Asa Woodberry  
Mr. Trent Hughes  
Dr. Jerry Christian  
Rev. Donna Slater  
Mrs. LaSheryl L. Walker

ABSENT

Ms. Elaine Sacks  
Mrs. Michelle Espinal-Embler  
Mrs. Clara Brown-Trimble  
Ms. Johnnie Goins

VACANT POSITIONS

2  
4  
9  
11  
13

MARTIN LUTHER KING JR. COMMUNITY CENTER STAFF PRESENT

LaRhonda Bacon, Coordinator II

CITY OF DALLAS PRESENT

Dr. Jamel Slaughter, Program Administrator  
Jessica Galleshaw, Director

CALL TO ORDER/WELCOME

Chair Christian called the meeting to order at 6:46pm.

INVOCATION/OPENING STATEMENT

Chair Christian prayed for everyone, the community and the decorum of the meeting.

ROLL CALL

Roll call was completed by LaRhonda Bacon.

APPROVAL OF MINUTES

Chair Christian called for a motion to approve the minutes. Board Member Slater made the motion to approve minutes and Board Member Hughes seconded the motion. The board approved.

UPDATE/DISCUSSION - 2020 MLK ADVISORY BOARD ANNUAL REPORT OF BOARD ACTIVITIES

Chair Christian requested that Board Member Slater take the lead on the annual report so that the board would submit their report by the deadline date of February 1, 2021. After much discussion Vice Chair Wicks made a motion to move forward with the approval of the drafted annual report with modifications to be added by end of the month. Board Member Slater seconded the motion. The board approved. Chair Christian requested that Board Members Woodberry, Hughes, and Walker join Board Member Slater as committee chair to complete the task of the Annual Report.

UPDATE /DISCUSSION – BY-LAWS

Chair Christian requested that Board Members Slater, Woodberry and Hughes join the team of Board Member Sacks as committee chair. Further discussion was tabled until the next meeting.

2020 CENTER CULTURAL EVENTS

MLK Fresh Produce Distribution served 3,218 families during the month of December 2020 and has distributed 2.1 million pounds of fresh produce during 2020. The distribution is still taking place every Saturday at 9:30am at the Park South YMCA during the Covid-19 pandemic. For the month of December, we had one (1) event our Winter Warm-Up that took place December 17-18, 2020 which served 812 children received new coats, hats, and gloves and 545 families received family food boxes, cinnamon bread, assorted drinks and hygiene product.

PUBLIC COMMENT

None

ADJOURNMENT

Board Member Hughes made a motion to adjourn the meeting. Board Member Walker seconded. The meeting adjourned at 7:11pm.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

## ARTICLE XIII.

### MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD.

#### SEC. 2-125. DEFINITIONS.

In this article:

(1) MARTIN LUTHER KING, JR. COMMUNITY CENTER means the group of buildings located in the 2900 block of Forest Avenue in the city that are in proximity to one another and in which the city and other agencies or organizations offer a consolidation of various community services into a single delivery system in response to the needs of the community.

(2) SERVICES means the functions and work performed by community agencies concerned with the health, education, social, physical, economic and other related needs to improve the quality of the urban environment. Such services may be provided by privately or publicly sponsored organizations and agencies.

(3) SERVICE AREA means the geographical area within the city primarily served by the Martin Luther King, Jr. community center, as shall be delineated by the city council.

(4) BOARD means the Martin Luther King, Jr. community center board. (Ord. Nos. 13384; 14941; 15574; 15955)

#### SEC. 2-126. CREATED; TERMS; MEMBERSHIP; VACANCIES.

(a) There is hereby created the Martin Luther King, Jr. community center board, which shall consist of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two- year term beginning on October 1 of each odd- numbered year. All members shall serve until their successors are appointed and qualified.

(c) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed from service area nominations, the vacancy may not be filled, and that position will not be counted in determining total board membership for quorum purposes. (Ord. Nos. 13384; 14083; 14941; 15574; 15955; 15979; 21153; 21514; 22259; 29645)

#### SEC. 2-127. FUNCTIONS.

(a) The board shall serve in an advisory capacity and shall make recommendations to the city center manager concerning programs and policies within the service center.

(b) The board shall submit an annual report to the city council in accordance with Section 8-1.1 of this Code. (Ord. Nos. 13384; 14941; 15955)

#### SEC. 2-128. RESERVED.

(Repealed by Ord. 17393)

#### SEC. 2-129. TREATMENT OF BUDGET.

The budget of the center shall be approved by the city council and treated as is the budget of other city departments by referring it to the city manager through the usual budget administration process. (Ord. Nos. 13384; 14941; 15955)

CITY OF DALLAS BOARDS AND COMMISSIONS

**MARTIN LUTHER KING JR COMMUNITY CENTER BOARD**

**MLK**

- Authority: City Code, Section 2-126
- Members: 15 members, one appointed by each member of the City Council
- Qualifications: There are no special qualifications for membership.
- Officers: Mayor appoints the chair, subject to confirmation by a majority of the City Council; full City Council appoints the vice-chair
- Staff support: Office of Community Care  
Jessica Galleshaw, Director 214-670-5711  
Jamel Slaughter, Program Administrator 214-671-5117  
(contact person)
- Mission: To promote and provide direct health and human services and programming which will assist individuals and families in becoming economically self-sufficient.
- Meetings: The board meets monthly on the third Monday at 6:30 p.m. Meetings usually last two hours. Members serve on various committees. A member may expect to devote about two hours a month to board service.

An Ordinance amending Section 2126, "Created; composition; appointment, requirements, and terms of members; filling of vacancies; officers; rules and regulations," of Article XIII, "Crossroads Community Service Center Board," of CHAPTER 2, "ADMINISTRATION", of the Dallas City Code, as amended; providing for twenty members on the board; providing the method of filling vacancies; providing for election of officers; providing a savings clause; and providing an effective date.

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

SECTION 1. That Section 2-126, "Created; composition; appointment, requirements, and terms of members; filling of vacancies; officers; rules and regulations," of Article XIII, "Crossroads Community Service Center Board," of CHAPTER 2, "ADMINISTRATION", of the Dallas City Code, as amended, is amended to read as follows:

"Sec. 2-126. Created; composition; appointment, requirements, and terms of members; filling of vacancies; officers; rules and regulations.

(a) There is hereby created a crossroads community service center board. The board membership shall consist of twenty members. Ten of those members shall be appointed by the city council without regard to their area of residence within the city. Ten members shall be appointed by the city council and shall be residents of the service area of the crossroads community service center and qualified voters in their respective precincts of residence. These appointments shall be made from nominations from the service area, made in accordance with democratic election procedures to be determined by the board within the framework and limitations provided by the by-laws of the board.

(b) The members shall be appointed for a twoyear term ending on September 1 of each odd-numbered year and shall serve until their successors are appointed and qualified.

(c) If at any time the number of board members shall be less than twenty, the city council shall appoint a new member to serve for the unexpired term so that the board shall at all times consist of twenty members; provided, that if a vacancy occurs in a position held by a service area resident nominated by election procedures, the appointment shall be made from a nomination made by the remaining service area resident members.

(d) The officers of the board shall consist of a chairman and two vice-chairmen who shall be elected by the membership of the board. At least two of these officers shall be service area residents.

(e) The board shall adopt and amend by-laws, subject to approval by council resolution. Such by-laws shall provide for rules and regulations which shall govern the actions, proceedings and deliberations of the board, including the procedures for nominations to the board of service area residents, and which shall provide for the appointment of such advisory committees as the board shall deem necessary, including an executive committee consisting of the board chairman, vice-chairmen and such additional members as the board shall determine."

SECTION 2. That CHAPTER 2, "ADMINISTRATION", of the Dallas City Code shall remain in full force and effect, save and except as amended herein.

SECTION 3. That this Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:  
N. ALEX BICKLEY, City Attorney

By /s/ Analesie Muncy  
Assistant City Attorney

PASSED: APRIL 30, 1973

CORRECTLY ENROLLED: APRIL 30, 1973

ATTEST:

Harold G. Shank  
CITY SECRETARY

APPROVED: N. Alex Bickley  
CITY ATTORNEY

772190

ORDINANCE NO. 15574

An Ordinance amending Sections 2-125(3) and 2-126 of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended; providing for the service area to be delineated by the city council; providing that election procedures for service area resident members shall be established by the city council; providing that elections will be conducted by the city secretary; providing that the chairman and vice chairmen will be appointed by the city council; providing a saving clause; and providing an effective date.

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

SECTION 1. That Subparagraph (3) of Section 2-125, "Definitions," of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"(3) SERVICE AREA means the geographical area within the city of Dallas primarily served by the Martin Luther King, Jr. community center, as shall be delineated by the city council."

SECTION 2. That Section 2-126 of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-126. CREATED; COMPOSITION; APPOINTMENT; REQUIREMENTS AND TERMS OF MEMBERS; FILLING OF VACANCIES; OFFICERS; RULES AND REGULATIONS.

(a) There is hereby created the Martin Luther King, Jr. community center board. The board membership shall consist of 22 members. Eleven of those members shall be appointed by the city council without regard to their area of residence within the city. Eleven members shall be appointed by the city council and shall be residents of the service area of the Martin Luther King, Jr. community center and qualified voters in their respective precincts of residence. These appointments shall be made from nominations from the service area, made in accordance with democratic election procedures established by the city council, the elections to be conducted by the city secretary.

(b) The members shall be appointed for a two-year term ending on September 1 of each odd-numbered year and shall serve until their successors are appointed and qualified.

(c) If at any time the number of board members shall be less than 22, the city council shall appoint a new member to serve for the unexpired term so that the board shall at all times consist of 22 members; provided, that if a vacancy occurs in a position held by a service area resident nominated by election procedures, the appointment shall be made from a nomination made by the remaining service area resident members.

(d) The officers of the board shall consist of a chairman and two vice-chairmen who shall be appointed by the city council.

(e) The board shall adopt and amend by-laws, subject to approval by council resolution. The by-laws shall provide for rules and regulations which shall govern the actions, proceedings, and deliberations of the board, and which shall provide for the appointment of such advisory committees as the board shall deem necessary, including an executive committee consisting of the board chairman, vice-chairmen and such additional members as the board shall determine."

SECTION 3. That CHAPTER 2 of the Dallas City Code, as amended, shall remain in full force and effect save and except as amended by this ordinance.

SECTION 3. 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:

LEE E. HOLT, City Attorney

By *Amalio Muncy*  
Assistant City Attorney

PASSED: AUG 3 1977  
CORRECTLY ENROLLED AUG 3 1977  
Lee E. Holt  
City Attorney

ATTEST:  
Robert S. Sloan  
City Secretary

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 20, 1978

78-2654


MARTIN LUTHER KING, JR., COMMUNITY CENTER BOARD

An ordinance revising the membership and duties of the Martin Luther King, Jr. community center board was presented.

J. B. Jackson, 4351 Jamaica, (428-2407) appeared to ask the council to withhold action on the ordinance until members of the board had had an opportunity to meet with the council.

Mayor Pro Tem Blackburn moved passage of ORDINANCE 15955.

Motion unanimously carried. (Walton absent when vote taken)

  
ROBERT S. SLOAN  
City Secretary

RSS/gw

0031S



9-13-78

ORDINANCE NO. 15955

An Ordinance amending Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended; clarifying definitions; deleting unused definitions; establishing board membership at 11 members; requiring members to be appointed by the city council; prescribing functions of the board; providing a severability clause; providing a saving clause; and providing September 1, 1979 as the effective date.

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

SECTION 1. That Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"ARTICLE XIII.

MARTIN LUTHER KING, JR. COMMUNITY CENTER.

SEC. 2-125. DEFINITIONS.

In this article:

(1) MARTIN LUTHER KING, JR. COMMUNITY CENTER means the group of buildings located in the 2900 block of Forest Avenue in the city that are in proximity to one another and in which the city and other agencies or organizations offer a consolidation of various community services into a single delivery system in response to the needs of the community.

(2) SERVICES means the functions and work performed by community agencies concerned with the health, education, social, physical, economic and other related needs to improve the quality of the urban environment. Such services may be provided by privately or publicly sponsored organizations and agencies.

## 15955

(3) SERVICE AREA means the geographical area within the city primarily served by the Martin Luther King, Jr. community center, as shall be delineated by the city council.

(4) BOARD means the Martin Luther King, Jr. community center board.

SEC. 2-126. CREATED; COMPOSITION; APPOINTMENT; REQUIREMENTS, AND TERMS OF MEMBERS; OFFICERS.

(a) There is hereby created the Martin Luther King, Jr. community center board. The board shall consist of 11 members appointed by the city council.

(b) The members shall be appointed for two-year terms ending on September 1 of each odd-numbered year and shall serve until their successors are appointed and qualified.

(c) The officers of the board shall consist of a chairman and a vice-chairman who shall be appointed by the city council.

SEC. 2-127. FUNCTIONS.

(a) The board shall serve in an advisory capacity and shall make recommendations to the city council, city manager, and Martin Luther King, Jr. center manager concerning programs and policies within the service center.

(b) The board shall submit an annual report to the city council in accordance with Section 8-1.1 of this Code.

SEC. 2-128. APPOINTMENT, COMPENSATION, AND DUTIES OF MANAGER OF MARTIN LUTHER KING, JR. COMMUNITY CENTER.

(a) The city manager shall appoint a manager of the Martin Luther King, Jr. community center, who shall be a person professionally competent by experience and training to manage such an office. The manager shall receive such compensation determined by the city council and shall be in the unclassified service.

(b) The duties of the manager of the Martin Luther King, Jr. community center shall be as follows:

(1) Be responsible to the city manager for the management of the center and the execution of its programs;

(2) Act as executive secretary of the board;

## 15955

(3) Advise and consult with the city manager on all matters affecting the administration and coordination of the community center and its programs which are now in effect or which may in the future be promulgated by the city;

(4) Perform such other duties as may be required of him by the city manager or by ordinance of the city council.

SEC. 2-129. TREATMENT OF BUDGET.

The budget of the center shall be approved by the city council and treated as is the budget of other city departments by referring it to the city manager through the usual budget administration process."

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

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

SECTION 4. That this Ordinance shall take effect on September 1, 1979.

APPROVED AS TO FORM:

LEE E. HOLT, City Attorney

BY *Charles Muncy*  
Assistant City Attorney

Passed and correctly enrolled SEP 20 1978

1952B/sr

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 4, 1978

78-2813

Councilman Walton moved passage of ORDINANCE 15979.

Motion unanimously carried. (Nicol absent; Patterson, Bartlett absent when vote taken)

A handwritten signature in dark ink, appearing to read "R. S. Sloan", written in a cursive style.

ROBERT S. SLOAN  
City Secretary

RSS/gt

9/29/78

ORDINANCE NO. 15979

An Ordinance amending Section 2-126(c) of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended; relating to board appointments prior to September 1, 1979; and providing an effective date.

WHEREAS, the City Council, by passage of Ordinance No. 15955, has restructured the Martin Luther King, Jr. Community Center Board so that after September 9, 1979, it will have 11 members; and

WHEREAS, the City Council considers it necessary and appropriate to provide for a transitional period during which current area resident members will serve out their terms but vacancies in these positions will not be filled; Now, Therefore,

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

SECTION 1. That Subsection (c) of Section 2-126 of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION" of the Dallas City Code, as amended, is amended to read as follows:

"(c) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed from service area nominations, the vacancy shall not be filled, and that position shall not be counted in determining total board membership for quorum purposes."

## 15979

SECTION 2. This Ordinance shall expire September 1, 1979.

SECTION 3. 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:

LEE E. HOLT, City Attorney

By Analessie Muncy  
Assistant City Attorney

Passed and correctly enrolled OCT 04 1978

2399B/jn

**OFFICIAL ACTION OF THE DALLAS CITY COUNCIL**

**December 11, 1991**

**91-3828**

**Agenda Item 97: Ordinance amending the Dallas City Code to reflect current provisions of the City Charter regarding the size of boards and commissions and their continuation**

**Councilwoman Palmer moved to pass the draft ordinance identified in the council's docket material as Version 1, which includes a sunset provision relating to certain boards and commissions created by ordinance.**

**Motion seconded by Councilman Garcia.**

**Acting City Attorney Sam Lindsay told the council that another draft had been prepared, which more accurately reflects the intent of the city council. Mr. Lindsay explained that the new draft included provisions to review additional boards and commissions created by the City Charter or pursuant to federal or state legislation to determine whether they are needed or justified.**

**Councilman Bartos moved to substitute for Councilwoman Palmer motion a motion to pass the draft ordinance as outlined by the city attorney.**

**Motion seconded by Mayor Pro Tem Lipscomb.**

**Mayor Bartlett called the vote on Councilman Bartos substitute motion.**

<b>Voting Yes:</b>	<b>Bartlett, Lipscomb, Garcia, Tandy, Duncan, Hicks, Nash, Mayes, Box, Halstead, Fielding, Wells, Bartos, Palmer</b>	<b>-14</b>
<b>Voting No:</b>		<b>- 0</b>
<b>Absent when vote taken:</b>	<b>Luna</b>	<b>- 1</b>

**Mayor Bartlett declared the motion adopted.**

**Assigned ORDINANCE NO. 21153.**

12/11/91

ORDINANCE NO. 21153

An ordinance amending Sections 2-95, 2-126, 2-130, 2-140, 2-150, 2-153, 2-155, 2-157, and 2-161 of CHAPTER 2, "ADMINISTRATION," Section 24-7 of CHAPTER 24, "LIBRARY," Section 27-6 of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," Section 37-31 of CHAPTER 37, "POLICE," Section 46-14 of CHAPTER 46, "THEATERS," and Sections 51A-3.101 and 51A-3.103 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; changing the number of members to be appointed by the City Council to various boards and commissions; providing that the mayor shall appoint the chair to certain boards; providing a sunset date for certain boards; making certain semantic, grammatical and structural changes; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 2-95, "Permit and License Appeal Board - Created; Function; Terms; Hearing Panels," of Article IX, "Permit and License Appeal Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED;  
FUNCTION; TERMS; HEARING PANELS.

(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15[12] members



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appointed by the city council. Each city council member shall appoint one member to the board.

(b) The permit and license appeal board shall hear appeals filed in accordance with Section 2-96 of this chapter.

(c) All members shall be appointed for a term to expire on September 1, 1985. Subsequent appointments shall be made in August of odd-numbered years for a two year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(d) The city secretary shall divide the board into five [~~four~~] hearing panels for the purpose of performing the duties of the board. The city secretary shall assign cases to the hearing panels on a rotating basis. Each hearing panel has the same authority as the full board. A decision by a hearing panel constitutes a decision by the board.

(e) Notwithstanding the provisions of Subsection (c), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.

SECTION 2. That Section 2-126, "Created; Composition; Appointment; Requirements, and Terms of Members; Officers," of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-126. CREATED; COMPOSITION; APPOINTMENT; REQUIREMENTS, AND TERMS OF MEMBERS; OFFICERS.

(a) There is hereby created the Martin Luther King, Jr. community center board. The board shall consist of 15 [~~11~~] members. Each city council member shall appoint one member to the board. The chair shall be appointed by the mayor [~~city council~~].

(b) The members shall be appointed for two-year terms ending on September 1 of each odd-numbered year and shall serve until their successors are appointed and qualified.

(c) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed from service area nominations, the vacancy shall not be filled,

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and that position shall not be counted in determining total board membership for quorum purposes.

(d) Notwithstanding the provisions of Subsection (b), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.

SECTION 3. That Section 2-130, "South Dallas/Fair Park Trust Fund Advisory Board - Created; Terms; Membership," of Article XIV, "South Dallas/Fair Park Trust Fund Advisory Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-130. SOUTH DALLAS/FAIR PARK TRUST FUND ADVISORY BOARD  
- CREATED; TERMS; MEMBERSHIP.

(a) There is hereby created the South Dallas/Fair Park trust fund advisory board of the city, which shall be an advisory body of 15~~11~~ members appointed by the city council. Each city council member shall appoint~~appoint~~ one member ~~[for appointment]~~ to the board. The chair of the board shall be appointed~~selected~~ by the mayor ~~[from the board members appointed by the city council]~~.

(b) All members shall be appointed for an initial term to expire on August 31, 1991. Subsequent appointments shall be made in August of odd-numbered years for a two-year term beginning September 1. All members shall serve until their successors are appointed and qualified.

(c) Members of the board must meet the following qualifications:

(1) Three members must be residents of the South Dallas/Fair Park neighborhood.

(2) One member must be a representative of a cultural institution or other facility permanently housed at Fair Park.

(3) One member must be a representative of the State Fair Association.

(4) Two members must operate a business in the South Dallas/Fair Park area.

(5) Eight~~Four~~ members must be citizens at large.

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(d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board.

(e) Notwithstanding the provisions of Subsection (b), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council."

SECTION 4. That Section 2-140, "Senior Affairs Commission - Created; Terms; Membership; Meetings," of Article XVIII, "Senior Affairs Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-140. SENIOR AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the senior affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the board. ~~Each city council member shall appoint one member to the board.~~ The chair shall be appointed by the mayor and the vice-chair shall be appointed by the city council.

(b) All members will be appointed for a term to expire on August 31, 1989. Subsequent appointments shall be made in August of odd-numbered years for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members must be at least 60 years of age and shall be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about senior affairs in the community.

(d) The commission shall meet at least once each month and may hold additional meetings at the call of the chair~~(s)~~.

(e) The commission shall cease to exist as of December ~~August~~ 31, 1992~~(3)~~, unless its existence is extended by ordinance of the city council. The existence of the commission may be extended by ordinance of the city council for successive periods of not less than two years."

SECTION 5. That Section 2-150, "Community Development Advisory Committee Created," of Article XXI, "Community Development Advisory Committee," of CHAPTER 2,

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"ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-150. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE CREATED.

(a) There is hereby created the community development advisory committee of the city which shall be composed of 15 members. Each city council member shall appoint one member to the board. The [ / including ] chair shall be appointed by the mayor and the vice-chair [ / ] shall be appointed by the city council. Appointments shall be made in accordance with the provisions of Title 24 of the Code of Federal Regulations.

(b) All members will be appointed for a term to expire on September 1, 1981. Subsequent appointments shall be in August of odd-numbered years for a two year term beginning September 1. All members shall serve until their successors are appointed and qualified.

(c) The committee shall cease to exist as of December [August] 31, 1992[3], unless its existence is extended by ordinance of the city council. The existence of the committee may be extended by ordinance of the city council for successive periods of not less than two nor more than 10 years."

SECTION 6. That Section 2-153, "Human Services Commission - Created; Terms; Membership; Meetings," of Article XXII, "Human Services Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-153. HUMAN SERVICES COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the human services commission of the city, which shall be an advisory body of 15[11] members. Each city council member shall appoint one member to the board. The [ / including ] chair shall be appointed by the mayor [ / ] and the vice-chair shall be [ / ] appointed by the city council.

(b) Appointments shall be in August of odd-numbered years for a two year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members shall be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about human services in the community.

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(d) The commission shall meet at least once each month and may hold additional meetings at the call of the chair[~~and~~].

(e) The commission shall cease to exist as of December [~~August~~] 31, 1992[~~7~~], unless its existence is extended by ordinance of the city council. The existence of the commission may be extended by ordinance of the city council for successive periods of not less than two years."

SECTION 7. That Section 2-155, "Environmental Health Advisory Commission - Created; Membership; Meetings," of Article XXIII, "Environmental Health Advisory Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-155. ENVIRONMENTAL HEALTH ADVISORY COMMISSION -  
CREATED; MEMBERSHIP; MEETINGS.

(a) There is hereby created the environmental health advisory commission of the city, which shall be an advisory body of 15[17] members. Each city council member shall appoint one member to the board. [ / ~~included~~ ] The chair shall be appointed by the mayor[~~and~~] and the vice-chair shall be[~~and~~] appointed by the city council.

(b) All members shall be appointed for an initial term to expire on August 31, 1987. Subsequent appointments will be dependent upon the review of continuation of the commission as provided in Subsection (h).

(c) Members of the commission must be persons who are concerned about the environment of the community and may be persons who have technical experience or education in the following areas:

(1) medicine, preferably with expertise in toxicology, public health, or pediatrics;

(2) environmental law;

(3) natural sciences or mathematics; or

(4) engineering, preferably with expertise in environmental engineering.

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(d) The city manager shall solicit nominees from professional associations, educational institutions, business organizations, and other groups from which:

(1) the city council may appoint commission members;

or

(2) the city council, the city manager, or the commission may request voluntary assistance on issues requiring special knowledge or skills.

(e) Reserved.

(f) The city human services commission chair or his or her designee shall serve as an ex officio nonvoting member of the environmental health advisory commission.

(g) The commission shall meet at least once each month and may hold additional meetings at the call of the chair~~(s)~~.

(h) The commission shall cease to exist as of December ~~August~~ 31, 1992~~(1)~~, unless its existence is extended by ordinance of the city council."

SECTION 8. That Section 2-157, "Created; Membership; Meetings," of Article XXIV, "Animal Shelter Advisory Committee," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-157. CREATED; MEMBERSHIP; MEETINGS.

(a) There is hereby created the animal shelter advisory committee, which shall be an advisory body of 15~~(17)~~ members. Each city council member shall appoint one member to the committee.~~(/ individual /)~~ The chair shall be appointed by the mayor~~(s)~~ and the vice-chair shall be~~(s)~~ appointed by the city council.

(b) All members shall be appointed for an initial term to expire on August 31, 1985. Subsequent appointments shall be in August of odd-numbered years for a two year term beginning September 1. All members shall serve until their successors are appointed and qualified.

(c) Members of the committee must meet the following qualifications:

(1) one member must be a licensed veterinarian;

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- (2) one member must be a city or county official;
- (3) one member must have duties including the daily operation of an animal shelter;
- (4) one member must be a representative from an animal welfare organization;
- (5) one member must be chosen from the general public; and
- (6) no member may be a city employee working in the department designated by the city manager to operate a city-owned animal shelter.

(d) Disqualification of an appointee under the provisions of Subsection (a)(1) of Section 8-1.4 of this code may be waived by the city council after review of the specific circumstances.

(e) The committee shall meet at least once each calendar quarter and may hold additional meetings at the call of the chair[~~and~~]."

SECTION 9. That Section 2-161, "Cultural Affairs Commission - Created; Terms; Membership; Meetings," of Article XXVI, "Cultural Affairs Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-161. CULTURAL AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the cultural affairs commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen[~~Eleven~~] of the members shall be appointed[~~appointed~~] respectively by each city council member, and three[~~seven~~] of the members shall be appointed[~~appointed~~] by the city council as a whole. The chair of the commission shall be appointed[~~selected~~] by the mayor [from the ~~commission~~ members appointed by the city council].

(b) All members shall be appointed for an initial term to expire on August 31, 1989. Subsequent appointments shall be in August of odd-numbered years for a two-year term beginning

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September 1. All members shall serve until their successors are appointed and qualified.

(c) Members of the commission should be persons who are concerned about cultural affairs in the city of Dallas and may be persons who have professional expertise or substantial volunteer involvement in the following areas:

- (1) architecture, design, or urban planning;
- (2) visual, performing, or literary arts;
- (3) history;
- (4) science;
- (5) cultural institutions management; or
- (6) volunteer cultural board experience.

(d) The membership of the cultural affairs commission may include at least one of each of the following persons:

(1) a member of the American Institute of Architects or the American Society of Landscape Architects;

- (2) a professional visual artist;
- (3) a professional performing artist;
- (4) a professional scientist;
- (5) a professional historian; and

(6) an interested citizen who does not represent any specific cultural organization or interest group.

(e) The chair[~~man~~] of the city council arts committee and one member of the park and recreation board of the city shall serve as ex-officio, nonvoting members of the cultural affairs commission.

(f) The commission shall meet at least once each month and may hold additional meetings at the call of the chair[~~man~~].

(g) Notwithstanding the provisions of Subsection (b), the commission shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council."



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SECTION 10. That Section 24-7, "Created," of Article II, "Municipal Library Advisory Board," of CHAPTER 24, "LIBRARY," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 24-7. CREATED.

(a) There is hereby created the municipal library advisory board, hereafter referred to as "the board," which shall be an advisory body to the library director. The board shall be composed of 15[11] members. ~~Each council member shall appoint one member to the board (/ including a chairman/ vice-chairman/ and nine other members).~~ The chair shall be appointed by the mayor[and] and the vice-chair[and] shall be appointed by the city council. The members of the board shall serve without pay and shall adopt rules and regulations for the governing of their actions, proceedings, and deliberations, and shall set the time and place of their meeting.

(b) The members of the board shall be residents of the city, shall be appointed for two-year terms ending on September 1 of each odd-numbered year, and shall serve until their successors are appointed and qualified.

(c) Notwithstanding the provisions of Subsection (b), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council."

SECTION 11. That Section 27-6, "Urban Rehabilitation Standards Board," of Article II, "Administration," of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-6. URBAN REHABILITATION STANDARDS BOARD.

(a) There is created the urban rehabilitation standards board, which is composed of 21 members[~~/ including a chairman and 20 other members to be~~] appointed by the city council. The chair shall be appointed by the mayor. The board shall[~~/ and~~] consist[and] of:

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(1) a registered architect who has had at least 10 years experience in the construction of buildings and housing;

(2) a physician who is licensed to practice medicine in the state and has actively been engaged in practice for at least 10 years;

(3) a mortgage loan banker who has been engaged in mortgage loan banking for at least 10 years;

(4) a home builder who has at least 10 years experience in the construction of homes;

(5) a licensed real estate broker who has at least 10 years experience in the appraisal of real estate;

(6) a person who is engaged in social or welfare work and having at least 10 years experience in public or private case work;

(7) an ordained minister who has at least 10 years experience in the clergy;

(8) a structural engineer who has at least 10 years experience in the construction of commercial buildings; and

(9) thirteen members chosen on the basis of their interest in community affairs.

(b) Members must be residents of the city. Their appointment is for a term of two years ending on September 1 of each odd-numbered year or until their successors are appointed and qualified.

(c) The director of health and human services, the fire marshal, and the building official shall serve in an advisory capacity as ex officio members of the board with no voting privileges.

(d) Notwithstanding the provisions of Subsection (b), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.

SECTION 12. That Section 37-31, "Board Created; Appointment; Term; Meetings," of Article III, "Dallas Citizens Police Review Board," of CHAPTER 37, "POLICE," of the Dallas City Code, as amended, is amended to read as follows:

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"SEC. 37-31. BOARD CREATED; APPOINTMENT; TERM; MEETINGS.

(a) There is hereby created the Dallas citizens police review board (the "board") to be composed of 15 members appointed by the city council. ~~Each of whom shall be nominated for appointment by each city council member [respectively and two of whom] shall [be nominated for] appoint one member to the board [and by the city council as a whole].~~ It is the intent of the city council that the membership of the board be representative of the ethnic diversity of the city.

(b) The chair ~~and~~ shall be appointed by the mayor ~~[city council]~~.

(c) All members shall be appointed for a term to expire on September 1, 1989. All subsequent appointments shall be in August of each odd-numbered year for a period of two years beginning on September 1. Members shall serve until their successors are appointed and qualified.

(d) The following persons shall be disqualified for appointment to and service on the board:

(1) persons who are in violation of Article XII, "Code of Ethics" of Chapter 2 of the city code and persons disqualified from appointment pursuant to Section 8-1.4 of the city code; and

(2) persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the city relating to the board or the police department or against any individual officer or employee of the police department (unless unrelated to such individual's office or employment).

(e) Any board member who is disqualified for appointment to and service on the board under the provisions of Subsection (d) shall forfeit membership on the board. Upon determination by the chair ~~and~~ of the board that a board member is so disqualified, the chair ~~and~~ will notify that board member and the city secretary. The city secretary will then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter.

(f) Under no circumstances shall the city council or the chair ~~and~~ of the board be authorized to waive the requirements for appointment to and service on the board referenced in Subsection (d).

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(g) Each board member must attend a training session to become familiar with police procedures.

(h) The board shall meet at least once each month in city hall and at other times at the call of the chair[###].

(i) For purposes of Sections 2-122(a)(10)(B) and 8-1.4(a)(4) of the city code, the police department shall be deemed a department providing support services to the board.

(j) Notwithstanding the provisions of Subsection (c), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council."

SECTION 13. That Section 46-14, "Motion Picture Classification Board Established," of CHAPTER 46, "THEATERS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 46-14. MOTION PICTURE CLASSIFICATION BOARD ESTABLISHED.

(a) There is created a board to be known as the motion picture classification board composed of [~~6~~ ~~members~~ / ~~vice-chair~~ ~~and~~ ~~25~~ [~~other~~] members to be appointed by the city council. The mayor shall appoint the chair and the city council shall appoint the vice-chair. Members shall serve without pay and their terms of office will be for a period of two years beginning on September 1 of each odd numbered year. The board shall adopt rules and regulations, subject to approval of the city council, to govern its proceedings and deliberations. When a vacancy occurs on the board, the city council shall appoint a new member to fill the vacancy for the unexpired term. Six members shall constitute a quorum and issues shall be decided by a simple majority of those present.

(b) Members of the board must be residents of the city, and shall be chosen as far as practicable in a manner that will represent the entire community. Members should be educated or experienced in one or more of the following fields: art, drama, law, literature, philosophy, sociology, psychology, history, education, music, science, or other fields. At least four members must be qualified to interpret and write the Spanish language.

(c) Notwithstanding the provisions of Subsection (a), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council."

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SECTION 14. That Subsection (a) "Creation; membership; appointment," of Section 51A-3.101, "City Plan and Zoning Commission," of Article III, "Decisionmaking and Administrative Bodies," of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended to read as follows:

"(a) Creation; membership; appointment. There is hereby created the city plan and zoning commission which consists of 15 members. Each city council member shall appoint one member to the board. ~~(/ individual /)~~ The chair shall be appointed by the mayor ~~(and)~~ and the vice-chair shall be ~~(and)~~ appointed by the city council. Members serve for two-year terms ending on September 1 of odd-numbered years and serve until their successors are appointed and qualified. Members must possess the same qualifications and are subject to the same disqualifications as members of the city council. A vacancy occurring during the unexpired term of a member will be filled in the same manner as the original appointment was made."

SECTION 15. That Subsection (a) "Creation; membership; appointment," of Section 51A-3.103, "Landmark Commission," of Article III, "Decisionmaking and Administrative Bodies," of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended to read as follows:

"(a) Creation; membership; appointment.

(1) There is hereby created a landmark commission composed of 15 members appointed by the city council. Each city council member shall appoint one member to the commission. The city council may appoint three alternative members to the landmark commission who serve in the absence of one or more regular members when requested to do so by the chair ~~(and)~~ or by the city manager. The membership must include at least: one architect, one historian, one urban planner, one landscape architect, and one real estate appraiser. All members must have demonstrated outstanding interest in the historic traditions of the city and the

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preservation of the historic character of the city and have knowledge and demonstrated experience in the field of history, art, architecture, or historic preservation.

(2) The city council shall solicit for consideration nominees for appointment to the landmark commission from: the Dallas County Historical Commission; the Dallas County Heritage Society; the Dallas chapter of the American Institute of Architects; the Dallas Historical Society; the Dallas chapter of the American Planners Association; the Dallas chapter of the American Society of Landscape Architects; the Dallas Bar Association; the Dallas Chamber of American Society of Real Estate Appraisers; the city plan commission; the Historic Preservation League, Inc.; Black Dallas Remembered; the Museum of African-American Life and Culture; and such other individuals and organizations experienced in historic preservation. The membership of the landmark commission shall, as nearly as may be practicable, reflect the racial and ethnic makeup of the city's population.

(3) Appointments to the landmark commission are for a term of two years ending on September 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. Alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as full city council appointments to other boards [in the regular membership]. The members shall serve without compensation. The mayor shall appoint the chair and the city council shall appoint the [designate a chairman and a] vice-chair[and from the membership of the commission].

(4) In addition to the 15 regular members, representatives from the department of planning and development, the building inspection division of the department of public works, and the park and recreation department shall sit on the landmark commission as ex officio members. The ex officio members are not entitled to vote but assist the landmark commission in various functions.

(5) Notwithstanding the provisions of Subsection (3), the commission shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council."

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SECTION 16. That the: Civil Service Adjunct Members to the Civil Service Board, Civil Service Board, and the Park and Recreation Board, created by the Dallas City Charter shall be reviewed by the city council by December 31, 1992, to determine whether they are needed and justified. If the city council fails to take action to reaffirm any of the boards, the city attorney shall prepare the necessary ordinances for city council act on calling an election for the purpose of amending the city charter to eliminate those provisions which created those boards not reaffirmed.

SECTION 17. That the : Animal Shelter Advisory Committee, Board of Adjustment, Dallas Area Rapid Transit Authority, Dallas Central Appraisal District, Dallas Housing Authority, Municipal Board on Sign Control, Police and Fire Pension Board, Reinvestment Zone Number One Board, Metropolitan Hospital Authority, Cable Access of Dallas, Incorporated Board, Dallas/Fort Worth International Airport Board, Railtran Policy Committee, Health Facilities Development Corporation Board, Housing Finance Corporation, Private Industry Council, and the Dallas County Community Action Committee created pursuant to federal or state legislation or resolution, shall be subject to review by the city council by December 31, 1992, to determine whether they are needed and justified. Upon the failure of the city council to take affirmative action to reaffirm the city's participation in any of those entities, the city attorney and city staff shall take the appropriate actions necessary to

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either dissolve the entity or cease the city's participation in the activities of those entities not reaffirmed.

SECTION 18. That CHAPTERS 2, 24, 37, and 51A of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 19. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 20. 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   
Assistant City Attorney

DEC 11 1991

Passed \_\_\_\_\_

00940/dcc



## Memorandum



CITY OF DALLAS

DATE November 27, 1991

TO The Honorable Mayor and Members of the City Council - Elect

SUBJECT Ordinance concerning Board and Commissions.

Attached are two drafts of the ordinance implementing Charter changes that affect Boards and Commissions. Version I contains a sunset date of December 31, 1992, where legally possible. Version II does not add any new sunset provisions but retains the current ones. The following boards are included in the amendments:

- ANIMAL SHELTER ADVISORY COMMITTEE - 2-157
- CITY PLAN AND ZONING COMMISSION - 51A-3.101
- \*COMMUNITY DEVELOPMENT ADVISORY COMMITTEE - 2-150
- \*CULTURAL AFFAIRS COMMISSION - 2-161
- \*DALLAS CITIZEN POLICE REVIEW BOARD - 37-31
- \*ENVIRONMENTAL HEALTH ADVISORY COMMISSION - 2-155
- \*HUMAN SERVICES COMMISSION - 2-153
- \*LANDMARK COMMISSION - 51A-3.103
- \*MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD - 2-126
- \*MOTION PICTURE CLASSIFICATION BOARD - 46-14
- \*MUNICIPAL LIBRARY ADVISORY BOARD - 24-7
- \*PERMIT AND LICENSE APPEAL BOARD - 2-95
- \*SENIOR AFFAIRS COMMISSION - 2-140
- \*SOUTH DALLAS/FAIR PARK TRUST FUND ADVISORY BOARD - 2-130
- \*URBAN REHABILITATION STANDARDS BOARD 27-6

Those boards listed with an asterisk are subject to the December 31, 1992 sunset provision in Version I.

Respectfully Submitted,

*AnaLeslie Nuncy*  
 ANA LESLIE NUNCY  
 City Attorney

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 9, 1992

92-4342

Agenda item 156: Sunset Committee Recommendations

- An ordinance amending Chapter 2, 16, 24, and 37 of the Dallas City Code and Ordinance No. 21153 to continue designated Boards and Commissions - Financing: No cost consideration to the City

Councilman Fielding moved to reject the recommendation of the Sunset Committee and take no action on the ordinance.

Motion seconded by Deputy Mayor Por Tem Luna.

At the conclusion of debate, Mayor Bartlett called the vote on the motion:

Voting Yes:		- 0
Voting No:	Bartlett, Lipscomb, Luna, Garcia, Tandy, Duncan, Hicks, Nash, Mayes, Box, Halstead, Fielding, Wells, Bartos, Palmer	-15

Mayor Bartlett declared the motion lost.

Councilman Box moved to pass the ordinance.

Motion seconded by Councilman Tandy.

At the conclusion of debate, Mayor Bartlett called the vote on the motion:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Tandy, Duncan, Hicks, Nash, Mayes, Box, Halstead, Wells, Bartos, Palmer	-14
Voting No:	Fielding	- 1

Mayor Bartlett declared the motion carried.

Assigned ORDINANCE NO. 21514.

12/04/92

ORDINANCE NO. 21514

An ordinance amending Sections 2-95, 2-126, 2-130, 2-140, 2-150, and 2-153 of CHAPTER 2, "ADMINISTRATION"; Section 2.303 of CHAPTER 16, "DALLAS FIRE CODE"; Section 24-7 of CHAPTER 24, "LIBRARY"; and Section 37-31 of CHAPTER 37, "POLICE," of the Dallas City Code, as amended; amending Ordinance No. 21153; continuing the existence of and city participation in certain boards, commissions, and entities whose members are appointed or confirmed by the city council; requiring the fire code advisory and appeals board to hear appeals within a reasonable time; making certain semantic, grammatical, and structural changes; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 2-95, "Permit and License Appeal Board - Created; Function; Terms; Hearing Panels," of Article IX, "Permit and License Appeal Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED;  
FUNCTION; TERMS; HEARING PANELS.

(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15 members [appointed by the city council]. Each city council member shall appoint one member to the board.

(b) The permit and license appeal board shall hear appeals filed in accordance with Section 2-96 of this chapter.

(c) All members shall be appointed for a term to expire on September 1, 1965. Subsequent appointments ~~will~~ be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(d) The city secretary shall divide the board into five hearing panels for the purpose of performing the duties of the board. The city secretary shall assign cases to the hearing panels on a rotating basis. Each hearing panel has the same authority as the full board. A decision by a hearing panel constitutes a decision by the board.

~~(e) Notwithstanding the provisions of subsection (d) the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.~~

SECTION 2. That Section 2-126, "Created; Composition; Appointment; Requirements, and Terms of Members; Officers," of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-126. CREATED; (COMPOSITION/ APPOINTMENT/ REQUIREMENTS/ AND) TERMS; MEMBERSHIP; VACANCIES [OF MEMBERS/ OFFICERS].

(a) There is hereby created the Martin Luther King, Jr. community center board, which ~~the board~~ shall consist of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair ~~shall be appointed by the mayor~~.

(b) The members shall be appointed in August of each odd-numbered year for a two-year term ~~beginning~~ ~~ending~~ on September 1. All members ~~of each odd-numbered year~~ shall serve until their successors are appointed and qualified.

(c) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed

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from service area nominations, the vacancy ~~may~~ not be filled, and that position ~~will~~ not be counted in determining total board membership for quorum purposes.

~~[(d) Notwithstanding the provisions of Subsection (b), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.]~~

SECTION 3. That Section 2-130, "South Dallas/Fair Park Trust Fund Advisory Board - Created; Terms; Membership," of Article XIV, "South Dallas/Fair Park Trust Fund Advisory Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-130. SOUTH DALLAS/FAIR PARK TRUST FUND ADVISORY BOARD - CREATED; TERMS; MEMBERSHIP.

(a) There is hereby created the South Dallas/Fair Park trust fund advisory board of the city, which shall be an advisory body of 15 members ~~[appointed by the city council]~~. Each city council member shall appoint one member to the board. The mayor shall appoint the chair ~~[of the board shall be appointed by the mayor]~~.

(b) All members shall be appointed for an initial term to expire on August 31, 1991. Subsequent appointments ~~will~~ be made in August of each odd-numbered year~~[s]~~ for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members of the board must meet the following qualifications:

(1) Three members must be residents of the South Dallas/Fair Park neighborhood.

(2) One member must be a representative of a cultural institution or other facility permanently housed at Fair Park.

(3) One member must be a representative of the State Fair Association.

(4) Two members must operate a business in the South Dallas/Fair Park area.

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(5) Eight members must be citizens at large.

(d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board.

~~[(e) Notwithstanding subsection (b), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.]~~

SECTION 4. That Section 2-140, "Senior Affairs Commission - Created; Terms; Membership; Meetings." of Article XVIII, "Senior Affairs Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 2-140. SENIOR AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.**

(a) There is hereby created the senior affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission~~(board)~~. The mayor shall appoint the chair, [shall be appointed by the mayor] and the full city council shall appoint the vice-chair [shall be appointed by the city council].

(b) All members will be appointed for a term to expire on August 31, 1989. Subsequent appointments will[shall] be made in August of each odd-numbered year~~(s)~~ for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members must be at least 60 years of age and must [shall] be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about senior affairs in the community.

(d) The commission must[shall] meet at least once each month and may hold additional meetings at the call of the chair.

~~[(e) The commission shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council. The existence of the commission may be extended by ordinance of the city council for successive periods of not less than two years.]~~

SECTION 5. That Section 2-150, "Community Development Advisory Committee Created," of Article XXI, "Community Development Advisory Committee," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-150. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE CREATED.

(a) There is hereby created the community development advisory committee of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the committee[board]. The mayor shall appoint the chair, [shall be appointed by the mayor] and the full city council shall appoint the vice-chair [shall be appointed by the city council]. Appointments must[shall] be made in accordance with the provisions of Title 24 of the Code of Federal Regulations.

(b) All members will be appointed for a term to expire on September 1, 1981. Subsequent appointments will[shall] be made in August of each odd-numbered year[s] for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

*(c) The committee shall cease to exist as of December 31, 1991 unless its existence is extended by ordinance of the city council. The existence of the committee may be extended by ordinance of the city council for successive periods of not less than two nor more than 10 years.)"*

SECTION 6. That Section 2-153, "Human Services Commission - Created; Terms; Membership; Meetings," of Article XXII, "Human Services Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-153. HUMAN SERVICES COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the human services commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission[board]. The mayor shall appoint the chair,

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~~shall be appointed by the mayor~~ and the full city council shall appoint the vice-chair ~~shall be appointed by the city council~~.

(b) Appointments ~~will~~ be made in August of each odd-numbered year~~s~~ for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members ~~must~~ be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about human services in the community.

(d) The commission ~~must~~ meet at least once each month and may hold additional meetings at the call of the chair.

~~[(e) The commission shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council. The existence of the commission may be extended by ordinance of the city council for successive periods of not less than two years.]~~

SECTION 7. That Section 2.303, "Board of Appeals," of Division III, "Special Provisions," of Article 2, "Organization, Authority, Duties and Procedures," of Part 1, "Administrative," of CHAPTER 16, "DALLAS FIRE CODE," of the Dallas City Code, as amended, is amended to read as follows:

"Board of Appeals

Sec. 2.303. (a) Creation; Membership. There is hereby created a fire code advisory and appeals board consisting of the following nine members:

1. Two registered engineers, one of which is a fire protection engineer.
2. One registered architect.
3. One building contractor having at least five years experience in the construction of commercial buildings.
4. One insurance investigator having at least five years experience in the investigation of casualty insurance claims.



5. One person experienced in the practice or technique of handling flammable or combustible liquids.

6. One person experienced in the practice or technique of managing large public assembly functions.

7. Two persons having a record of active participation in community affairs.

(b) Ex-officio Members. In addition to the nine board members enumerated in Subsection (a) of this section, the building official and fire marshal shall serve as ex-officio members of the board without voting privileges.

(c) Appointment and Terms. The city manager shall nominate and the city council shall appoint the nine board members enumerated in Subsection (a) of this section from among the residents of the city. Appointments will be made in August of each odd-numbered year [board members shall serve] for a two-[consecutive] year[s] term beginning on September 1. Board members shall serve [of each odd-numbered year/ of] until their successors are appointed and qualified. If a vacancy occurs on the board during the pendency of a term, the city manager shall nominate and the city council shall appoint a new member to fill the vacancy for the unexpired term. The appointive board members shall serve without compensation.

(d) Meetings; Quorum. The board shall designate a chair and a vice-chair from among its members and adopt reasonable rules for the preparation of amendments to this code and for the conduct of hearings. The board shall convene at the request of the fire chief, the fire marshal, or its chair, with five members constituting a quorum. The board shall keep a record of its proceedings and decisions. The chair shall cause a copy of that record to be filed with the city secretary.

(e) Code Review and Amendment. The board shall hear requests for amendments to this code, conduct its own regular code review, and, at least once each year, review reports prepared by the fire marshal summarizing annual code amendment activities of the International [Confederation of Building Officials and the Western] Fire Code Institute, Incorporated [Builders Association]. When the board, by a concurring vote of a majority of its members present, determines that a proposed amendment is appropriate for inclusion in this code, it shall recommend that amendment to the city council for adoption.

(f) Appeals. If a person is aggrieved by a decision of a member of the fire department enforcing this code, the person may file with the fire marshal a written request for a hearing before the board. In the request, the person shall name the fire department member whose decision is being appealed and specify the details of the controverted decision. The fire marshal shall forward a copy of the request to the chair of the board, who shall convene a public meeting of the board within a reasonable time ~~(not later than two weeks)~~ after receipt of the request. After considering the relevant and material evidence, the board, by a concurring vote of a majority of its members present, shall render a decision sustaining, modifying, or reversing the decision appealed. The chair shall cause the board's decision to be reduced to writing and a copy to be filed with the fire marshal and the city secretary. The decision of the board will be the final administrative action of the city regarding the controverted decision.

(g) Stay of Appeal. During the pendency of the request to the board, the decision appealed from will be stayed unless the fire marshal determines that a stay would create or allow the continuance of a substantial fire hazard threatening the lives or property of persons other than the appellant."

SECTION 8. That Section 24-7, "Created," of Article II, "Municipal Library Advisory Board," of CHAPTER 24, "LIBRARY," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 24-7. CREATED.

(a) There is hereby created the municipal library advisory board, ~~[hereafter referred to as the board]~~ which shall be an advisory body to the library director. The board shall be composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, [shall be appointed by the mayor] and the full city council shall appoint the vice-chair [shall be appointed by the city council]. ~~Board~~ members ~~[of the board]~~ shall serve without pay and shall adopt rules and regulations for the governing of their actions, proceedings, and deliberations and ~~[shall]~~ set the time and place of their meetings.

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(b) Board[The] members ~~must~~[of the board shall] be residents of the city and ~~will~~[shall] be appointed in August of each odd-numbered year for a two-year term ~~beginning~~[ending] on September 1. All members ~~[of each odd-numbered year]~~ shall serve until their successors are appointed and qualified.

~~[(c) Notwithstanding the provisions of subsection (b) the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council.]~~"

SECTION 9. That Section 37-31, "Board Created; Appointment; Term; Meetings," of Article III, "Dallas Citizens Police Review Board," of CHAPTER 37, "POLICE," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 37-31. BOARD CREATED; APPOINTMENT; TERM; MEETINGS.

(a) There is hereby created the Dallas citizens police review board (the "board") to be composed of 15 members ~~[appointed by the city council]~~. Each city council member shall appoint one member to the board. It is the intent of the city council that the membership of the board be representative of the ethnic diversity of the city

(b) The mayor shall appoint the board chair ~~[shall be appointed by the mayor]~~.

(c) All members shall be appointed for a term to expire on September 1, 1989. All subsequent appointments ~~will~~[shall] be made in August of each odd-numbered year for a ~~[period of]~~ two-year term[~~s~~] beginning on September 1. Members shall serve until their successors are appointed and qualified.

(d) The following persons shall be disqualified for appointment to and service on the board:

(1) persons who are in violation of Article XII, "Code of Ethics" of Chapter 2 of the city code and persons disqualified from appointment pursuant to Section 8-1.4 of the city code; and

(2) persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the city relating to

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the board or the police department or against any individual officer or employee of the police department (unless unrelated to such individual's office or employment).

(e) Any board member who is disqualified for appointment to and service on the board under [the provisions of] Subsection (d) shall forfeit membership on the board. Upon determination by the board chair [of the board] that a board member is so disqualified, the chair will notify that board member and the city secretary. The city secretary will then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter.

(f) Under no circumstances may[shall] the city council or the board chair [of the board] be authorized to waive the requirements for appointment to and service on the board referenced in Subsection (d).

(g) Each board member must attend a training session to become familiar with police procedures.

(h) The board must[shall] meet at least once each month in city hall and at other times at the call of the chair.

(i) For purposes of Sections 2-122(a)(10)(B) and 8-1.4(a)(4) of this[the city] code, the police department is[shall be] deemed a department providing support services to the board.

[[Notwithstanding the provisions of Subsection (i), the board shall cease to exist as of December 31, 1992, unless its existence is extended by ordinance of the city council]]"

SECTION 10. That the Board of Trustees of the Employees' Retirement Fund of the City of Dallas, created by Chapter 40A of the Dallas City Code as amended by the voters of the city, has been reviewed by the city council and is determined to be needed and justified; therefore, the existence of the board will be continued past December 31, 1992.

SECTION 11. That the City Plan and Zoning Commission and the Park and Recreation Board, created by the Dallas city

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charter, have been reviewed by the city council in accordance with Ordinance No. 21153 and are determined to be needed and justified; therefore, Section 16 of Ordinance No. 21153, passed by the city council on December 11, 1991, is amended to reflect that the existence of this board and commission will be continued past December 31, 1992.

SECTION 12. That the Board of Adjustment and its alternate members; the Cable Access of Dallas, Inc., Board; the City of Dallas Multifamily Housing Acquisition Corporation Board; the Dallas Area Rapid Transit Authority Board; the Dallas Central Appraisal District; the Dallas-Fort Worth International Airport Facility Improvement Corporation Board; the Housing Finance Corporation Board; the Police and Fire Pension Board and its alternate members; the Railtran Policy Committee; the Reinvestment Zone Number One Board; and the South Dallas Development Corporation Board (formerly the Housing and Economic Development Corporation Board), all created pursuant to federal or state legislation or city council resolution, have been reviewed by the city council in accordance with Ordinance No. 21153 and are determined to be needed and justified; therefore, Section 17 of Ordinance No. 21153, passed by the city council on December 11, 1991, is amended to reflect that the existence of and city participation in these boards, commissions, and entities will be continued past December 31, 1992.

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SECTION 13. That CHAPTERS 2, 16, 24, and 37 of the Dallas City Code, as amended, and Ordinance No. 21153 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 14. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 15. 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:

SAM A. LINDSAY, City Attorney

By *Julia Christensen*  
Assistant City Attorney

Passed DEC

01790/dcc

## AGENDA INFORMATION SHEET

**AGENDA:** December 9, 1992

**DEPARTMENT:** City Council

**ACM:** Levi H. Davis

**CITY SERVICE AREA:** All

**COUNCIL DISTRICT(S):** All

**SUBJECT:** An ordinance amending Chapters 2, 16, 24, and 37 of the Dallas City Code and Ordinance No. 21153 to continue designated Boards and Commissions.

**FINANCING:** No cost consideration to the City.

**RECOMMENDATION:** Approval

**BACKGROUND:**

On June 9, 1992 the City Council of the City of Dallas appointed an Ad Hoc Sunset Committee to make recommendations to the City Council regarding the continued existence of City Boards and Commissions.

The Committee began Board/Commission reviews on June 9, 1992 and completed the review process on November 30, 1992 of 50 City Boards and Commissions.

**PRIOR ACTION:**

The City Council approved Ordinance #21153 on 12/11/91 establishing the Sunset Ad Hoc Committee to review all existing Boards and Commissions and to make recommendations to the City Council regarding their continuation before December 31, 1992.

**CITY COUNCIL BRIEFING:** 11/18/92

**PUBLIC HEARING:** 11/30/92

**BOND ISSUE INFORMATION:** N/A

**BID INFORMATION:** N/A

**M/BWE INFORMATION:** N/A

**ETHNIC COMPOSITION:** N/A

**ESTIMATED SCHEDULE OF PROJECT:** N/A

**PRIOR EXPERIENCE WITH AWARDEE:** N/A

**PUBLIC HEARING/RELATED ACTION:** N/A

**BUDGET STATUS:** N/A

**FISCAL INFORMATION:** N/A

**VENDOR/PRODUCT DATA:** N/A

8/1/94

ORDINANCE NO. 22259

An ordinance amending Sections 2-95, 2-126, 2-147, and 2-161 of CHAPTER 2, "ADMINISTRATION"; Section 8-9 of CHAPTER 8, "BOARDS AND COMMISSIONS"; Section 2.303 of CHAPTER 16, "DALLAS FIRE CODE"; Section 37-31 of CHAPTER 37, "POLICE"; Section 39B-15 of CHAPTER 39B, "REGULATED PROPERTY"; Section 51A-3.102 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE"; and Sections 204, 205, and 206 of CHAPTER 52, "ADMINISTRATIVE PROCEDURES FOR THE CONSTRUCTION CODES," of the Dallas City Code, as amended; adding Section 8-1.5 to CHAPTER 8, "BOARDS AND COMMISSIONS"; requiring the mayor to appoint the chair and the full city council to appoint the vice-chair of various city boards; prohibiting more than one vice-chair on a city board; limiting the number of consecutive terms that a board member may serve; defining a board member's term; extending the number of consecutive terms a member of the building inspection advisory, examining, and appeals board may serve to four terms and correcting an error in the number of members on that board; providing a saving clause; providing a severability clause; and providing an effective date.

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



22259

SECTION 1. That Subsection (a) of Section 2-95, "Permit and License Appeal Board - Created; Function; Terms; Hearing Panels," of Article IX, "Permit and License Appeal Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the board chair, and each hearing panel of the board shall select a vice-chair."

SECTION 2. Subsection (a) of Section 2-126, "Created; Terms; Membership; Vacancies," of Article XIII, "Martin Luther King, Jr. Community Center Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"(a) There is hereby created the Martin Luther King, Jr. community center board, which shall consist of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair."

SECTION 3. That Section 2-147, "Citizens Safety Advisory Committee - Created," of Article XX, "Citizens Safety Advisory Committee," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 2-147. CITIZENS SAFETY ADVISORY COMMITTEE - CREATED.**

There is created a committee to be known as the citizens safety advisory committee, which will be an advisory body composed of 17 members[~~, including a chair and vice-chair to be elected by the other members of the committee~~]. The committee members will be nominated by the city manager and appointed by the city council. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair. The members will serve without pay and will set the time and place of their meetings. Nine members constitute a quorum and issues will be decided by a simple majority of the members present."

SECTION 4. That Subsection (a) of Section 2-161, "Cultural Affairs Commission - Created; Terms; Membership; Meetings," of Article XXVI, "Cultural Affairs Commission," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"(a) There is hereby created the cultural affairs commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen of the members shall be appointed respectively by each city council member, and three of the members shall be appointed by the city council as a whole. The mayor shall appoint the chair of the commission, and the full city council shall appoint the vice-chair."

SECTION 5. That Article I, "In General," of CHAPTER 8, "BOARDS AND COMMISSIONS," of the Dallas City Code, as amended, is amended by adding a new Section 8-1.5, entitled "Limitation of Terms," to read as follows:

**"SEC. 8-1.5. LIMITATION OF TERMS.**

(a) A board member may not serve more than two consecutive two-year terms unless the member serves as chair during the member's board service. In no case may a board member serve more than four consecutive two-year terms under any combination of service on a particular board as a member or chair.

(b) Notwithstanding Subsection (a), a person may serve as a member of a particular board for the maximum number of terms that may be fixed for the particular board by the city charter or state or federal law and will not again be eligible to serve on that same board until at least one term has elapsed.

(c) In determining whether a full term has been served by a board member, the same definition of "term" that applies to a city council member, as set forth in Chapter III, Section 3A(c) of the city charter, will also apply to a board member."

SECTION 6. That Section 8-9, "Chair," of Article III, "Officers and Their Duties," of CHAPTER 8, "BOARDS AND COMMISSIONS," of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 8-9. CHAIR AND VICE-CHAIR.**

(a) The chair shall, when present, preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The seniority of the vice-chairs, if more than one, must [shall] be stipulated at the time of their selections. If the chair ceases to preside during a meeting and no vice-chair is available, the chair may, subject to the approval of the board, appoint a temporary chair. The first adjournment puts an end to this appointment.

(b) The presiding officer shall rule on points of order and procedures that are brought up in board meetings.

(c) If the chair and all vice-chairs are absent at the beginning of a meeting, the board shall elect a temporary chair.

(d) In debate the chair must [shall] be referred to by official title and [shall] be addressed by prefixing Mr. or Madam, as the case may be, to that title.

(e) Unless specifically provided otherwise in the ordinance or city charter provision creating a particular board:

(1) the vice-chair of every board of the city must be appointed by the full city council; and

(2) no city board may have more than one vice-chair appointed to serve on it at any given time.”

SECTION 7. That Subsection (c) of Section 2.303, “Board of Appeals,” of Division III, “Special Provisions,” of Article 2, “Organization, Authority, Duties and Procedures,” of Part I, “Administrative,” of CHAPTER 16, “DALLAS FIRE CODE,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) **Appointment and Terms.** The city manager shall nominate and the city council shall appoint the nine board members enumerated in Subsection (a) of this section from among the residents of the city. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair. Appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. Board members shall serve until their successors are appointed and qualified. If a vacancy occurs on the board during the pendency of a term, the city manager shall nominate and the city council shall appoint a new member to fill the vacancy for the unexpired term. The appointive board members shall serve without compensation.”

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SECTION 8. That Subsection (d) of Section 2.303, "Board of Appeals," of Division III, "Special Provisions," of Article 2, "Organization, Authority, Duties and Procedures," of Part I, "Administrative," of CHAPTER 16, "DALLAS FIRE CODE," of the Dallas City Code, as amended, is amended to read as follows:

"(d) **Meetings; Quorum.** The board shall ~~designate a chair and a vice-chair from among its members and~~ adopt reasonable rules for the preparation of amendments to this code and for the conduct of hearings. The board shall convene at the request of the fire chief, the fire marshal, or its chair, with five members constituting a quorum. The board shall keep a record of its proceedings and decisions. The chair shall cause a copy of that record to be filed with the city secretary."

SECTION 9. That Subsection (b) of Section 37-31, "Board Created; Appointment; Term; Meetings," of Article III, "Dallas Citizens Police Review Board," of CHAPTER 37, "POLICE," of the Dallas City Code, as amended, is amended to read as follows:

"(b) The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair."

SECTION 10. That Subsection (a) of Section 39B-15, "Creation; Terms; Membership," of Article III, "Regulated Property Advisory Committee," of CHAPTER 39B, "REGULATED PROPERTY," of the Dallas City Code, as amended, is amended to read as follows:

"(a) There is hereby created the regulated property advisory committee, which shall be an advisory body of seven members. The committee members shall be nominated by the city manager and appointed by the city council. The mayor shall appoint the ~~[citizen appointee shall serve as]~~ chair of the committee, and the full city council shall appoint the vice-chair ~~[shall be elected by the committee from among its members].~~"

SECTION 11. That Subsection (a) of Section 51A-3.102, "Board of Adjustment," of Article III, "Decisionmaking and Administrative Bodies," of CHAPTER 51A, "PART II

OF THE DALLAS DEVELOPMENT CODE,” of the Dallas City Code, as amended, is amended to read as follows:

“(a) Creation; membership; appointment. There is hereby created the board of adjustment which shall consist of five members who are residents of the city. Members are appointed by the city council for two-year terms ending on September 1 of odd-numbered years and shall serve until their successors are appointed and qualified. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. The city council may appoint four alternate members to the board who serve in the absence of one or more regular members when requested to do so by the board chair~~man~~ or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as in the regular membership.”

SECTION 12. That Subsection (b) of Section 204, “Advisory and Appeals Boards,” of Subchapter II, “Organization and Enforcement,” of CHAPTER 52, “ADMINISTRATIVE PROCEDURES FOR THE CONSTRUCTION CODES,” of the Dallas City Code, as amended, is amended to read as follows:

“(b) Board members are appointed by the city council upon nomination by the city manager and serve without compensation. The mayor shall appoint the chair of the board, and the full city council shall appoint the vice-chair. In addition to other qualifications, members must be residents of the city.”

SECTION 13. That Subsection (c) of Section 204, “Advisory, Examining, and Appeals Board,” of Subchapter II, “Organization and Enforcement,” of CHAPTER 52, “ADMINISTRATIVE PROCEDURES FOR THE CONSTRUCTION CODES,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) All members will be appointed for an initial term to expire on August 31, 1993. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. A member shall serve until a successor has been appointed and qualified. ~~[A member may not be appointed for more than two consecutive full terms.]~~”

SECTION 14. That Subsection (a) of Section 205, "Qualifications of Board Members," of Subchapter II, "Organization and Enforcement," of CHAPTER 52, "ADMINISTRATIVE PROCEDURES FOR THE CONSTRUCTION CODES," of the Dallas City Code, as amended, is amended to read as follows:

"(a) The building inspection advisory, examining, and appeals board shall consist of 16 ~~[15]~~ members meeting the following qualifications:

(1) two registered architects, each having at least five years experience in the practice of architecture;

(2) one registered engineer having at least five years experience in the practice of structural engineering;

(3) one registered engineer having at least five years experience in the practice of fire protection engineering;

(4) one general building contractor having at least five years experience in the construction of commercial buildings;

(5) one builder having at least five years experience in residential construction;

(6) one registered master electrician having at least five years active experience as an electrical contractor in electrical construction of commercial and industrial buildings;

(7) one registered master electrician having at least five years active experience as an electrical contractor in electrical construction of residential buildings;

(8) one registered electrician having at least five years active experience as an electrician, and who at the time of appointment is not a registered electrical contractor;

(9) one person having at least five years active experience in electrical design or supervision, who is familiar with the requirements of the National Electrical Code and the rules and regulations of the Dallas Power and Light Company and who may be an employee of the TU Electric Company;

(10) one registered plumbing contractor having at least five years experience in the installation of plumbing in the construction of residential buildings;

(11) one registered plumbing contractor having at least five years experience in the installation of plumbing in the construction of commercial and industrial buildings;

(12) one heating, ventilating, and air conditioning contractor having at least five years experience in the installation of mechanical equipment in the construction of residential buildings.

(13) one hearing, ventilating, and air conditioning contractor having at least five years experience in the installation of mechanical equipment in the construction of commercial and industrial buildings;

(14) one registered professional engineer having at least five years experience in the practice of mechanical engineering; and

(15) one person who has an active record of participation in community affairs, who shall not have ~~[be the chair of the board without]~~ voting privileges."

SECTION 15. That Subsection (a) of Section 206, "Board Procedure," of Subchapter II, "Organization and Enforcement," of CHAPTER 52, "ADMINISTRATIVE PROCEDURES FOR THE CONSTRUCTION CODES," of the Dallas City Code, as amended, is amended to read as follows:

"(a) At the first meeting of each term, the board shall ~~[elect a vice chair and]~~ adopt reasonable rules and regulations for hearings, investigations, and the preparation of amendments to the codes. The board shall meet at least once each month for the consideration of any appeals of decisions of the building official and any other matters and shall set the time for meetings. Eight members will constitute a quorum of the board."

SECTION 16. That, to the extent allowed by other applicable law, Section 8-1.5 of the Dallas City Code, as set forth in Section 5 of this ordinance, will also apply to the city-council-appointed members of boards and commissions that are not covered by the definition of "board" in Chapter 8 of the Dallas City Code, as amended.

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SECTION 17. That this ordinance will supersede any city council resolution or policy, adopted before the effective date of this ordinance, that designates a term limitation or definition of "term" that is different from that set forth in this ordinance.

SECTION 18. That CHAPTERS 2, 8, 16, 37, 39B, 51A, and 52 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 19. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 20. 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:

SAM A. LINDSAY, City Attorney

By *Lisa Christopher*  
Assistant City Attorney

Passed NOV - 9 1994

LC/DCC/00021A



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2015

15-0346

- Item 14: An ordinance amending Chapters 2, 6A, 12A, 13, 24, 28, 37, 37A, 49, and 51A of the Dallas City Code to bring the Dallas City Code into compliance with Charter amendments made by the special election held on November 4, 2014, and with Section 150.041 of the Texas Local Government Code specifically to: **(1)** require that city officers deposit money in the manner prescribed by the chief financial officer rather than with the city treasurer; **(2)** move the start day of board and commission terms from September 1 to October 1; **(3)** remove references to the city tax assessor and collector; **(4)** allow city employees to run for office; **(5)** remove the conflicts of interest exception for advisory board members; **(6)** require that the chief of police deposit moneys collected to the credit of the appropriate city fund rather than with the city treasurer; **(7)** require that the board of trustees of the city police and fire welfare fund deposit assets of the fund to the credit of the appropriate city fund rather than with the general trust fund; **(8)** require that lot and acreage fees be deposited to the credit of the appropriate city fund rather than with a trust fund established by the city treasurer; and **(9)** make semantic, grammatical, and structural changes - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29645

2/10/15

ORDINANCE NO. 29645

An ordinance amending Sections 2-1, 2-95, 2-126, 2-130, 2-140, 2-150, 2-157, and 2-161 of Chapter 2, "Administration"; Section 6A-5 of Chapter 6A, "Amusement Centers"; Sections 12A-10, 12A-12, and 12A-24 of Chapter 12A, "Code of Ethics"; Sections 13-5.1 and 13-35 of Chapter 13, "Courts, Fines and Imprisonments"; Section 24-7 of Chapter 24, "Library"; Section 28-218 of Chapter 28, "Motor Vehicles and Traffic"; Sections 37-27 and 37-31 of Chapter 37, "Police"; Section 37A-7 of Chapter 37A, "Police and Fire Welfare Fund"; Sections 49-56 and 49-62 of Chapter 49, "Water and Wastewater"; and Section 51A-3.103 of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code, as amended; bringing the Dallas City Code into compliance with amendments made to the Charter of the City of Dallas by the charter amendment election held on November 4, 2014, and with Section 150.041 of the Texas Local Government Code; by requiring that city officers deposit money in the manner prescribed by the chief financial officer rather than with the city treasurer; moving the start day of board and commission terms from September 1 to October 1; removing references to the city tax assessor and collector; allowing city employees to run for office; removing the conflicts of interest exception for advisory board members; requiring that the chief of police deposit moneys collected to the credit of the appropriate city fund rather than with the city treasurer; requiring that the board of trustees of the city police and fire welfare fund deposit assets of the fund to the credit of the appropriate city fund rather than with the general trust fund; requiring that lot and acreage fees be deposited to the credit of the appropriate city fund rather than with a trust fund established by the city treasurer; making certain semantic, grammatical,

and structural changes; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 2-1, "Time Within Which City Officers to Deposit Money With City Treasurer," of Article I, "In General," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 2-1. TIME WITHIN WHICH CITY OFFICERS TO DEPOSIT MONEY [WITH CITY TREASURER].**

All officers of the city who receive money for or on account of the city in any manner are hereby required to deposit same in the manner prescribed by the chief financial officer ~~[with the city treasurer on the same day that it is received in all cases where such money shall be received before the close of banking hours. Where any such money shall be received after banking hours, the same shall be deposited on the following day after the same is received, unless the same shall be a legal holiday or Sunday, and in such cases the same shall be deposited on the first day after the receipt of same when the banks are open.]~~

SECTION 2. That Subsection (c) of Section 2-95, "Permit and License Appeal Board - Created; Function; Terms," of Article IX, "Permit and License Appeal Board," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(c) Each ~~[All]~~ member[s] shall be appointed for a two-year term ~~[to expire on September 1, 1985. Subsequent appointments will be made in August]~~ beginning on October 1 of each odd-numbered year ~~[for a two-year term beginning on September 1]~~. All members shall serve until their successors are appointed and qualified."

SECTION 3. That Subsection (b) of Section 2-126, "Created; Terms; Membership; Vacancies," of Article XIII, "Martin Luther King, Jr. Community Center Board," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Each ~~[The]~~ member[s] shall be appointed for a two-year term beginning on October 1 ~~[in August]~~ of each odd-numbered year ~~[for a two-year term beginning on September 1]~~. All members shall serve until their successors are appointed and qualified."

SECTION 4. That Subsection (b) of Section 2-130, "South Dallas/Fair Park Trust Fund Board - Created; Terms; Membership," of Article XIV, "South Dallas/Fair Park Trust Fund Board," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Each [All] member[s-will] shall be appointed for [an initial term to expire on August 31, 1991. Subsequent appointments will be made in September of each odd numbered year for] a two-year term beginning on October 1 of each odd-numbered year. All members shall [will] serve until their successors are appointed and qualified."

SECTION 5. That Subsection (b) of Section 2-140, "Senior Affairs Commission - Created; Terms; Membership; Meetings," of Article XVIII, "Senior Affairs Commission," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Each [All] member[s-will] shall be appointed for [a term to expire on August 31, 1989. Subsequent appointments will be made in August of each odd numbered year for] a two-year term beginning on October [September] 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified."

SECTION 6. That Subsection (b) of Section 2-150, "Community Development Commission Created," of Article XXI, "Community Development Commission," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Each [All] member[s-will] shall be appointed for [a term to expire on September 1, 1981. Subsequent appointments will be made in August of each odd numbered year for] a two-year term beginning on October [September] 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified."

SECTION 7. That Subsection (b) of Section 2-157, "Created; Membership; Meetings," of Article XXIV, "Animal Advisory Commission," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Each [All] member[s] shall be appointed for [an initial term to expire on August 31, 1985. Subsequent appointments will be made in August of each odd numbered year for] a

two-year term beginning on October [~~September~~] 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.”

SECTION 8. That Subsection (b) of Section 2-161, “Cultural Affairs Commission - Created; Terms; Membership; Meetings,” of Article XXVI, “Cultural Affairs Commission,” of Chapter 2, “Administration,” of the Dallas City Code, as amended, is amended to read as follows:

“(b) Each [~~ALL~~] member[s] shall be appointed for [~~an initial term to expire on August 31, 1989. Subsequent appointments will be made in August of each odd-numbered year for~~] a two-year term beginning on October [~~September~~] 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.”

SECTION 9. That Section 6A-5, “Fee,” of Chapter 6A, “Amusement Centers,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 6A-5. FEE.**

The annual fee for an amusement center license is \$22 for each coin-operated amusement device located in the center. Amusement center licenses expire one year from the date of issuance. The fee for issuing a replacement license for one lost, destroyed, or mutilated is \$2. The fee is payable to the city [~~tax assessor and collector~~] upon approval of the license by the chief of police. No refund of license fees will be made.”

SECTION 10. That Subsection (b), “Employees,” of Section 12A-10, “Political Activity,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code, as amended, is amended to read as follows:

“(b) Employees. A city employee is not prohibited from becoming a candidate for public office. A city employee is not subject to disciplinary action, including termination, solely because the city employee becomes a candidate for public office. The city employee must, however, still fulfill all the duties and responsibilities associated with their city employment.

[(1) ~~The purpose of this subsection is to implement the order of the United States District Court for the Northern District of Texas in Hickman vs. City of Dallas, 475 F. Supp 137 (N.D. Tex. 1979), by delineating those portions of Chapter III, Section 17(c) of the city charter that may continue to be enforced.~~

(2) ~~An employee of the city immediately forfeits employment with the city if the employee:~~

- (A) becomes a candidate for election to the Dallas city council;
- ~~(B) becomes a candidate for nomination or election in a partisan election for public office within a county in which the city of Dallas resides, or in a partisan election for a public office, the constituency of which includes all or part of a county in which the city of Dallas resides;~~
- ~~(C) becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the city; or~~
- ~~(D) is a managerial or supervisory city employee and becomes a candidate for nomination or election to an elective public office of an entity having direct or indirect contractual relations with the city that involve the employee's department.]”~~

SECTION 11. That Section 12A-12, “Prohibited Interests in Contracts,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 12A-12. PROHIBITED INTERESTS IN CONTRACTS.**

(a) Charter restrictions relating to financial interests in city contracts. A city official or employee shall comply with the restrictions on financial interests in city contracts as set forth in Chapter XXII, Section 11 of the city charter.

(b) Additional restrictions relating to city contracts. A[~~n~~] city official or employee may not, while in the service or employment of the city, either individually or as the officer or principal of a private business entity:

(1) submit a bid or proposal, on behalf of the city official or employee or on behalf of a private business entity, to make any city contract, whether or not the contract is required by state law to be competitively bid; or

(2) negotiate or enter into any city contract, on behalf of the city official or employee or on behalf of a private business entity, whether or not the contract is required by state law to be competitively bid.

(c) Exceptions. The restrictions contained in Subsections (a) and (b) of this section do not apply to a member of:

~~(1) [a board that functions only in an advisory or study capacity and that does not have the power to make findings as to the rights of specific parties, except that the restrictions do apply to a member of the board of directors of a reinvestment zone established~~

~~under the Tax Increment Financing Act, as amended, with respect to any city contract involving the use of tax increment funds from the reinvestment zone represented by the member;~~

~~(2)] a board of a nonprofit development corporation that acts as an instrumentality of the city; or~~

~~(2[3]) a municipal management district board.”~~

SECTION 12. That Subsection (b), “Terms of Office,” of Section 12A-24, “Ethics Advisory Commission - Creation; Composition, Terms, and Qualifications,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code, as amended, is amended to read as follows:

“(b) Terms of office. Each [All] member[s] of the commission shall [will] be appointed for [an initial term to expire on September 1, 2001. All subsequent appointments will be made in August of each odd-numbered year for] a two-year term beginning on October [September] 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.”

SECTION 13. That Subsection (b) of Section 13-5.1, “Judicial Nominating Commission Created,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code, as amended, is amended to read as follows:

“(b) Each member of the commission shall be appointed [Appointments will be made in September of each odd-numbered year] for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified. The term limits established for board and commission members in Section 8-1.5 of this code do not apply to the city attorney's service on the commission.”

SECTION 14. That Section 13-35, “Same - Deposit of Proceeds of Sale,” of Article IV, “Prisoners Generally,” of Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 13-35. SAME - DEPOSIT OF PROCEEDS OF SALE.**

The proceeds of the sale provided for in the preceding section shall be deposited to the credit of the appropriate city fund [with the city treasurer to the credit of the city, and all of the proceeds of such sales shall be a part of the funds and revenues of the city].”

SECTION 15. That Subsection (b) of Section 24-7, "Created," of Article II, "Municipal Library Board," of Chapter 24, "Library," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Board members must be residents of the city and shall [~~will~~] be appointed [~~in August of each odd-numbered year~~] for a two-year term beginning on October [~~September~~] 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified."

SECTION 16. That Subsection (b) of Section 28-218, "Automated Red Light Enforcement Commission Created," of Division 3, "Automated Red Light Enforcement Commission," of Article XIX, "Photographic Enforcement and Administrative Adjudication of Red Light Violations," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Each [AH] member[~~s will~~] shall be appointed for [~~an initial term to expire on September 30, 2009. Subsequent appointments will be made in September of each odd-numbered year for~~] a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified."

SECTION 17. That Section 37-27, "Payments to City Treasurer, Etc.," of Article II, "Chief of Police," of Chapter 37, "Police," of the Dallas City Code, as amended, is amended to read as follows:

"**SEC. 37-27.            DEPOSIT OF MONEYS COLLECTED [PAYMENTS TO CITY TREASURER, ETC].**

The chief of police shall promptly deposit to the credit of the appropriate city fund [~~pay over to the city treasurer or the person entitled thereto~~] all moneys collected by him by virtue of any execution and all fines and costs that may come into his hands."

SECTION 18. That Subsection (c) of Section 37-31, "Board Created; Appointment; Term; Meetings," of Article III, "Dallas Citizens Police Review Board," of Chapter 37, "Police," of the Dallas City Code, as amended, is amended to read as follows:



“(c) Each [~~All~~] member[s] shall be appointed for [~~a term to expire on September 1, 1989. All subsequent appointments will be made in August of each odd-numbered year for~~] a two-year term beginning on October [~~September~~] 1 of each odd-numbered year. Members shall serve until their successors are appointed and qualified.”

SECTION 19. That Subsection (a) of Section 37A-7, “Establishment of Trust Fund,” of Chapter 37A, “Police and Fire Welfare Fund,” of the Dallas City Code, as amended, is amended to read as follows:

“(a) The board shall establish a separate general trust fund for deposit of all donations and the assets of the welfare fund. The trust fund shall be established as a separate city trust account with the city treasurer. Upon receipt of general contributions, they shall be deposited to the credit of the appropriate city [~~in the general trust~~] fund.”

SECTION 20. That Paragraph (4) of Subsection (h), “Lot or Acreage Fee,” of Section 49-56, “Authority to Make Capital Improvements; Special Assessments; Lot and Acreage Fees,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code, as amended, is amended to read as follows:

“(4) All lot and acreage fees collected shall be deposited to the credit of the appropriate city [~~in a trust~~] fund [~~established with the assistance of the city treasurer~~]. All fees collected shall be used only for the purpose of reimbursing developers as required under Section 49-62.”

SECTION 21. That Subsection (e), “Acreage Fee,” of Section 49-62, “Rules Regarding the Construction and Cost of New Mains in a Development,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code, as amended, is amended to read as follows:

“(e) Acreage fee. A developer utilizing an existing main under this section shall be charged an acreage fee if the existing main utilized was previously constructed by a developer entitled to city participation under this section. The amount of the fee shall be as prescribed in Section 49- 18.10(d), and shall be paid upon completion of final design of the proposed system serving the development. All acreage fees collected shall be deposited to the credit of the appropriate city [~~in a trust~~] fund [~~established with the assistance of the city treasurer~~], and shall be used only for the purpose of reimbursing developers as required under this section.”

SECTION 22. That Paragraph (3) of Subsection (a), “Creation; membership; appointment,” of Section 51A-3.103, “Landmark Commission,” of Chapter 51A, “Dallas

Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, as amended, is amended to read as follows:

“(3) Each member of [Appointments to] the landmark commission shall be appointed [will be made in August of each odd-numbered year] for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member shall ~~will~~ be filled in the same manner as the original appointment was made. Alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership in the same manner as full city council appointments to other boards. The members shall serve without compensation. The mayor shall appoint the chair and the full council shall appoint the vice-chair.”

SECTION 23. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 24. That Chapters 2, 6A, 12A, 13, 24, 28, 37, 37A, 49, and 51A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 25. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

29645

150346

SECTION 26. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By *Elean Yonars*  
Assistant City Attorney

Passed **FEB 25 2015**



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL FEB 25 2015

ORDINANCE NUMBER 29645

DATE PUBLISHED FEB 28 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose A. Liss".

## AGENDA ITEM # 14

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** February 25, 2015  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Attorney's Office  
**CMO:** Warren M.S. Ernst, 670-3491  
**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Chapters 2, 6A, 12A, 13, 24, 28, 37, 37A, 49, and 51A of the Dallas City Code to bring the Dallas City Code into compliance with Charter amendments made by the special election held on November 4, 2014, and with Section 150.041 of the Texas Local Government Code specifically to: **(1)** require that city officers deposit money in the manner prescribed by the chief financial officer rather than with the city treasurer; **(2)** move the start day of board and commission terms from September 1 to October 1; **(3)** remove references to the city tax assessor and collector; **(4)** allow city employees to run for office; **(5)** remove the conflicts of interest exception for advisory board members; **(6)** require that the chief of police deposit moneys collected to the credit of the appropriate city fund rather than with the city treasurer; **(7)** require that the board of trustees of the city police and fire welfare fund deposit assets of the fund to the credit of the appropriate city fund rather than with the general trust fund; **(8)** require that lot and acreage fees be deposited to the credit of the appropriate city fund rather than with a trust fund established by the city treasurer; and **(9)** make semantic, grammatical, and structural changes - Financing: No cost consideration to the City

**BACKGROUND**

The Dallas City Charter was amended through a special election held on November 4, 2014. Several of the Charter amendments impact various sections of the Dallas City Code. The purpose of this ordinance is to bring the City Code into compliance with the amended Charter.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 15, 2014, City Council authorized the creation of and appointment of members to the Charter Review Commission, by Resolution No. 14-0157.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

The Charter Review Commission held its first meeting on January 31, 2014, and held work sessions and community meetings until May 6, 2014, to create a list of recommended Charter amendments.

On June 11, 2014, City Council approved certain amendments to the Dallas City Charter with modifications made by the City Council, for submission to the qualified voters of the city on November 4, 2014, by Resolution No. 14-0939.

On June 18, 2014, City Council was briefed on additional amendments to the Dallas City Charter, including several proposed by City Council and two proposed by the Charter Review Commission.

On June 25, 2014, the City Council approved certain amendments to the Dallas City Charter for submission to the qualified voters of the City on November 4, 2014, by Resolution No. 14-1051.

On August 6, 2014, City Council called a special election on November 4, 2014, to submit all of the council-approved Charter amendments to qualified voters.

On November 4, 2014, the special election was held.

On November 17, 2014, the Canvassing Committee met to review and declare the results of the November 4, 2014 special election.

On November 18, 2014, the City Council accepted the Canvassing Committee's report declaring the results of the November 4, 2014 special election on amendments to the Charter of the City of Dallas, by Resolution No. 14-2055.

**FISCAL INFORMATION**

No cost consideration to the City.

## SEE ALSO

THE FOLLOWING FILES CONTAIN INFORMATION RELATING TO THIS FILE AND MAY BE OF INTEREST. THE INFORMATION CONTAINED IN THESE FILES MAY AMEND, REPEAL OR OTHERWISE AFFECT THE STATUS OF THIS FILE.

87-0470

14-0157

14-0939

14-1051

14-2055

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THIS FILE IS:

15-0346

## **CHAPTER 8**

### **BOARDS AND COMMISSIONS**

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#### **ARTICLE I.**

##### **IN GENERAL.**

- Sec. 8-1. Definitions.
- Sec. 8-1.1. Reports to the city council.
- Sec. 8-1.2. Notice of appointment; acceptance.
- Sec. 8-1.3. Eligibility of employee of franchise holder.
- Sec. 8-1.4. Qualification considerations in appointments to boards.
- Sec. 8-1.5. Limitation of terms.

#### **ARTICLE II.**

##### **MEETINGS.**

- Sec. 8-2. Regular meetings.
- Sec. 8-3. Special meetings.
- Sec. 8-4. Quorum.
- Sec. 8-5. Rules of order.
- Sec. 8-6. Public character of meetings and actions; executive sessions.
- Sec. 8-7. Notice of meetings.
- Sec. 8-8. Report of minutes.

#### **ARTICLE III.**

##### **OFFICERS AND THEIR DUTIES.**

- Sec. 8-9. Chair and vice-chair.
- Sec. 8-10. Preservation of order.
- Sec. 8-11. Questions to be stated.
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#### **ARTICLE IV.**

##### **DUTIES AND PRIVILEGES OF MEMBERS.**

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- Sec. 8-14. Financial interest.
- Sec. 8-14.1. Confidentiality.
- Sec. 8-15. Right of appeal.
- Sec. 8-16. Limitation of debate.
- Sec. 8-17. Voting.
- Sec. 8-18. Demand for roll card.
- Sec. 8-19. Personal privilege.
- Sec. 8-20. Attendance.
- Sec. 8-20.1. Special attendance requirements.
- Sec. 8-21. Excusal during meeting.

#### **ARTICLE V.**



**CODE OF CONDUCT.**

- Sec. 8-22. Board members.
- Sec. 8-23. Administrative staff.
- Sec. 8-24. News media members.
- Sec. 8-25. Members of the public.

**ARTICLE VI.**

**ADMINISTRATIVE PROCEDURES.**

- Sec. 8-26. Board recommendations.
- Sec. 8-27. Dealings with city employees.
- Sec. 8-28. Legal opinions.

**ARTICLE I.**

**IN GENERAL.**

**SEC. 8-1. DEFINITIONS.**

In this chapter:

- (1) **BOARD** means a board or commission of the city that is established by ordinance or the Charter of the City of Dallas.
- (2) **CHAIR** means the presiding officer of a board whether appointed by the city council or elected by the other members of the board. During debate, the chair shall be referred to by this official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title.
- (3) **CONFIDENTIAL INFORMATION** means any information that could not be obtained by the public under the Texas Open Records Act.
- (4) **CONSIDERATION** means the process by which a board disposes of a motion.
- (5) **CRIMINAL RECORD** means a record of a person's criminal history, which may include, without limitation, arrests, convictions, dismissals, and acquittals.
- (6) **FORFEIT** or **FORFEITURE** means automatic loss of membership on a board, without the need for council action.
- (7) **ITEM** means a particular subject of public business listed on a posted agenda that requires consideration from the board during the public meeting.
- (8) **MEMBER** means a duly appointed or elected member of a board. (Ord. Nos. 14180; 19924; 20488; 30555; 31350)

**SEC. 8-1.1. REPORTS TO THE CITY COUNCIL.**

- (a) By February 1 of each year, each board shall submit to the city manager for distribution to the city council an annual report that has been approved by the board of its activities containing the following:
  - (1) a cover letter transmitting the report, signed by the board chair, addressed to the mayor and city council;
  - (2) a table of contents;
  - (3) a mission statement or the guiding principles of the reporting body;
  - (4) a summary of the year just completed including highlights of objectives and accomplishments;
  - (5) a list of objectives and programs for the coming year including revised goals;
  - (6) a summary of the board's recommendations, including a summary of the recommendations of the minority if there is a minority report;
  - (7) other information determined to be necessary by the board.
- (b) Copies of the report should be furnished to the city manager, city secretary, and each member of the board.
- (c) The office of the city manager shall coordinate the preparation of the reports within the applicable city departments and generally give assistance in the development of the reports.
- (d) The following formatting standards shall apply:
  - (1) The report should be 8-1/2 inches by 11 inches in size. Each larger sheet should be folded to this size.

(2) Covers should include the city of Dallas logo.

(e) Minority or dissenting viewpoints should be given full disclosure in the report so that the opinions of each board member are fairly conveyed. The minority or dissenting report should be prepared by those holding such viewpoints and it should be incorporated in the report without editing, except in order to achieve compliance with this section. If the majority report, including attachments, appendices, and index pages, numbers less than 100 pages, the minority report will be placed after the last page of the majority report. If the majority report numbers 100 pages or more, the minority report will be placed after the summary of recommendations and before the body of the full majority report.

(f) If a board finds it necessary or important to publish a report other than an annual report, the provisions of this section shall apply to the special report.

(g) On behalf of the city council, the city manager shall analyze and evaluate each report submitted pursuant to this section by March 15 of each year. (Ord. Nos. 14180; 15126; 15378; 20488; 21118; 21155; 30555)

#### **SEC. 8-1.2. NOTICE OF APPOINTMENT; ACCEPTANCE.**

(a) After the city council appoints a person to serve as a member of a board, the city secretary shall notify the person in writing of the appointment. The notification shall contain the city's code of ethics and a form of acceptance of appointment to be returned to the city secretary by the appointee. The form of acceptance shall contain a statement that the appointee has read the entire code of ethics and agrees to comply with it.

(b) The appointee must return the signed acceptance of appointment to the city secretary within 15 calendar days from the date of receiving notice of the appointment. If the city secretary does not receive the signed acceptance of appointment within the required 15 days, that board position shall be considered vacant and a new appointment made. (Ord. Nos. 15848; 18560; 20488; 30555)

#### **SEC. 8-1.3. ELIGIBILITY OF EMPLOYEE OF FRANCHISE HOLDER.**

(a) A person who is an employee of a public utility providing service under a franchise with the city is not disqualified from serving as a member of a board if the responsibilities of the board are not directly related to regulation of the rates and service of the public utility.

(b) A board member who is an employee of a public utility providing service under a franchise with the city shall abstain from voting and comply with Section 8-14 on any matter before the board directly or indirectly related to the business of the public utility. (Ord. Nos. 16467; 17489; 20488)

#### **SEC. 8-1.4. QUALIFICATION CONSIDERATIONS IN APPOINTMENTS TO BOARDS.**

(a) An appointee to a board must:

(1) have been a resident of the city for at least six months prior to the date of appointment;

(2) have no conviction that is considered by the city council to be so serious that it should serve as a disqualification;

(3) not be an adversary party to pending litigation or a claim against the city or a city employee, except for eminent domain proceedings; disqualification of an appointee under this subparagraph may be waived by the city council after review of the specific circumstances unless the subject of the litigation or claim involves the board on which the appointee will serve or the department providing support services to that board;

(4) not be an employee or a business associate of either an adversary party or a representative of an adversary party, nor have a pecuniary interest, in any pending litigation or claim, other than an eminent domain proceeding, against the city relating to the board on which the appointee will serve or the department providing support services to that board or against any individual officer or employee of the support department (unless unrelated to such individual's office or employment); disqualification of an appointee under this subparagraph may not be waived;

(5) not be in arrears on any city taxes, water service charges, or other obligations owed the city;

(6) have a creditable record of attendance pursuant to Section 8-20 in any previous board service; and

(7) except as provided in this section, meet any other qualifications for service on a board that are mandated by the city charter or other ordinances.

(b) Notwithstanding Subsection (a), an appointee to a board is not required to live in the district for which he or she is appointed, unless district residency for a board is expressly required by this code.

(c) A person may serve on only one board at a time, except that this restriction does not apply to ex officio board positions. It is the city council's intent that a board member is not required to resign one board position before being appointed to another board, but must resign the first position before accepting appointment to the new board position.

(d) Notwithstanding Subsection (c), a person may serve on up to two boards of directors of reinvestment zones established under the Tax Increment Financing Act, as amended.

(e) A person appointed to a board must meet, at the time of appointment and during the entire period of service on the board, all qualifications for appointment to that board that are required by this section and any other applicable provision of a city ordinance or the city charter. This subsection does not apply to a qualification waived by the city council pursuant to specific authority granted in a provision of a city ordinance or the city charter applicable to the board to which the person is appointed.

(f) The city secretary, using resources available to the city, shall inform the city council if any person nominated for appointment to a

board has been convicted of a misdemeanor offense, other than a traffic violation, or of any felony offense.

(g) A person is not disqualified from board service under Subsection (a)(6) if the person has entered into an agreement (authorized by the city, state law, or court order) to pay the obligation on a scheduled payment plan and is current on payments under the plan and in compliance with all terms and conditions of the plan. Before the person is appointed or reappointed to any board, the city secretary shall inform the city council if the person is on such a payment plan. The city secretary shall monitor compliance with the payment plan and notify the city council and the city attorney whenever the person is not in compliance with the plan.

(h) Except as provided in this subsection, if a person does not meet or continue to meet the qualifications set forth under this section, the city secretary shall send the following:

(1) a notice that the person forfeits membership on the board due to failure to satisfy a qualification requirement under Paragraph (1), (2), (5), (6), or (7) of Subsection (a) of this section.

(2) a notice that the city secretary shall place an item on a council agenda to consider appointment of the person to the board or removal of the person from the board for failure to satisfy a qualification requirement under Paragraph (3) or (4) of Subsection (a) of this section.

(i) City council may waive a special qualification requirement in other chapters of the Dallas City Code when waiver would be in the public interest. (Ord. Nos. 16525; 17087; 19983; 20016; 20488; 21933; 22495; 26007; 26246; 30555; 30789; 31504; 31505)

#### **SEC. 8-1.5. LIMITATION OF TERMS.**

(a) A person who has served as a member of a particular board for four consecutive two-year terms will not again be eligible to serve on that same board until at least one term has elapsed, regardless of whether service was as a member or chair.

(a-1) A person who has served on the board of the employees' retirement fund pursuant to Section 40A-3(a)(1) of this code, as amended, for three consecutive terms, of whatever length of time, will not again be eligible to serve on that same board until at least one term has elapsed, whether service was as a member, chair, or other position on the board.

(b) Notwithstanding Subsection (a), a person may serve as a member of a particular board for the maximum number of terms that may be fixed for the particular board by the city charter or federal law and will not again be eligible to serve on that same board until at least one term has elapsed.

(c) In determining whether a full term has been served by a board member, the same definition of "term" that applies to a city council member, as set forth in Chapter III, Section 3A(c) of the city charter, will also apply to a board member. (Ord. Nos. 22259; 22570; 24141; 30555)

## **ARTICLE II.**

### **MEETINGS.**

#### **SEC. 8-2. REGULAR MEETINGS.**

(a) Each board shall determine the time and place of its meetings. Regular meetings shall be scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate, at a location within a public building.

(b) Department directors will biennially inform the city secretary's office of the board's regular meeting schedule, or at any other such time as that schedule changes. (Ord. Nos. 14180; 20488; 30555)

#### **SEC. 8-3. SPECIAL MEETINGS.**

Special meetings may be called by the chair at any time and shall be called by the chair upon written request of members comprising at least one-third of the board. (Ord. Nos. 14180; 20488)

#### **SEC. 8-4. QUORUM.**

(a) At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists in order to properly transact business of the board. Unless otherwise provided by another city ordinance, the city charter, or state law, a quorum exists when there are physically present a simple majority of the number of members officially appointed to the board, regardless of the total number of members actually provided for the board, except that no board required to be composed of 15 or more members may have a quorum of fewer than six members. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and may call a special meeting in accordance with the Texas Open Meetings Act, as amended.

(b) For purposes of calculating attendance, special meetings will not be counted. (Ord. Nos. 14180; 20488; 23123; 30555)

#### **SEC. 8-5. RULES OF ORDER.**

Unless otherwise stipulated by the board or this chapter, proceedings of a board shall in all cases be governed by rules of order as set forth in "Robert's Rules of Order." (Ord. Nos. 14180; 20488)

#### **SEC. 8-6. PUBLIC CHARACTER OF MEETINGS AND ACTIONS; EXECUTIVE SESSIONS.**

(a) All meetings of a board shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act, as amended, to be discussed in executive session. All actions of the board shall be public and sufficient copies of the minutes shall be made available by the coordinating city staff member to the news media and other interested persons upon request.

(b) When meeting in executive session, a board shall publicly announce the category under the Texas Open Meetings Act that permits the executive session, tape record the executive session, and comply with all other requirements of the Texas Open Meetings Act applicable to executive sessions.

(c) A printed agenda of items to be considered at each regular meeting shall be posted for public inspection at least three days prior to the meeting.

(d) A board that has rulemaking or quasi-judicial power shall allow any member of the public to address the board regarding any item on the board's posted agenda at a designated time before or during the board's consideration of the item. A board may adopt reasonable rules regarding the public's right to address the body, including rules that limit the total amount of time that a member of the public may address the body.

(e) If a board that has rulemaking or quasi-judicial power adopts a rule placing a time limit on public comments, any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator.

(f) Compliance with this section shall be the responsibility of the city department designated to provide staff support to the board. The city secretary shall be responsible for establishing guidelines for the security of all tapes on which board executive sessions are recorded pursuant to Subsection (b). (Ord. Nos. 14180; 20302; 20488; [30555](#); [31350](#))

#### **SEC. 8-7. NOTICE OF MEETINGS.**

Notice of all special and regular meetings of the board shall be published in accordance with the Texas Open Meetings Act. (Ord. Nos. 14180; 20488)

#### **SEC. 8-8. REPORT OF MINUTES.**

Each board shall submit to the city secretary, within five days following each regular and special meeting the following:

- (a) a list of members absent from the meeting; and
- (b) the approved minutes of each meeting, signed by the presiding officer. (Ord. Nos. 14180; 20488; [30555](#))

### **ARTICLE III.**

#### **OFFICERS AND THEIR DUTIES.**

##### **SEC. 8-9. CHAIR AND VICE-CHAIR.**

(a) The chair shall preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The seniority of the vice-chairs, if more than one, must be stipulated at the time of their selections. If no chair or vice-chair is available, the board may appoint a temporary chair. The first adjournment puts an end to this appointment.

(b) The presiding officer shall rule on points of order and procedures that are brought up in board meetings.

(c) If the chair and all vice-chairs are absent at the beginning of a meeting, the board shall elect a temporary chair.

(d) In debate the chair must be referred to by official title and be addressed by prefixing Mr. or Madam, as the case may be, to that title.

(e) Unless specifically provided otherwise in the ordinance or city charter provision creating a particular board:

(1) The mayor shall appoint the chair of each board from among the members appointed, subject to confirmation by the city council, and the vice-chair of every board of the city must be appointed by the full city council, unless otherwise provided in state law, city charter, or city code;

(2) no city board may have more than one vice-chair appointed to serve on it at any given time, unless otherwise provided in state law, city charter, or city code;

(3) the term of appointment for a chair or vice-chair must run concurrently with his or her term of appointment to the board; and

(4) Notwithstanding paragraph (3) of this section, the chair or vice-chair may be removed from the position of chair or vice-chair for any cause the city council deems sufficient for removal in the interest of the public, but only after a public hearing before the city council on charges publicly made, if demanded by such member within 10 days. Removal of the position of chair or vice chair does not affect the member's term of appointment to the board. (Ord. Nos. 14180; 18997; 20488; 22259; [30555](#))

##### **SEC. 8-10. PRESERVATION OF ORDER.**

The chair shall preserve order and decorum and shall appoint a sergeant-at-arms and a deputy to enforce compliance with the rules contained in this chapter. The chair shall require members of the board engaged in debate to limit discussion to the question under consideration. (Ord. Nos. 14180; 20488)

##### **SEC. 8-11. QUESTIONS TO BE STATED.**

The chair shall state all questions submitted for a vote, call for an affirmative and negative vote, and announce the result. A roll call vote shall be taken upon the request of any member. (Ord. Nos. 14180; 20488)

**SEC. 8-12. RESERVED.**

(Repealed by Ord. Nos. 18997; 20488)

**ARTICLE IV.**

**DUTIES AND PRIVILEGES OF MEMBERS.**

**SEC. 8-13. RIGHT TO FLOOR.**

When recognized by the chair, a member shall confine remarks to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member shall address the chair or demand the floor while a vote is being taken. (Ord. Nos. 14180; 20488)

**SEC. 8-14. FINANCIAL INTEREST.**

(a) A member stopped from voting on a matter for reasons of financial interest shall:

- (1) refrain from discussing the matter at any time with any other member of the board or any other body that will consider the matter;
- (2) leave the room during debate and hearing; and
- (3) refrain from voting on the matter.

(b) Notwithstanding Subsection (a), a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

- (1) own property within that reinvestment zone; and
- (2) participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone. (Ord. Nos. 14180; 18560; 20488; 21961)

**SEC. 8-14.1. CONFIDENTIALITY.**

(a) The confidentiality of any file, record, or other data received by a board that pertains to a land purchase, security, personnel, or legal matter shall be strictly maintained by every member.

(b) A member commits an offense if the member discloses to another person confidential information obtained in the course of board duties.

(c) It is a defense to prosecution under Subsection (b) that the disclosure was made:

- (1) to another member of the same board or to city staff assigned to the board; or
- (2) as compelled testimony in a court proceeding.

(d) An offense under this section is punishable by a fine not to exceed \$500.

(e) Any board member determined by the city council to have violated this section shall forfeit membership on the board. A board member required to forfeit board membership under this section is entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter. (Ord. Nos. 19924; 20488)

**SEC. 8-15. RIGHT OF APPEAL.**

A member may appeal to the board from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly state reasons for the appeal and the chair may briefly explain the ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise it is overruled. (Ord. Nos. 14180; 20488)

**SEC. 8-16. LIMITATION OF DEBATE.**

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak on the subject has spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a two-thirds affirmative vote of the board. (Ord. Nos. 14180; 20488)

**SEC. 8-17. VOTING.**

Every member present when a question is put shall vote either "yes" or "no," unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests. A member recorded present during a meeting who does not vote and who is not prevented from voting by a conflict of interests shall be recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. (Ord. Nos. 14180; 14326; 20488)

**SEC. 8-18. DEMAND FOR ROLL CALL.**

Upon demand from any member, made before the negative has been put, the roll shall be called for "Yeas" and "Nays" upon any question before the board. It shall not be in order for members to explain their votes during the roll call. (Ord. Nos. 14180; 20488)

#### **SEC. 8-19. PERSONAL PRIVILEGE.**

The right of a member to address the board 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. (Ord. Nos. 14180; 20488)

#### **SEC. 8-20. ATTENDANCE.**

(a) No member shall be excused from attendance at a board meeting, unless for medical reasons certified to by a physician or unless excused by the board and the city council. More than three unexcused absences in succession shall result in a forfeiture.

(b) A member of the board that meets weekly or semi-monthly, who is absent from more than 25 percent of the regular meetings in any six-month period, whether excused or not, shall result in a forfeiture.

(c) A member of a board that meets monthly, who is absent from more than 25 percent of the regular meetings during any 12-month period, whether excused or not, shall result in a forfeiture.

(d) An office that has been forfeited under the provisions of this section shall be filled for the remainder of the term by appointment of the city council.

(e) For purposes of this section, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment. (Ord. Nos. 14180; 15848; 20488; 30555)

#### **SEC. 8-20.1. SPECIAL ATTENDANCE REQUIREMENTS.**

If a board or commission, as part of its decision-making process, schedules an inspection trip to the location of a matter that is to be considered by the board or commission at that day's meeting, a member will be counted absent unless:

(1) the member attends both the inspection trip and the meeting;

(2) the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting; or

(3) the board or commission, by rule, provides otherwise. (Ord. Nos. 17948; 20488; 30555)

#### **SEC. 8-21. EXCUSAL DURING MEETING.**

(a) A member who leaves a board meeting after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting.

(b) If a member is absent from more than 50 percent of a regular meeting, the member will be deemed absent and the absence will count against the member, unless the board, by rule, provides otherwise. (Ord. Nos. 14180; 14326; 20488; 30555)

### **ARTICLE V.**

#### **CODE OF CONDUCT.**

#### **SEC. 8-22. BOARD MEMBERS.**

(a) During board meetings, board members shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the chair or the rules of the board.

(b) Every board member desiring to speak shall address the chair and, upon recognition by the chair, shall limit remarks to the question under debate and shall avoid discussion of personalities and indecorous language.

(c) A board member, once recognized, shall not be interrupted while speaking unless called to order by the chair, except when a point of order is raised by another member or the speaker chooses to yield to questions from another member. If a board member is called to order while speaking, the 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 otherwise comply with rules of the board.

(d) All members of the board shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the board and shall refrain at all times from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities.

(e) Board members shall confine their questions as to the particular matters before the assembly and, in debate, shall confine their remarks to the issues before the board.

(f) Members shall be removed from the meeting for failure to comply with decisions of the chair or continued violations of the rules of the board. If the chair fails to act, any member may move to require the chair to enforce the rules, and the affirmative vote of a majority of the board shall require the chair to act. (Ord. Nos. 14180; 20488)

#### **SEC. 8-23. ADMINISTRATIVE STAFF.**

(a) Members of the administrative staff and employees of the city may attend board meetings but shall observe the same rules of procedure and decorum applicable to members of the board.

(b) All remarks and questions addressed to the board by a staff member shall be addressed to the board as a whole and not to any

individual member.

(c) No staff member, other than a staff member having the floor, shall enter into discussion either directly or indirectly without permission of the chair. (Ord. Nos. 14180; 20488)

**SEC. 8-24. NEWS MEDIA MEMBERS.**

(a) During the conduct of official business, members of the news media shall occupy spaces allocated for them.

(b) Members of the news media shall refrain from conversing privately with other persons in the meeting room during the conduct of official business.

(c) Interview of persons attending board meetings shall be conducted outside the meeting room. (Ord. Nos. 14180; 20488)

**SEC. 8-25. MEMBERS OF THE PUBLIC.**

(a) Citizens are welcome to attend all official meetings of city boards and will be admitted to the meeting room up to the fire safety capacity of the room.

(b) Members of the public attending board meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the board. Any person making personal, impertinent, and slanderous remarks, or who becomes boisterous while addressing the board or while attending the board meeting, shall be removed from the room if the sergeant-at-arms is so directed by the chair, and the person shall be barred from attendance for the balance of the meeting.

(c) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair, who shall direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the chair. If the chair fails to act, any member of the board may move to require the chair to act to enforce the rules, and the affirmative vote of the majority of the board shall require the chair to act. (Ord. Nos. 14180; 20488)

**ARTICLE VI.**

**ADMINISTRATIVE PROCEDURES.**

**SEC. 8-26. BOARD RECOMMENDATIONS.**

(a) All recommendations, resolutions, reports, and findings of a board shall be submitted through established administrative procedures within the city to the appropriate city department or the city council. In no event shall the members of the board, either individually or as a board, circumvent the administrative procedure through which such information is to pass. If no action is taken, or the resolution or suggestion is not properly passed to the city council or appropriate city officials, then, upon motion duly made, seconded, and passed by a majority of the members, the chair of the board shall be directed and authorized to make known the wishes of the board to the city council or appropriate city official.

(b) Unless approved by the city council, members of a board, either individually or as a board, shall not present board recommendations, resolutions, reports, or findings to persons or agencies outside the city organization except in the ordinary course of official board meetings. (Ord. Nos. 14180; 16226; 20488)

**SEC. 8-27. DEALINGS WITH CITY EMPLOYEES.**

Under no circumstances shall members of a board or commission interfere in any manner with the employees or personnel who work with or under the board, but they shall in all cases make their wishes known to the head of the department, who shall handle the matter with employees the same as in other employee-personnel problems. The board shall confine itself to the guidelines provided in the charter, appointing ordinance, or resolution that sets out the duties of the board. (Ord. Nos. 14180; 20488)

**SEC. 8-28. LEGAL OPINIONS.**

If a legal opinion has been rendered by the city attorney regarding a board's powers, duties, or responsibilities, that board shall conform its actions in accordance with the opinion of the city attorney unless such opinion is in conflict with a decision by a court of competent jurisdiction. (Ord. 21132)