



NOTICE OF A PUBLIC MEETING

THE CHARTER REVIEW COMMISSION
WILL MEET IN OPEN SESSION
ON TUESDAY, FEBRUARY 4th
DALLAS CITY HALL, ROOM 6ES
1500 MARILLA, DALLAS, TEXAS
AT 5:30 P.M.

AGENDA

Welcome	Chairman
Selection of Commission Vice Chair & Housekeeping	Commission
Approval of Meeting Schedule	Commission
Recap of 2002 and 2005 Charter Review Activities	Commission Staff
General Discussion of Amendments to Charter	Commission

Closed Session Information

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 55L.071 of the Texas Open Meetings Act.
2. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 55L.074 of the Texas Open Meetings Act.
3. The deployment, or specific occasions for implementation of security personnel or devices. Section 55L.076 of the Texas Open Meetings Act.
4. Other Items Listed as Exceptions to the Requirement That Meetings Be Open in Subchapter D of the Texas Open Meetings Act.

Note: A quorum of the Dallas City Council
may attend this Commission meeting



Charter Review Commission
Meeting Minutes
Dallas City Hall, Room 6ES
Friday, January 31, 2014

Committee Members Present:

Representative Rafael Anchia, Chair
Ian Hart Black
Liz Cedillo- Pereira
Robert Chereck
Levi Davis
Eva Elvove
Lois Finkleman
Michael Northrup
Tom Perkins
Jeanne Phillips
Diane Ragsdale
Paul Rich
Alex Walne
Max Wells

Staff Members Present:

Sandra DuBose
Anna Holmes
Tricia Horatio
Billierae Johnson
Craig Kinton
Parris Long
Barbara McAninch
Sam Merten
Rosa Rios
John Rogers
Carol Smith
Elizabeth Zornes

Committee Members Absent:

Bob Stimson, Mary Suhm

Council Members Present:

Mayor Mike Rawlings, Rick Callahan

1:04 p.m. Meeting called to order by Chair, Rafael Anchia. A quorum was present.

Chair's Welcome

Presenter(s): Rafael Anchia

Discussion Item: Representative Anchia welcomed the Charter Review Commission and thanked members for participating. Commission members introduced themselves.

Mayor of Dallas Welcome

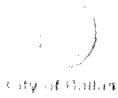
Presenter(s): Mayor Mike Rawlings

Discussion Item: The Mayor welcomed the Commission and thanked members for taking on the important task of reviewing the City Charter. Mayor Rawlings highlighted the following areas of interest: the redistricting process, council pay/length of terms and term limits; qualifications for boards and commissions; relationship of the City Manager's Office to the Parks Department, the City Attorney, Auditor and Secretary, and the civil service department and board; ethical standards of the City government; and clarifying unclear language in the Charter.

Charter Review Commission Meeting Schedule

Presenter(s): Rafael Anchia

Discussion: The Commission discussed the meeting schedule, timing and location of community meetings, and whether to use a committee format or meet as a whole body.



Charter Review Commission
Meeting Minutes
Dallas City Hall, Room 6ES
Friday, January 31, 2014

Action Taken/Item for Consideration: Chairman Anchia made a motion to hold two public hearings, one in the north (north of I-30) and one in the south (south of I-30) early in the review process and two more hearings in the north and south later in the charter review process. The motion was seconded by Commissioner Finkelman. Commissioner Rich made a friendly amendment to hold the public hearings at different locations, if facilities are available.

Motion passed unanimously

Staff will prepare a revised calendar of meetings.

Overview of the Charter & Charter Review/Amendment Process

Presenter(s): John Rogers

Discussion Item: Staff presented a power point outlining the chapters of the charter and the charter review process. Council members and City departments have been asked to submit proposed changes to the Charter and this list will be presented to the Commission.

Request for Information: the Commission asked staff to prepare the following information:

1. Characterize suggested changes to the Charter as policy issues, operational issues, and technical corrections
2. Charter amendments from 2002 and 2005, with those recommended by the commission, those adopted city council, and whether approved by voters
3. Sections of the Charter that have resulted in litigation
4. Current status of the Voting Rights Act
5. Survey of how other cities do redistricting
6. Powerpoint on current process for redistricting, council terms and compensation, Park Board, Auditing, and Civil Service
7. Survey of other cities for city council compensation, term length, and term limits

Discussion of Charter Review Process

Presenter(s): Rafael Anchia

Discussion: The next meeting will be held on Tuesday, February 4, 2014 at 5:30 p.m. in 6ES. The agenda will include selection of Commission Vice Chair, Approval of meeting schedule, summary of 2002 and 2005 Charter Review activities, and general discussion of amendments to the Charter.

Meeting adjourned at 3:32 p.m.

Chair

Commission Administrator

Charter Review Commission Proposed Calendar

Recommendations: Commission meets once a week on Tuesday nights. There will be two public hearings (north and south) during February and two additional public hearings later in the review process.

DATE	DAY OF WEEK	GROUP	MEETING LOCATION	TIMES & DETAILS
1/21/14	Friday	Commission	6ES	1-3 pm
2/4/14	Tuesday	Commission	6ES	5:30 dinner; 6-8 pm mtg
2/11/14	Tuesday	Community Meeting # 1	Bachman Lake Library	5:30-8; 9480 Webb Chapel Road
2/15/14	Saturday	Community Meeting # 2	Martin Luther King Community Center	10am-11:30am; 2922 MLK Blvd.
2/18/14	Tuesday	Commission	6ES	5:30-8:00 p.m.
2/25/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
3/4/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
3/11/14	Tuesday	Commission	L1 Auditorium	5:30 - 8:00 p.m.
3/18/14	Tuesday	Commission	L1 Auditorium	5:30 - 8:00 p.m.
3/25/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
		<i>Community Meeting # 3</i>	<i>TBD</i>	<i>3/27/2014 or 3/29/2014</i>
4/1/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
		<i>Community Meeting # 4</i>	<i>TBD</i>	<i>4/3/2014 or 4/5/2014</i>
4/8/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
4/15/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
4/22/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
4/29/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
5/6/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
5/13/14	Tuesday	Commission	6ES	5:30 - 8:00 p.m.
5/21/14	Wednesday	Commission Chair Briefs Dallas City Council	6ES	9 a.m.

HISTORY OF CHARTER REVIEW SINCE 2001

A. CHARTER AMENDMENTS APPROVED BY VOTERS

- 5-5-01 There was one proposition put forward by the City Council to amend III §4 to (1) raise City Council pay to \$37,500 per year and the Mayor's pay to \$60,000 per year, (2) added attendance requirements for receipt of the pay, and (3) payment of council expenses in performance of their duties. (Tab 1)
- 11-8-05 An appointed Commission of 15 citizens met from 6-18-02 through 5-16-03. It submitted its recommendations to the City Council in May 2003. (Tab A)
- A joint meeting of the City Council's Finance and Audit Committee and Governmental and Minority Affairs Committee proposed 13 amendments, some of which were from the Commission recommendations. The amendments went to the voters in November 2005. Only proposition 1 failed, which was a modified strong mayor proposition. The other 12 propositions passed: (Tab 2)
- (1) appointment and removal of the City Attorney and the City Secretary, and appointment of assistants to the City Auditor, City Secretary and City Council
 - (2) procedure for removal of municipal judges prior to expiration of their terms
 - (3) authorize the City to adopt an emergency preparedness plan
 - (4) exempt the City Secretary's office and the City Auditor's office from civil service and to require a "reasonable person" standard to be used in civil service trial board hearings and administrative law judge hearings
 - (5) authorize the City to adopt regulations governing campaign contributions and other administrative election changes
 - (6) increase the civil service board from five to seven members and to change the date of appointment and make other administrative changes regarding boards and commissions
 - (7) designate the City's CFO as its treasurer and clarify issues about commercial paper and money deposited into treasury
 - (8) authorize the City to grant solid waste franchises
 - (9) change the name of the fire department to fire-rescue department
 - (10) repeal the requirement for an official newspaper
 - (11) clarify the process for annexation and disannexation
 - (12) make the charter gender neutral, to correct obsolete references to state law and to make other nonsubstantive changes.

B. CHARTER AMENDMENTS PROPOSED BY PETITION, BUT NOT APPROVED BY VOTERS

- 5-7-05 A petition to transfer powers of the City Manager to the Mayor was defeated by the voters. (Tab 3)
- 11-6-07 A petition to prohibit the construction, maintenance or improvements of, or the expenditure of funds for, any roadways within the Trinity River levees was defeated by the voters. (Tab 4)
- 5-9-09 Petitions to (1) prohibit the City from building a hotel or other lodging facility or (2) to create any special-purpose governmental entity, nonprofit corporation, or other entity to provide funding for development of a hotel were defeated by voters. (Tab 5)



2001 Charter Election
May 5, 2001

CITY OF DALLAS, TEXAS

CHARTER AMENDMENTS

It is hereby certified that the following amendments to the Charter of the City of Dallas were approved by the qualified voters of the City of Dallas at a charter amendment election held May 5, 2001, the results of which were canvassed and declared adopted by Resolution No. 01-1475 passed by the City Council of the City of Dallas on May 9, 2001, to incorporate changes proposed by the City Council into the Charter, which, as amended, shall read as set forth in Ordinance No. 24540, as amended, passed by the City Council on February 28, 2001:

CHAPTER III. CITY COUNCIL.

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

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council.

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


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

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


(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation provided for under Subsection (a) for that year will be



reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business. (Amend. of 5-5-01, Prop. No. 1)



THOMAS P. PERKINS, JR., City Attorney



LAURA MILLER, Mayor

ATTEST:



DEBORAH WATKINS, City Secretary

Date attested MAY 04 2006



2002 - 2003

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section		Yes	No	Abstain	Absent	
2005	I (Incorporation and Territory)	3 (Additional Territory)	Clarify the process for annexation as set forth in Appendix A.	Voice vote: recommendation passed.			
2005	II (Powers of the City)	1 (Powers of the City)	Add new subsection (50), giving the City the power to "adopt rules and regulations regarding campaign contributions and expenditures for City elections."	11	3		1
2005	II (Powers of the City)	1 (Powers of the City)	Add new subsection (51), a provision to adopt a disaster emergency preparedness ordinance that provides for the development of a comprehensive city emergency management plan.	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

2005

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
II (Powers of the City)	3 (New) (Charter Review)	Add following section: "At intervals of not more than ten years, the first interval to occur not more than ten years after adoption of this provision, the charter shall be reviewed by a commission appointed by the council. The commission shall complete the review and report to the council within a year of its appointment. Notwithstanding this provision, amendments to the charter may at any time be framed and proposed as provided for by law."	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
III (City Council)	1 (Composition of City Council)	Change term of city council members other than the mayor from two years to four years.	8 (proxy)	6		2 (1-proxy)
III (City Council)	3A (Limitation of Terms)	Change term limits for city council members other than the mayor from four two-year terms to two four-year terms.	8 (proxy)	6		2 (1-proxy)
III (City Council)	4A (New) (Elected Officials Compensation Commission)	Create Elected Officials Compensation Commission as described in Appendix B.	Voice vote: recommendation passed.			
2005 III (City Council)	5 (Vacancies in the City Council)	Add to Chapter II, Section 5, a provision to empower the city attorney to initiate court action, in the event of the simultaneous death or disability of all of the members of the city council.	11			4

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
III (City Council)	New	Add a new Section, Council Meeting Agenda that enables the mayor, the city manager, or three members of the city council may place any item on any city council agenda .	Voice vote: recommendation passed.			
III (City Council)	14 (Professional and Secretarial Assistance to Mayor and Council)	Substitute current language with the following: "The city council shall authorize the employment of professional and administrative assistants to aid the council in the performance of its official duties. Assistants to individual council members shall be appointed and discharged by the respective council members. Personnel filling these positions shall not be subject to civil service."	Voice vote: recommendation passed.			
III (City Council)	(District Offices for Council)	Council members may establish district offices, to be located in city-owned facilities.	Voice vote: recommendation passed.			

2005
partial

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
2005 in changed form III (City Council)	20 (City Treasurer)	Deletes the office of City Treasurer; City Manager shall have authority to designate an employee of the City as City Treasurer. Also amends language relating to selection of depository for city funds. See Appendix C.	Voice vote: recommendation passed.			
III (City Council)	21 (New) (Code of Ethics)	Insert provision: "The city council shall adopt a code of ethics as authorized by Section 1(49) of Chapter II of this charter.	10	1		4
III (City Council)	(New) (Council Meeting Agenda)	Add provision: "The mayor, the city manager, or three members of the city council may place any item on any city council agenda. The city council may establish rules limiting the consideration of items previously voted upon or tabled."	Voice vote: recommendation passed.			
2005 IIIA (City Secretary)	1 (Appointment; Removal; Compensation)	Make gender references neutral.	Voice vote: recommendation passed.			
2005 IIIA (City Secretary)		Change provision requiring 2/3 vote of council to terminate city secretary to requirement of simple majority of full council for termination.	9	5	1	

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
IIIA (City Secretary	2 (Assistants and Employees)	Delete "with the consent of the city council."	Voice vote: recommendation passed.			
IV (Elections and Referendums)	3 (General Election)	Make following change: "General elections for the purpose of electing members of the city council shall be held on the first authorized election date after February <u>March</u> 1 of each odd-numbered year."	Voice vote: recommendation passed.			
IV (Elections and Referendums)		Adopt the proposed language for Chapter IV, Elections and Referendums, Section 3, General Election.	Voice vote: recommendation passed			
IV (Elections and Referendums)		In all applicable sections of Chapter IV, change council terms from two years to four years.	8	6		1
IV (Elections and Referendums)	13 (Disclosure of Candidate Contributions)	Insert provision requiring publication of contributions to candidates for city council within certain deadlines before and after council elections. See Appendix D.	10	3	2	

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
VI (The City Manager)	1 (Appointment; Removal; Compensation)	Insert provision clarifying that majority of full council must approve appointment of the city manager.	Voice vote: recommendation passed.			
VII (Legal Department)	1 (Creation, etc.)	Change provision requiring 2/3 vote of council to terminate city attorney to requirement of simple majority of full council for termination.	8	6	1	
IX (City Auditor)	1 (Selection of City Auditor) (Appointment; Removal; Compensation)	Change section title to "Appointment; Removal; Compensation"	Voice vote: recommendation passed.			
IX (City Auditor)		Insert provision clarifying that appointment of city auditor must be approved by majority of full council	Voice vote: recommendation passed			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
IX (City Auditor)		Add provision establishing requirement of vote of majority of full city council to terminate city auditor.	13			2
IX (City Auditor)		Add provision stating that council shall fix compensation of City Auditor and that such compensation shall not be diminished during the term of the auditor.	10	2	1	2
IX (City Auditor)	2 (New) (Assistants and Employees)	Insert a section titled "Assistants and Employees," and move the current section 2 wording to section 3. Section 2 shall provide the city auditor with such assistants as it shall deem necessary.	12	1		2
IX (City Auditor)	3 (New) (Duties of the City Auditor)	Move "Duties of the City Auditor" from Section 2 to Section 3. .	13			2
IX (City Auditor)	4 (New) (Special Audit)	The " Special Audit " will become Section 4 . The Recommendation provides for wording changes that clarify this section.	13			2

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
XI (The Budget)	6	Change "city treasurer" to "city treasury".	Voice vote: recommendation passed.			
XI (The Budget)	10 (Money Deemed in Treasury)	Add language "and moneys to be derived from the sale of lawfully authorized commercial paper notes," after phrase "process of delivery," and before word "shall."	Voice vote: recommendation passed.			
XI (The Budget)	13 (Disposition of Funds)	Change director of revenue & taxation finance to city controller; add the word "into"; and change "treasurer" to "treasury."	Voice vote: recommendation passed.			
XIII (Fire Department)		Change name of department to "Dallas Fire - Rescue Department," and change all references throughout charter to conform. See Appendix G.	Voice vote: recommendation passed.			
XIV (Franchises)	1 (Franchise by Ordinance)	Change language of charter to enable franchises by solid waste haulers, as set forth in Appendix H.	Voice vote: recommendation passed.			
	3 (Contesting of Rates)	Further changes relating to solid waste haulers, as set forth in Appendix H.	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
XV (Planning and Zoning)		Significant changes. See proposed language at Appendix I. <i>Attached</i>	12	1		2
XVI (Civil Service and Personnel)	1 (Organization of Civil Service)	Expand size of Civil Service Board from five to seven members, to be appointed in October of odd numbered years (instead of in August) .	Voice vote: recommendation passed.			
XVI (Civil Service and Personnel)	3	Delete term "to wit".	Voice vote: recommendation passed.			
XVI (Civil Service and Personnel)	4(c)	Change word "notification" to "notice"	Voice vote: recommendation passed.			
XXII (Public Contracts)	11 (Financial Interest of Employee or Officer Prohibited)	Amend current provision regarding prohibition of financial interest in city contracts by city officers and employees.	9	2		4

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
XXIV (Miscellaneous Provisions)	13(a)	Change requirement regarding appointment date for board and commission members from "during August" to "beginning in August" of each year.	Voice vote: recommendation passed.			
XXIV (Miscellaneous Provisions)		Change tenure of members of commissioners and boards to end two years from October 1 (current charter reads September 1) or until successors are appointed and qualified.	Voice vote: recommendation passed.			

**Charter Review Commission
Final Recommendations**

Current Charter Language: CHAPTER XV. PLANNING & ZONING.

See below in the new language proposed section Chapter XV. Planning & Zoning.

Recommendation: Adoption of "Comprehensive City Plan."

Voting Action Taken: 1/30/03 & 2/13/03, record vote

- Favor: twelve (12); Quintanilla, Rodriguez, Hicks Sr., O'Bannon, Sorrell, Gates, Sampson, Schrader, Lowenberg, Howell, Gerhardt & Jung
- Oppose: one (1); Laney
- Absent during voting: two (2); Cabrera & LaBrec

Proposed New Language: **SEC. 1. COMPREHENSIVE PLANNING PLAN.**

(1a) ~~CONTENT.~~ Content. The city council may ~~shall~~ adopt, and may from time to time modify, an integrated comprehensive plan setting forth, in graphic and textual form, policies to govern the future physical and economic development of the city. Such plan may cover the entire city and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire city and all of its functions and services shall be contained in one or more volumes collectively comprising a single document, and shall cover the entire city. The plan shall address land use, transportation, economic development, community development, the environment, schools, telecommunications, and the provision of basic city services, including but not limited to police services, fire-rescue services, streets, sanitation, utilities, libraries, parks and recreation facilities, and cultural amenities. It shall identify projected capital expenditures and infrastructure improvements for a period of at least four years from the date of its adoption. The plan shall identify performance measures by which the achievement of the city's urban development goals may be evaluated.

(2) ~~ADOPTION.~~ Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment, or reject the same.

(3) ~~EFFECT.~~ The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban conservation and rehabilitation programs and expenditures for capital improvements.

(b) Initial development and Recommendation. Not later than October 1, 2008, the city manager shall develop and recommend to the city council a draft of an initial comprehensive plan. The draft plan shall incorporate and be based upon a statement of policies, goals, and objectives furnished to the city manager by the city council. In formulating the draft plan, the city manager shall consult with the mayor, the individual members of the city council, the park and recreation board, the city plan and zoning commission, affected school districts, federal, state, and regional planning, transportation, and environmental entities, and other appropriate interested parties, and shall hold such public meetings or hearings as the city manager shall deem advisable and such public meetings or hearings as the city council may direct.

Charter Review Commission Final Recommendations

(c) Adoption. Not later than 180 days after receipt of the proposed initial comprehensive plan, the city council shall hold at least one public hearing on the proposed comprehensive plan and shall adopt it by resolution, with or without amendment, by a majority vote of all members of the city council.

(d) Subsequent review and modification. Not later than eighteen months after the commencement of each mayoral term, beginning with the mayoral term commencing in 2011, the city manager shall develop and recommend to the city council a draft of any appropriate modifications to the comprehensive plan. The draft modifications shall incorporate and be based upon a statement of policies, goals, and objectives furnished to the city manager by the city council. In formulating the draft modifications, the city manager shall consult with the mayor, the individual members of the city council, the park and recreation board, the city plan and zoning commission, affected school districts, federal, state, and regional planning, transportation, and environmental entities, and other appropriate interested parties, and shall hold such public meetings or hearings as the city manager shall deem advisable and such public meetings or hearings as the city council may direct. The proposed modifications shall identify projected capital expenditures and infrastructure improvements for a period of at least four years from the date of their Recommendation. Not later than 180 days after receipt of the proposed modifications to the comprehensive plan, the city council shall hold at least one public hearing on the proposed modifications and shall adopt the Recommendations by resolution, with or without amendment, by a majority vote of all members of the city council, or reject the Recommendations.

(e) Modification by city council. The city council may at any time modify the comprehensive plan by majority vote of all members of the city council after at least one public hearing.

(f) Effect. The comprehensive plan shall serve as a guide to all future city action concerning the subjects addressed in the comprehensive plan.

(g) Validity of ordinances and actions. The failure of the city council to adopt a comprehensive plan as required by this section shall not affect the validity of any ordinance or resolution adopted by the city council or the validity of any action or decision by a city board or commission, nor shall any such ordinance, resolution, action, or decision be rendered invalid on the ground that it is inconsistent with the comprehensive plan as adopted. No such ordinance, resolution, action, or decision shall be subject to injunctive relief on the ground that the city council has failed to adopt a comprehensive plan as required by this section or on the ground that it is inconsistent with the comprehensive plan as adopted.

(h) Liability. The failure of the city council to adopt a comprehensive plan as required by this section shall not render the city or any city official liable to any person or entity for damages, nor shall any ordinance or resolution adopted by the city council or any action or decision by a city board or commission render the city or any city official liable to any person or entity for damages on the ground that it is inconsistent with the comprehensive plan as adopted.

Charter Review Commission Final Recommendations

SEC. 2. URBAN CONSERVATION AND REHABILITATION AND REDEVELOPMENT.

The council may by ordinance provide for urban redevelopment, rehabilitation and conservation programs for:

- (1) the alleviation or prevention of slums, obsolescence, blight, or other conditions of urban deterioration; and
- (2) the achievement of the most appropriate use of land.

SEC. 3. CITY PLAN AND ZONING COMMISSION.

The city council shall appoint 15 qualified voters of the City of Dallas to be known as the city plan and zoning commission who shall constitute the zoning commission of the City of Dallas, and shall be the city plan municipal planning commission as the same is referred to by state statute for the approval of plats and subdivisions. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. ~~The city council shall name one of the members to be the chairman and one to be the vice chairman.~~

SEC. 4. DUTIES OF CITY PLAN AND ZONING COMMISSION.

The city plan and zoning commission shall:

- (1) Adopt, subject to approval of the city council, such rules and regulations as they ~~deed~~deem best to govern their actions, proceedings and deliberations, including the time and place of meeting.
- (2) ~~Upon application made, advertise~~Advertise and hold public hearings on zoning or changes in zoning, and make Recommendations thereon to the city council.
- (3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such Recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.
- (4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, ~~to~~ require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements, or other public places of adequate width and size; to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as ~~they~~the commission may deem best in the interest of the general public. In connection with the planning and the platting of property, the city plan and zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, and streets and alleys of adequate width to be provided for that purpose.

Charter Review Commission Final Recommendations

(5) Make Recommendations to the city manager and the city council on matters affecting the physical development of the city.

(6) Advise and make Recommendations on the comprehensive plan and the implementation thereof ~~as may be requested by the city manager and the city council.~~

(7) Exercise all other responsibilities as may be provided by law.

SEC. 5. DEDICATION OF STREETS, ALLEYS AND PUBLIC PROPERTIES.

The action of the city plan and zoning commission in requiring the dedication of streets, alleys and public places shall not amount to an acceptance of said dedication, nor estop the city council to deny the same. Acceptance of all dedications shall be by action of the city council, or when the city council shall have made actual appropriation of the same by entry, use, or improvement.

SEC. 6. CITY URBAN DEVELOPMENT COMMISSION.

~~In addition to the zoning commission, the city council may by ordinance provide for an urban development commission. The ordinance creating the same shall state how the body shall be constituted, the qualifications of the members and the duties of the same.~~

SEC. 7. ~~ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.~~

~~In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.~~**SEC. 8. THOROUGHFARE PLAN.**

The city council shall by ordinance adopt a thoroughfare plan. A thoroughfare plan now in existence or hereafter adopted by the city council shall not be changed except by an ordinance duly adopted after a public hearing as herein provided.

Prior to any change in a thoroughfare plan, the city council shall hold a public hearing. Written notice of all public hearings before the city council on proposed changes in the thoroughfare plan shall be sent to owners of real property lying within ~~200~~500 feet of the area of the proposed change, such notice to be given, not less than 10 days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail.

2005 Charter Election

11/16/05

November 8, 2005
From Joint Meetings of City Council Finance and Audit
Committee and Governmental and Minority Affairs
Committee

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

TO THE HONORABLE MAYOR AND CITY COUNCIL:

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

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

PROPOSITION NO. 1

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

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

Failed
not
Adopted



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

PROPOSITION NO. 2

Passed

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

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



PROPOSITION NO. 3

PassedMunicipal Courts and Municipal Judges

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

PROPOSITION NO. 4

PassedEmergency Management and Continuity of Governance

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

PROPOSITION NO. 5

PassedDisciplinary Actions, Appeals, Civil Service, and Other Personnel Matters

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



PROPOSITION NO. 6

PassedElection-related Matters

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

PROPOSITION NO. 7

PassedCity Boards and Commissions

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



PROPOSITION NO. 8

PassedCity Treasurer and Financial Matters

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

PROPOSITION NO. 9

PassedSolid Waste Franchises

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

PROPOSITION NO. 10

PassedFire-Rescue Department

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

PROPOSITION NO. 11

Passed

Official City Newspaper

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

PROPOSITION NO. 12

Passed

Annexations and Disannexations

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

PROPOSITION NO. 13

Passed

Gender Neutral Language, Correction of State Law Cites, and Other Nonsubstantive Changes

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

Not Charter Related

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



PROPOSITION NO. 14

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

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

PROPOSITION NO. 1

YES	52,045
→NO	59,648

PROPOSITION NO. 2

→YES	76,272
NO	27,684

PROPOSITION NO. 3

→YES	80,054
NO	19,972

PROPOSITION NO. 4

→YES	85,474
NO	13,234

PROPOSITION NO. 5

→YES	67,037
NO	27,158

PROPOSITION NO. 6

→YES	75,914
NO	17,377

PROPOSITION NO. 7

→YES	57,497
NO	33,079

PROPOSITION NO. 8

→YES	72,642
NO	18,002

PROPOSITION NO. 9

→YES	57,465
NO	36,511

PROPOSITION NO. 10

→YES	68,997
NO	29,821

PROPOSITION NO. 11

→YES	61,292
NO	32,777

PROPOSITION NO. 12

→YES	68,079
NO	23,533


PROPOSITION NO. 13

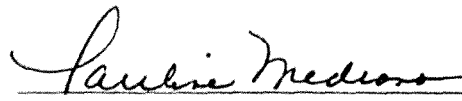
→YES	67,144
NO	28,047

PROPOSITION NO. 14

FOR	61,746
AGAINST	42,655

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


Councilmember Linda Koop, Chair


Councilmember Pauline Medrano

Councilmember Ron Natinsky

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

May 2005 Charter Election

May 7, 2005

Memorandum

From Citizen Petition



CITY OF DALLAS

DATE December 23, 2004

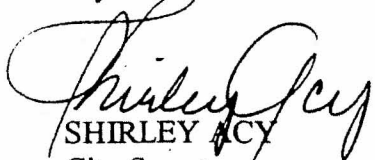
TO Honorable Mayor and
Members of the City Council

SUBJECT CHARTER AMENDMENT PETITION

On November 23, 2004, the City Secretary's Office received a petition to amend the Dallas City Charter. This petition was filed under Section 9.004 of the Texas Local Government Code, which requires the petition to be signed by a number of qualified voters equal to at least 5% of the number of qualified voters of the municipality or 20,000, whichever number is smaller. The current number of registered voters in the City of Dallas is approximately 600,000. Therefore, the number of signatures required for a valid charter amendment petition is 20,000.

Having examined the signatures, I have found the petition to contain sufficient signatures to qualify as valid. Therefore, in accordance with Chapter XVIII, Section 12 of the Dallas City Charter, I am submitting the attached petition, with certificate of sufficiency, to the City Council for appropriate action. A copy of the cover letter that came with the signed petition is also attached.

If you need further information, please advise.


SHIRLEY ACY
City Secretary

Attachment

c: Mary K. Suhm, Acting City Manager
Madeleine B. Johnson, City Attorney



CITY OF DALLAS

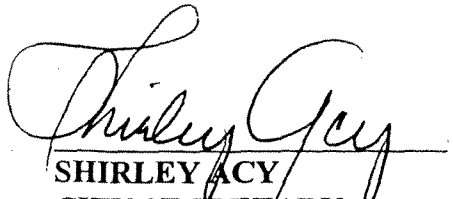
STATE OF TEXAS

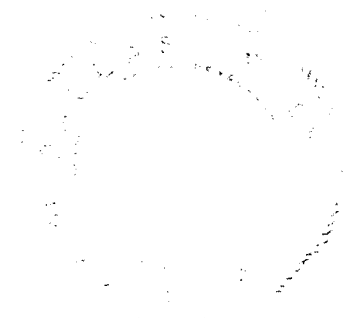
COUNTY OF DALLAS

CITY OF DALLAS

I, SHIRLEY ACY, City Secretary of the City of Dallas, Texas, having duly examined the attached petition filed with my office under Section 9.004 of the Texas Local Government Code, which section requires the petition to contain 20,000 signatures to be considered sufficient, do hereby certify that the attached petition contains in excess of the required number of signatures to be considered sufficient.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the 23rd day of December, 2004.


SHIRLEY ACY
CITY SECRETARY
CITY OF DALLAS, TEXAS





CITIZENS FOR A STRONG MAYOR

A Texas Non-Profit Corporation
5910 N. Central Expressway
Suite 700
Dallas, Texas 75206

Beth Ann Blackwood, President

(214) 923-5715

November 23, 2004

**Tender of Petition to Convene an Election
To Consider The Proposition to Amend the Dallas City Charter to
Increase the Power of the Mayor and Eliminate the Office of City Manager**


To: Dallas City Secretary

On behalf of the Citizens for a Strong Mayor, I am herewith submitting to you, the City Secretary for Dallas, a petition containing more than 30,000 signatures from Dallas citizens seeking an election to consider the proposition to amend the Dallas City Charter to increase the power of the Mayor and eliminate the office of City Manager, all as fully set forth in the proposed amendments attached to the petition.

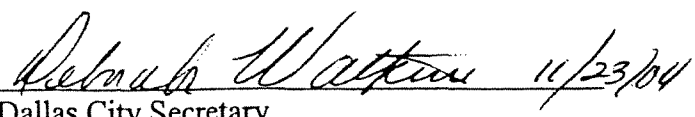
The petition is contained in nine cardboard boxes which I am handing over to you. I request that you, or your authorized representative, acknowledge receipt of the boxes and their contents by the stamp and signature of the Dallas City Secretary on a copy of this letter, and by the affixing of the secretary's stamp to the first page of the contents of each such boxes.

Upon verification that the petition contains at least 20,000 valid signatures of qualified voters of the City of Dallas, please certify this petition within thirty (30) days of today, in accordance with law, and immediately cause it to be submitted the Dallas City Council for the calling of an election on the proposition in May 2005.

Sincerely,



Beth Ann Blackwood
President



Dallas City Secretary

DESCRIPTION OF BLACKWOOD PETITION'S CHARTER AMENDMENTS

1. ELIMINATING THE CITY MANAGER AND TRANSFERRING POWER FROM THE CITY MANAGER TO THE MAYOR

Chapter III. City Council

- Section 7. Special Meetings – Amendment deletes provision that allows city manager to call special meetings.
- Section 13. Policy Making Procedures and Oversight Responsibilities – Amendment deletes the provisions that allow the city manager to present to the city council the city manager's operational agenda.
- Section 14. Professional and Secretarial Assistance to Mayor and Council – Amendment provides for mayor, not city manager, to provide professional and secretarial assistance to the city council.
- Section 15. No Interference by Council with Appointments or Subordinates of City Manager – Amendment provides that city council shall not interfere with the mayor's, not city manager's, appointment of officers and employees in the departments or give orders to such subordinates of the mayor.
- Section 18. Investigations – Amendment substitutes mayor for city manager and authorizes the mayor, not the city manager, to conduct investigations.
- Section 19. Independent Audit – Amendment substitutes mayor for city manager concerning independent audits of the city.
- Section 20. City Treasurer – Amendment substitutes mayor for city manager concerning duties of the city treasurer.

Chapter IIIA. City Secretary

- Section 3. Duties of City Secretary – Amendment to Section 3(4) substitutes mayor for city manager and now requires the city secretary to report to the mayor, not the city manager, any irregularities or failure of the city in creating, identifying, or maintaining records.

Chapter VI. The City Manager

- Amendment deletes this entire chapter thus eliminating the position of city manager.

- Section 6. Expenditures only Pursuant to Appropriations - Amendment substitutes mayor for city manager and directs city secretary to notify mayor, not city manager, of appropriations made.
- Section 9. Money Certified in Treasury - Amendment substitutes mayor for city manager and authorizes mayor, not city manager, to provide certification to council of money in the treasury.

Chapter XII. Police Department

- Section 1. Creation of Police Department; Personnel, Section 2. Duties, Section 3. Appointment and Oath, Section 4. Suspension of Police; Hearing, and Section 7. Special Police – Amendments to these sections substitute mayor for city manager and give the mayor, not city manager, control and supervision over the police department, including the power to discipline.

Chapter XIII. Fire Department

- Section 1. Creation of Fire Department; Personnel, Section 2. Duties, Section 4. Appointment of Members, Section 6. Destruction of Buildings, Section 7. Firefighters to Exercise Police Powers in Attending and Returning from Fires, and Section 9. Suspension of Firefighters and Other Fire Department Personnel; Hearing – Amendments to these sections substitute mayor for city manager and give the mayor, not city manager, control and supervision over the fire department, including the power to discipline.

Chapter XV. Planning and Zoning

- Section 1. Comprehensive Planning – Amendment substitutes mayor for city manager and authorizes the mayor, not city manager, to present the comprehensive plan to the city council.
- Section 4. Duties of Zoning Commission – Amendment substitutes mayor for city manager and authorizes the mayor, not city manager, to request and receive advice and recommendations from the commission along with other members of the city council.

Chapter XVI. Civil Service and Personnel

- Section 5. Lists of Eligibles to be Provided and Maintained by Board – Amendment substitutes mayor for city manager and provides for the mayor, not city manager, to requisition eligible lists from the civil service board to fill positions in the classified service.
- Section 9. Departments Exempted from Civil Service – Amendment substitutes mayor for city manager and exempts the mayor's office from civil service.



2. DELETING CITY COUNCIL POWER AND TRANSFERRING POWER FROM THE CITY COUNCIL TO THE MAYOR

Chapter III. City Council

- Section 11. Mayor Pro Tem, Deputy Mayor Pro Tem; Duties of – This section, which authorizes the city council to elect one or its members mayor pro tem and one deputy mayor pro tem, is deleted entirely by amendments, and New Chapter IV, Section 3. Mayor Pro Tem has been added, which authorizes the mayor to nominate, subject to confirmation by the city council, one of the council members as mayor pro tem. New Chapter IV, Section 10. Vice Mayor Pro Tem has also been added, which authorizes the city council to nominate and appoint a vice mayor pro tem.
- Section 14. Professional and Secretarial Assistance to Mayor and Council – Amendment deletes council power to provide for a council assistant to represent mayor and council at ceremonial occasions.
- Section 15. No Interference by Council with Appointments or Subordinates of City Manager – Amendment would prohibit city council from giving orders to departments, such as the city attorney and city secretary, that were not previously affected by the interference restriction because they were not under the city manager.

Chapter IIIA. City Secretary

- Section 1. Appointment; Removal; Compensation – Amendment substitutes mayor for city council and authorizes the mayor, not city council, to appoint and discharge the city secretary.
- Section 2. Assistants and Employees – Amendment deletes the requirement that the city secretary obtain city council consent before any assistant is discharged.

Chapter VII. Legal Department

- Section 1. Creation of Legal Department; Appointment of City Attorney and Section 2. Assistants and Employees – Amendment substitutes mayor for city council and authorizes the mayor, not the city council, to appoint and discharge the city attorney and set compensation for the city attorney and assistant city attorneys.

Chapter VIII. Municipal Courts

- Section 1. Creation – Amendment deletes the authority of the city council to appoint municipal judges.

Chapter XVII. Park and Recreation Department

- Section 2. Organization of Board and Terms of Office of Members and Section 3. Board Vacancies; How Filled – Amendment substitutes the mayor for the city council and authorizes the mayor, not the city council, to appoint all members of the park and recreation board, including vacancies, subject to confirmation by the city council. Mayor would appoint the president of the board, with council confirmation no longer being required.
- Section 4. Jurisdiction of the Park and Recreation Board; Scope of Activity – Amendment gives the mayor, along with the city council, responsibility for approving certain activities of the park and recreation board and authorizes the mayor, not the city council, to adopt the park board's rules and regulations and assign grounds and properties for the board to control, maintain, and manage. The amendment also requires the board to obtain not only the city council's approval, but also the mayor's approval, to sell and convey or lease lands and enter into contracts necessary to carry out the purposes of the park system.
- Section 5. Appointment of Employees; Rules and Regulations of Government of Same – Amendment substitutes the mayor for the city council and provides that the mayor, not the city council, shall provide positions for the park and recreation department.
- Section 8. Reports – Amendment provides that the mayor, not the city council, may require reports from the park and recreation board.

Chapter XXIV. Miscellaneous Provisions

- Section 4. Condemnation of Dangerous Structures – Amendment substitutes mayor for city council and authorizes the mayor, not the city council, to condemn, take down, and remove dangerous structures.
- Section 6. Fire Limits and Section 7. Building Permits – Substitutes mayor for city council or city and authorizes the mayor, not the city or city council, to establish criteria for fire limits and for building construction and repair in the city and to set permit fees.
- Section 9. Public Library and Tax Therefor – Amendment substitutes the mayor for the city and authorizes the mayor, not the city, to establish and maintain a public library or libraries within the city, subject to approval of a majority of the city council.
- Section 10. Municipal Radio and Television Stations – Amendment substitutes mayor for city council and authorizes the mayor, not the city council, to determine how the radio and television broadcasting station and other communicating systems may be used. The amendment also authorizes the mayor to appoint members of the radio and television stations commission, subject to the approval of the city council.



- Section 8. Codification of Ordinances – Amendment to this section authorizes the mayor, along with the city council, to cause the ordinances of the city to be published in code form.

Chapter XX. Public Improvements and Assessments

- Section 11. State Law Adopted as to Water and Sewer System Improvements – Amendment gives the mayor same authority as the city council with respect to obtaining same water and sewer services and improvements as may be provided by state law.

New Chapter IV. The Mayor

- Section 7. Signature of Ordinances – This new section requires that every ordinance, resolution, or motion of the council, before it takes effect, must be presented to the mayor for approval and signature. If the mayor fails to sign within five days after adoption, the ordinance, resolution, or motion becomes effective.
- Section 8. Powers of the Mayor – Amendment authorizes mayor to prescribe general rules and regulations for the general conduct of city departments and gives the mayor emergency powers.

4. CITY COUNCIL COMPOSITION, COMPENSATION, TERMS, AND DUTIES

Chapter III. City Council

- Section 1. Composition of City Council. (Rewritten entirely) – Amendment removes references to position of mayor as Place 15 on the city council.
- Section 2. Mayor's Election and Duties. (Deleted entirely) – Amendment removes references to position of mayor as Place 15 on the city council.
- Section 3A. Limitation of Terms – Amendment deletes clarification of mayor's term as any period in excess of 731 days. Also, amendment removes a city council member's ability to run for mayor at the end of his term limits.
- Section 4. Compensation of the Members of the City Council – Amendment excludes mayor from council attendance requirements in which pay gets docked if more than 10 percent of meetings are missed.

Chapter IV. Elections and Referendums

- Section 4. Election of City Council Members, Section 6. Candidate's Residence, Section 7. Nomination by Petition, Section 8. Designation on Official Ballot, and Section 10. Candidates Elected – Amendments to these sections remove all references to the position of mayor being "Member of Council, Place 15."



7.

EFFECTIVE DATE

New Chapter XXVII. Adoption and Transition

- Section 4. Transitional Provisions – Amendments would take effect on September 1, 2005, except that those amendments that require preclearance by the United States Department of Justice would take effect on the first day of the fourth month following the month in which the Department of Justice issues a letter interposing no objection to the implementation of the amendments.

SPECIAL MEETING OF THE DALLAS CITY COUNCIL

May 15, 2005

05-1546

Item 1: Receive report of the Ad Hoc City Council Canvassing Committee and adopt a resolution and order accepting the canvassing committee's report declaring the results of the May 7, 2005 general and special elections - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the resolution.

Motion seconded by Councilmember Lill and unanimously adopted. (Hill, Thornton-Reese, Fantroy absent)

May 15, 2005

RESOLUTION AND ORDER

WHEREAS, the city council has received the report of the canvassing committee appointed to canvass the results of the election held on May 7, 2005, pursuant to Ordinance Nos. 25907 and 25908, as amended, for the purpose of electing 14 members of the city council and deciding one proposition, and the city council after examining the report finds it correct in all respects; Now, Therefore,

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

SECTION 1. That the city council after having duly examined the report of the canvassing committee finds that it is a true and correct tabulation of the election results; that the election held on May 7, 2005, pursuant to Ordinance Nos. 25907 and 25908, as amended, was duly ordered and notice given in accordance with law; that the election was held in the manner required by law; that only duly qualified resident voters of the city of Dallas voted in the election; and that returns of the election have been made by the proper officers.

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

SECTION 3. That a majority of the votes cast at the election were against Proposition No. 1, as described in Ordinance No. 25908, as amended, and that proposition is, therefore, defeated and declared not to be adopted.

SECTION 4. That the canvass and tabulation of votes cast at the election for 14 members of the city council, held May 7, 2005, discloses that the following candidates received a majority of the votes cast at the election in their respective places:

Place 1 -	Elba Garcia
Place 3 -	Ed Oakley
Place 4 -	Maxine Thornton Reese
Place 5 -	Donald W. Hill
Place 6 -	Steve Salazar
Place 7 -	Leo V. Chaney, Jr.
Place 9 -	Gary Griffith

APPROVED _____
HEAD OF DEPARTMENT

APPROVED _____
CITY CONTROLLER

APPROVED _____
CITY MANAGER

May 15, 2005

Place 10 - Bill Blaydes
 Place 11 - Linda Koop
 Place 13 - Mitchell Rasansky

SECTION 5. That it is, therefore, declared and ordered that Elba Garcia has been elected Member of Council, Place 1; Ed Oakley has been elected Member of Council, Place 3; Maxine Thornton Reese has been elected Member of Council, Place 4; Donald W. Hill has been elected Member of Council, Place 5; Steve Salazar has been elected Member of Council, Place 6; Leo V. Chaney, Jr. has been elected Member of Council, Place 7; Gary Griffith has been elected Member of Council, Place 9; Bill Blaydes has been elected Member of Council, Place 10; Linda Koop has been elected Member of Council, Place 11; and Mitchell Rasansky has been elected Member of Council, Place 13.

SECTION 6. That the canvass and tabulation of votes cast at the election discloses that no candidate for Place 2, 8, 12, or 14 received sufficient votes to be elected to the city council, and that it is necessary in conformity with the city charter and the Texas Election Code, as amended, to call another election for the purpose of voting upon candidates to fill Places 2, 8, 12, and 14 on the city council.

SECTION 7. That this resolution will take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., Interim City Attorney

By Lisa Christopherson
 Assistant City Attorney

APPROVED BY
 CITY COUNCIL

MAY 15 2005

Shirley Geys
 City Secretary

5/13/05

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

TO THE HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, your committee of the city council appointed on February 23, 2005 to canvass the returns of the election held in the city of Dallas on May 7, 2005, for the purpose of electing 14 members of the city council and submitting to the qualified voters of the city a question relating to amending the Charter of the City of Dallas, hereby report that we have carefully canvassed the returns of the election, and we submit the tabulated statement of the votes received by the respective candidates and the proposition, attached hereto as Exhibit A.

In accordance with Ordinance No. 25908, as amended, the following proposition was submitted to the qualified voters of the city of Dallas:

PROPOSITION NO. 1

*Failed
Not Adopted*

Amendment of Sections 1, 2, 3, 3A, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of Chapter III; Sections 1, 2, and 3 of Chapter IIIA; Sections 4, 6, 7, 8, and 10 of Chapter IV; Section 1 of Chapter V; Chapter VI; Sections 1, 2, and 3 of Chapter VII; Sections 1, 4, 6, 7, and 8 of Chapter VIII; Sections 2 and 3 of Chapter IX; Chapter IXA; Sections 1 and 2 of Chapter X; Sections 1, 2, 3, 4, 6, 7, and 9 of Chapter XI; Sections 1, 2, 3, 4, and 7 of Chapter XII; Sections 1, 2, 4, 6, 7, and 9 of Chapter XIII; Chapter XIV title; Sections 1 and 4 of Chapter XV; Sections 1, 4, 5, 9, 10, 11, and 12 of Chapter XVI; Sections 2, 3, 4, 5, and 8 of Chapter XVII; Sections 1, 3, 4, 5, 6, 8, and 9 of Chapter XVIII; Section 11 of Chapter XIX; Section 11 of Chapter XX; Sections 8 and 10 of Chapter XXI; Sections 1, 6, and 11 of Chapter XXII; Section 6 of Chapter XXIII; and Sections 4, 6, 7, 9, 10, 13, 14, 17, and 19 of Chapter XXIV of, and addition of new Chapters IV and XXVII to, the Charter of the City of Dallas, all of which would: (1) eliminate the office of the city manager and transfer to the mayor, who would become the chief executive and administrative officer of the city, all powers formerly held by the city manager, including providing professional and secretarial assistance to the city council; conducting investigations;

calling for special audits; appointing the municipal court clerk; submitting the annual city budget to the city council and performing other duties relating to budget appropriations and capital expenditure programs; providing for and receiving statements of payments and receipts from the city treasurer and certifying money in the city treasury; supervising the police and fire departments, including hiring, disciplining, and discharging the police chief, the fire chief, and all employees in those departments; supervising all other city departments formerly under the city manager, including hiring, disciplining, discharging, and coordinating the work of the heads and employees of those departments; hearing employee disciplinary appeals and approving trial board appeals to district court; requesting and receiving reports from all departments on their activities, including reports from the city auditor; submitting the city's comprehensive plan to the city council; executing city contracts and other legal instruments; and submitting bids on behalf of the city for property at tax sales; (2) transfer to the mayor certain powers currently held by the city council, including nominating the mayor pro tem, subject to council confirmation, with a vice mayor pro tem being nominated and appointed by the city council; appointing, discharging, and setting the compensation of the city attorney; appointing and discharging the city secretary; appointing municipal judges and the administrative judge, subject to council confirmation; removing municipal judges and appointing and removing associate municipal judges, without council confirmation; adopting municipal court work rules, without city attorney review being required; establishing, discontinuing, and changing city departments and offices; appointing all members and adjunct members of the civil service board, subject to council confirmation, and appointing the board chair, removing board members, and filling vacancies without council confirmation; appointing all members of the park and recreation board, subject to council confirmation, and appointing the board president without council confirmation; adopting park and recreation board rules and regulations, requiring reports from the board, and assigning grounds and properties for the board to control, maintain, and manage; providing positions for the park and recreation department; appointing the members of city boards and commissions, subject to council confirmation, and removing board and commission members without council approval; establishing criteria for fire limits and for building construction and repair in the city, including setting permit fees; condemning and removing dangerous structures; establishing and maintaining public libraries, subject to council approval; and determining how the municipal radio and television broadcasting station and other communication systems may be used, including appointing members to a radio and television stations commission with council confirmation; (3) give the mayor new powers and duties, including taking official actions by issuing orders that must be maintained as permanent city records; signing and approving every ordinance, resolution, and motion of the council before it can take effect, provided that an ordinance, resolution, or motion becomes effective if the mayor fails to sign it within five days after adoption; voting on council confirmations of mayoral appointments; acting in an emergency; and prescribing general rules and regulations governing the general conduct of city departments; (4) make certain changes relating to the mayor's office, term, compensation, and duties, including eliminating all charter references to the mayor as Place 15 on the city council; deleting the definition of a mayor's term as any period in excess of 731 days; providing that the mayor's salary be paid per annum in equal

semi-monthly installments instead of biweekly like other council members; excluding the mayor from city council attendance requirements under which a council member's compensation may be reduced if he misses more than 10 percent of regular city council meetings; providing for a mayor pro tem and vice mayor pro tem to act in the case of the death, resignation, or permanent disability of the mayor, or whenever there is a vacancy in the office of mayor; requiring an election to fill a mayoral vacancy to be held within 30 days after the vacancy occurs; authorizing the city council, by a two-thirds vote, to remove the mayor for misconduct, inability, or willful neglect in the performance of official duties and to suspend the mayor for up to 30 days pending an impeachment charge; requiring the mayor to post a bond conditioned on the faithful performance of the duties of the office; and eliminating the mayor's duty to provide for annual state of the city reports; (5) restrict certain powers of the city council, including eliminating a city council member's ability to run for the office of mayor at the end of his council term limits; prohibiting a city council member from giving orders to or interfering with appointees and subordinates of the mayor, including the city attorney and city secretary; eliminating council power to provide a council assistant to represent the mayor and council at ceremonial occasions; eliminating council power to prescribe by ordinance the duties of the municipal court clerk and the fire chief; eliminating council power to adopt civil service board rules and regulations and to designate a secretary to the trial board; and eliminating council power to waive a requirement that city boards and commissions have 15 or more members; (6) increase certain powers and duties of the city secretary, including allowing the city secretary to discharge assistants without city council consent; and requiring the city secretary to countersign bonds issued by the city, the registry and records of which bonds are to be kept with city council records; (7) make certain other conforming and nonsubstantive changes; and (8) provide for these charter amendments to go into effect on September 1, 2005, except that those amendments that require preclearance by the United States Department of Justice will take effect on the first day of the fourth month following the month in which the Department of Justice issues a letter interposing no objection to the implementation of these amendments.

It appears that the following number of votes were cast respectively FOR and AGAINST on Proposition No. 1:

PROPOSITION NO. 1

FOR	41,158
→ AGAINST	65,978

From this tabulation it appears that Proposition No. 1 was not approved by the qualified voters of the city of Dallas participating in the election.

2007 Petition Proposition
November 6, 2007

073471

11/14/07

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

TO THE HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, your committee of the city council appointed on August 15, 2007 to canvass the returns of the election held in the city of Dallas on November 6, 2007, for the purpose of submitting to the qualified voters of the city one proposition relating to the adoption of an ordinance prohibiting the construction, maintenance, or improvement of, or the expenditure of funds for, certain roadways within the Trinity River levees, hereby report that we have carefully canvassed the returns of the election, and we submit the tabulated statement of the votes received by the proposition, attached hereto as Exhibit A.

In accordance with Ordinance No. 26891, as amended, the following proposition was submitted to the qualified voters of the city of Dallas:

PROPOSITION NO. 1

Not
Adopted

An ordinance amending Chapter 32, "Parks and Water Reservoirs," of the Dallas City Code by adding Article VII (composed of Section 32-84) to prohibit the construction, maintenance, or improvement of, or the expenditure of funds for, any roadways within the Trinity River levees unless certain restrictions relating to use, location, number of travel lanes, and speed limits are met, and to provide for enforcement of the ordinance by suit for injunctive or declaratory relief and penalties not to exceed \$500.

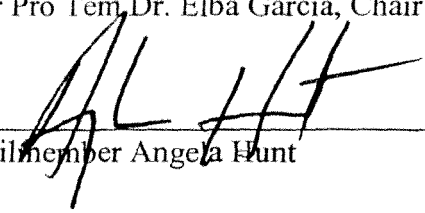
It appears that the following numbers of votes were cast respectively FOR and AGAINST on Proposition No. 1:

PROPOSITION NO. 1

FOR	39,107
<input checked="" type="checkbox"/> AGAINST	44,456

From this tabulation it appears that Proposition No. 1 was not approved by the qualified voters of the city of Dallas participating in the election.

Mayor Pro Tem, Dr. Elba Garcia, Chair



Councilmember Angela Hunt

Councilmember Tennell Atkins



Councilmember Vonciel Jones Hill

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

2009 Petition Propositions
May 9, 2009

091285

5/18/09

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

TO THE HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, your committee of the city council appointed on February 25, 2009 to canvass the returns of the election held in the city of Dallas on May 9, 2009, for the purpose of electing 14 members of the city council and submitting to the qualified voters of the city two questions relating to amending the Charter of the City of Dallas, hereby report that we have carefully canvassed the returns of the election, and we submit the tabulated statement of the votes received by the respective candidates and propositions, attached hereto as Exhibit A.

In accordance with Ordinance Nos. 27502 and 27503, as amended, the following propositions were submitted to the qualified voters of the city of Dallas:

PROPOSITION NO. 1

Shall Chapter XI of the Charter of the City of Dallas be amended by adding Section 15 to: (1) prohibit the city from, directly or indirectly, using, lending, or transferring city money or property, or lending the city's credit, for the purpose of siting, financing, constructing, acquiring, leasing, or operating a hotel or other lodging facility; (2) prohibit the city from creating, authorizing, or sponsoring any special-purpose governmental entity or any non-profit corporation (including a local government corporation or a public facility corporation), or authorizing the issuance of bonds, notes, or other debt instruments by such special-purpose governmental entity or non-profit corporation, for the purpose of siting, financing, constructing, acquiring, leasing, or operating a hotel or other lodging facility; (3) require the city to assume the powers and duties of any existing local government corporation previously created or authorized by the city for the purpose of siting, financing, constructing, acquiring, leasing, or operating a hotel or other lodging facility; (4) require the city to alter the structure, organization, programs, and activities of any existing public facility corporation sponsored by the city and to prohibit such corporation from siting, financing, constructing, acquiring, leasing, or operating a hotel or other lodging facility; and (5) provide certain exceptions?

Not
Adopted

PROPOSITION NO. 2

Not Adopted

Shall Chapter XI of the Charter of the City of Dallas be amended by adding Section 16 to: (1) prohibit the city of Dallas (including any special-purpose governmental entity, nonprofit corporation, and any other entity created or controlled by the city) from providing more than a total of \$1,000,000 in financial assistance (including any grant of tax concessions or relief; any authorization of debt or debt instruments; any expenditure of public funds; and any exchange, grant, or below-market sale or lease of city-owned land) to any private development project (the primary purpose of which is to construct or aid in the construction, renovation, repair, alteration, or remodeling of any hotel, convention center, luxury residential condominium, or retail facility, or the infrastructure of any such facility), unless the city gives at least 65 days' public notice (including posting the notice on the city's website for the entire 65-day notice period) before approving the financial assistance and obtains voter approval for the financial assistance at a regular or special election when voter approval is required by a petition that is signed by at least 500 residents of the city and filed with the city secretary within 60 days after the public notice is posted; (2) exempt from the financial assistance restrictions any retail development of less than 50,000 square feet that serves a subsidized residential development; and (3) provide a severability clause?

It appears that the following number of votes was cast respectively YES and NO on Proposition Nos. 1 and 2:

PROPOSITION NO. 1

YES	41,301
<input checked="" type="checkbox"/> NO	43,388

PROPOSITION NO. 2

YES	33,835
<input checked="" type="checkbox"/> NO	46,548

From this tabulation it appears that Proposition Nos. 1 and 2 were not approved by the qualified voters of the city of Dallas participating in the election.

On the basis of the statement of the returns of the election, it appears that candidates received the following number of votes:

Memorandum



Date February 4, 2014
To Mayor & City Council
Subject 2002 Charter Review Commission Recommendations Comparison to November 2005 Special Election

At the January 15, 2014 request by Councilmember Davis as to the recommendations submitted by the Charter Review Commission and what was ultimately taken to Dallas voters. Attached is a recap of the items recommended by the Commission, whether or not the item was included in the November 8, 2005 Special Election ballot, and, if included on the ballot, if approved at that election.

The report denotes only the specific recommendations for possible amendments to the Dallas City Charter submitted by the Commission in its Final Report as well as public policy recommendations which were not applicable to any proposed charter amendments. The report does not include all proposed amendments approved by the City Council for inclusion on the November 8, 2005 Special election ballot.

The following are noted as points of interest.

- April 24, 2002 - The Charter Review Commission was created.
- May 16, 2003 - The Commission submitted its Final Report to the City Council. (The Final Report included all issues reviewed; and the report was broken down as to the Commissions' (1) Final Recommendations; (2) Rejected Recommendations; and (3) Recommendations for Public Policy Consideration).
- June 18, 2003 - The Commission briefed the City Council on its Final Report. The Final Report notes "appendices" under specific recommendations which provide greater detail than the brief descriptive outlined under the recommendations. Therefore, the Final Report in its entirety is also provided.
- October 18, 2004 - The City Secretary's Office received a Notice of Intent to Circulate A Petition a/k/a "Strong Mayor Petition." The petition was subsequently approved for circulation, circulated, submitted to the City Secretary's Office for verification, and was found to contain the sufficient number of signatures, which required the proposed charter amendments be presented for voter approval at the next uniform election date (May 7, 2005).
- December 14, 2004 - The City Council was briefed by staff on the Commissions final report, changes proposed by the petition, and other proposed changes recommended by Mayor Laura Miller, City Attorney and City Secretary. Subsequent briefings were held to discuss additional issues on possible amendments to the charter.

- April 13, 2005 - The City Council approved Resolution 05-1209 "relating to the placement of proposed Charter amendments on a November 8, 2005 ballot in the event that no Charter amendments are approved by the voters at the May 7, 2005 Charter Amendment Election." Proposed amendments included recommendations from the Finance and Audit Council Committee and Governmental and Minority Affairs Committee.
- May 7, 2005 - Special Election held on the proposed charter amendments ("Strong Mayor"). The General Election was also held on this uniform election date. Proposition 1 on the ballot ("Strong Mayor") failed.
- November 8, 2005 – Special Election on proposed Charter amendments held. The amendments incorporated some of the Commission's recommendations as well as additional amendments recommended by the Finance and Audit Council Committee and Governmental and Minority Affairs Committee (Propositions 1-13). Proposition 14 on the ballot was a bond election relating to homeless assistance facilities. Proposition 1 failed (which included items such as mayoral authority in certain areas, mayor compensation and other items on city manager authority), while Propositions 2-13 and Proposition 14 passed.

At the request of Councilmember Davis, this communication/attachments are also being provided to the 2004 Charter Review Commission.

Please let me know if you have any questions.



Rosa A. Rios
City Secretary

Attachments

- C: A.C. Gonzalez, Interim City Manager
Warren M. S. Ernst, City Attorney
Craig Kinton, City Auditor
Biliera Johnson, Assistant City Secretary
Jesse Salazar, Boards & Commissions Manager

**2002 - 2003 Charter Review Commission Recommendations
City Council Consideration & Effect on November 2005 Special Election**

	Chapter	Section	Proposition (in Brief)	November 2005 Election	
				Appeared On Ballot	Approved By Voters
1	I (Incorporation and Territory)	3 (Additional Territory)	Clarify the process for annexation as set forth in Appendix A.	Yes	Yes
2	II (Powers of the City)	1 (Powers of the City)	Add new subsection (50), giving the City the power to "adopt rules and regulations regarding campaign contributions and expenditures for City elections"	Yes	Yes
3	II (Powers of the City)	1 (Powers of the City)	Add new subsection (51), a provision to adopt a disaster emergency preparedness ordinance that provides for the development of a comprehensive city emergency management plan.	Yes	Yes
4	II (Powers of the City)	3 (New) (Charter Review)	Add following section: "At intervals of not more than ten years, the first interval to occur not more than ten years after adoption of this provision, the charter shall be reviewed by a commission appointed by the council. The commission shall complete the review and report to the council within a year of its appointment. Notwithstanding this provision, amendments to the charter may at any time be framed and proposed as provided for by law."	Yes	Yes
5	III (City Council)	1 (Composition of City Council)	Change term of city council members other than the mayor from two years to four years.	No	-
6	III (City Council)	3A (Limitation of Terms)	Change term limits for city council members other than the mayor from four two-year terms to two four-year terms.	No	-
7	III (City Council)	4A (New) (Elected Officials Compensation Commission)	Create Elected Officials Compensation Commission as described in Appendix B.	No	-
8	III (City Council)	5 (Vacancies in the City Council)	Add to Chapter II, Section 5, a provision to empower the city attorney to initiate court action, in the event of the simultaneous death or disability of all of the members of the city council. [Note: Actually refers to Chapter III, not II as typed in 2002-2003 Final Report]	Yes	Yes

	Chapter	Section	Proposition (in Brief)	November 2005 Election	
				Appeared On Ballot	Approved By Voters
9	III (City Council)	New	Add a new Section, Council Meeting Agenda, that enables the mayor, the city manager, or three members of the city council may place any item on any city council agenda. [Note: Later incorporated into City Council Rules of Procedure]	No	-
10	III (City Council)	14 (Professional and Secretarial Assistance to Mayor and Council)	Substitute current language with the following: "The city council shall authorize the employment of professional and administrative assistants to aid the council in the performance of its official duties. Assistants to individual council members shall be appointed by the respective council members. Personnel filling these positions shall not be subject to civil service."	Yes	Yes
11	III (City Council)	(District Offices for Council)	Council members may establish district offices, to be located in city-owned facilities.	No	-
12	III (City Council)	20 (City Treasurer)	Deletes the office of City Treasurer.	No	-
			City Manager shall have authority to designate an employee of the City as City Treasurer. Also amends language relating to selection of depository for city funds. See Appendix C.	Yes	Yes
13	III (City Council)	21 (New) (Code of Ethics)	Insert provision: "The city council shall adopt a code of ethics as authorized by Section 1(49) of Chapter II of this charter.	No	-
14	III (City Council)	(New) (Council Meeting Agenda)	Add provision: "The mayor, the city manager, or three members of the city council may place any item on any city council agenda. The city council may establish rules limiting the consideration of items previously voted upon or tabled." [Note: Later incorporated into City Council Rules of Procedure]	No	-
15	IIIA (City Secretary)	1 (Appointment; Removal; Compensation)	Make gender references neutral.	Yes	Yes
16	IIIA (City Secretary)		Change provision requiring 2/3 vote of council to terminate city secretary to requirement of simple majority of full council for termination.	Yes	Yes
17	IIIA (City Secretary)	2 (Assistants and Employees)	Delete "with the consent of the city council."	Yes	Yes

				November 2005 Election	
	Chapter	Section	Proposition (in Brief)	Appeared On Ballot	Approved By Voters
18	IV (Elections and Referendums)	3 (General Election)	Make following change: "General elections for the purpose of electing members of the city council shall be held on the first authorized election date after February March 1 of each odd-numbered year."	Yes	Yes
19	IV (Elections and Referendums)		Adopt the proposed language for Chapter IV, Elections and Referendums, Section 3, General Election.	No	-
20	IV (Elections and Referendums)		In all applicable sections of Chapter IV, change council terms from two years to four years.	No	-
21	IV (Elections and Referendums)	13 (Disclosure of Candidate Contributions)	Insert provision requiring publication of contributions to candidates for city council within certain deadlines before and after council elections. See Appendix D.	Yes	Yes
22	VI (The City Manager)	1 (Appointment; Removal; Compensation)	Insert provision clarifying that majority of full council must approve appointment of the city manager.	No	-
23	VII (Legal Department)	1 (Creation, etc.)	Change provision requiring 2/3 vote of council to terminate city attorney to requirement of simple majority of full council for termination.	Yes	Yes
24	IX (City Auditor)	1 (Selection of City Auditor) (Appointment; Removal; Compensation)	Change section title to "Appointment; Removal; Compensation"	No	-
25	IX (City Auditor)		Insert provision clarifying that appointment of city auditor must be approved by majority of full council	Yes	No
26	IX (City Auditor)		Add provision establishing requirement of vote of majority of full city council to terminate city auditor.	Yes	No
27	IX (City Auditor)		Add provision stating that council shall fix compensation of City Auditor and that such compensation shall not be diminished during the term of the auditor.	Yes	No
28	IX (City Auditor)	2 (New) (Assistants and Employees)	Insert a section titled "Assistants and Employees," and move the current section 2 wording to section 3. Section 2 shall provide the city auditor with such assistants as it shall deem necessary.	Yes	Yes

				November 2005 Election	
	Chapter	Section	Proposition (in Brief)	Appeared On Ballot	Approved By Voters
29	IX (City Auditor)	3 (New) (Duties of the City Auditor)	Move "Duties of the City Auditor" from Section 2 to Section 3.	Yes	Yes
30	IX (City Auditor)	4 (New) (Special Audit)	The " Special Audit " will become Section 4 . The Recommendation provides for wording changes that clarify this section.	No	-
31	XI (The Budget)	6	Change "city treasurer" to "city treasury".	Yes	Yes
32	XI (The Budget)	10 (Money Deemed in Treasury)	Add language "and moneys to be derived from the sale of lawfully authorized commercial paper notes," after phrase "process of delivery," and before word "shall."	Yes	Yes
33	XI (The Budget)	13 (Disposition of Funds)	Change director of revenue & taxation finance to city controller; add the word "into"; and change "treasurer" to "treasury."	Yes	Yes
34	XIII (Fire Department)		Change name of department to "Dallas Fire - Rescue Department," and change all references throughout charter to conform. See Appendix G.	Yes	Yes
35	XIV (Franchises)	1 (Franchise by Ordinance)	Change language of charter to enable franchises by solid waste haulers, as set forth in Appendix H.	Yes	Yes
36	XIV (Franchises)	3 (Contesting of Rates)	Further changes relating to solid waste haulers, as set forth in Appendix H.	Yes	Yes
37	XV (Planning and Zoning)		Significant changes. See proposed language at Appendix I.	No	-
38	XVI (Civil Service and Personnel)	1 (Organization of Civil Service)	Expand size of Civil Service Board from five to seven members, to be appointed in October of odd numbered years (Instead of in August).	Yes	Yes
39	XVI (Civil Service and Personnel)	3	Delete term "to wit".	Yes	Yes
40	XVI (Civil Service and Personnel)	4(c)	Change word "notification" to "notice"	Yes	Yes

				November 2005 Election	
	Chapter	Section	Proposition (in Brief)	Appeared On Ballot	Approved By Voters
41	XXII (Public Contracts)	11 (Financial Interest of Employee or Officer Prohibited)	Amend current provision regarding prohibition of financial interest in city contracts by city officers and employees.	No	-
42	XXIV (Miscellaneous Provisions)	13(a)	Change requirement regarding appointment date for board and commission members from "during August" to "beginning in August" of each year.	No	-
43	XXIV (Miscellaneous Provisions)		Change tenure of members of commissioners and boards to end two years from October 1 (current charter reads September 1) or until successors are appointed and qualified.	Yes	Yes

2002-2003 Charter Review Commission Recommendations for Public Policy

	Chapter	Section	Proposition (in Brief)	Appeared On Ballot	Approved By Voters
1	VII (Legal Department)		<p>Proposal: The Council should consider whether the DFW Airport Board should be allowed to retain independent legal counsel without input or approval by the Dallas City Attorney, either where a conflict of interest exists or as a general rule.</p> <p>Rationale: The Commission discussed several concerns with the current arrangement, whereby the cities of Dallas and Fort Worth supply attorneys to the DFW Airport Board. While no consensus was reached on whether a charter change is currently necessary, the Commission recommends that the Council consider and debate the issues involved.</p>	N/A	N/A
2	VIII (Municipal Courts)	4 (Municipal Judges; Appointment)	Create position of Deputy Administrative Judge, who shall act as the administrative head of the court in the absence of the Administrative Judge.	N/A	N/A
3	VII (Legal Department)	10 (New section: Law Practice by Full-Time Municipal Judges)	Proposal to add section prohibiting full-time municipal judges from practicing law while serving in the city post.	N/A	N/A

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031587

RECEIVED
2003 MAY 29 3:10:47
CITY SECRETARY
DALLAS, TEXAS



**Final Report
of the
Charter Review Commission**

May 2003
Dallas, Texas

Charter Review Commission

031587

1500 Marilla, 4EN
Dallas, Texas 75201
214/ 670-3302

May 16, 2003



Dear Honorable Mayor and Members of the City Council:

As Chair of the 2002-03 Charter Review Commission, I am pleased to submit our final report and recommendations to the City Council. During the past ten months the Commission received comments from the Mayor, City Council members, City officers and citizens of Dallas, as well as substantial input from experts in the field of municipal governance. Commission members conducted sixteen community meetings, participated in a media round table, and all fifty-six sessions of Commission deliberations were broadcast to the public on Dallas Community Television (DCTV). From the outset, the Commission sought to ensure that interested members of the public had full and open access to all Commission activities and all materials generated through our work. I am confident that goal was accomplished.

David M. Laney, Chair

Our report presents the multitude of proposals we considered and the action the Commission took on each proposal. At such time as you request us to do so, we will be prepared to brief the City Council on our final report.

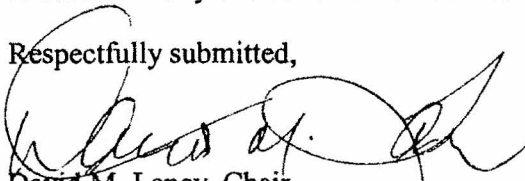
Julia Soto Cabrera, Co-Chair
Donald W. Hicks, Sr., Co-Chair

Members of the Commission greatly appreciated the input it received from citizens, business groups, community groups, elected officials, and City staff on issues related to governance of the City of Dallas. Insights we received throughout the process were always informative and often invaluable.

Raymond Quintanilla
Rodolfo Rodriguez
Don O'Bannon
Michael Sorrell
Pamela Dunlop Gates
DeMetris A. Sampson
David LaBrec
George Schrader
Julie Lowenberg
Charlene Howell
James Gerhardt
Michael Jung

As Chair of the Commission, I would personally like to take this opportunity to compliment the members of the Commission, and members of the City Manager's and City Attorney's offices assigned to the Commission, for their commitment to the Charter Review process and to the City of Dallas. As you know, their combined efforts were extraordinary. And on behalf of the Charter Review Commission, I would like to express our appreciation for the opportunity to serve the City of Dallas as members of the Charter Review Commission.

Respectfully submitted,


David M. Laney, Chair
Charter Review Commission

CHARTER REVIEW COMMISSION**Members**

David M. Laney, Chair

Julia Soto Cabrera, Co-Chair

Donald W. Hicks, Sr., Co-Chair

* James L. Fantroy, Council Member, District 8

Pamela Dunlop Gates, Council District 7

James Gerhardt, Council District 13

Charlene Howell, Council District 12

Michael Jung, Council District 14

David LaBrec, Council District 9

Julie Lowenberg, Council District 11

Don O'Bannon, Council District 5

Raymond Quintanilla, Council District 1

Rodolfo Rodriguez, Council District 2

DeMetris A. Sampson, Council District 8

George Schrader, Council District 10

Michael Sorrell, Council District 6

Staff

Kimberly Tolbert, Project Manager

Alandra James, Secretary

Pamela Mickens, Project Coordinator

Jesus Toscano, Jr., Assistant City Attorney

Charles Bierfield, Assistant City Attorney

Gwen Satterthwaite, Assistant City Attorney

Lisa Christopherson, Assistant City Attorney

031587

**Charter Review Commission
Final Report
May 2003**

Dallas, Texas

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INTRODUCTION

031587

I. BACKGROUND

The Charter is the organic law or constitution that defines and establishes the organization of its government. It establishes the city's territory and powers and the city's form of government and details the responsibilities thereof for each branch (Mayor, Council, City Manager).

The Dallas City Charter was established in 1889 and subsequently amended in 1897, 1899, 1907, 1931, 1949, 1952, 1956, 1965, 1968, 1973, 1976, 1981, 1983, 1985, 1989, 1993, 1997, and 2001.

State law authorizes the governing body of a municipality to submit proposed charter amendments to the voters for their approval at an election. The manner in which the City Council determines which proposed amendments it wishes to consider is discretionary. On April 24, 2002, pursuant to Section 5 of the City Council Resolution No. 02-140, a 15-member Charter Review Commission (CRC) was created. The Commission's assigned task was to make recommendations to the Council concerning the following:

- Whether changes should be made to the role, duties, and powers of the Mayor and Council members.
- Whether changes should be made to the distribution of power among and between the legislative (council), executive (city manager), and administrative officers (City Attorney, City Auditor, City Secretary) to ensure Dallas city government's efficiency and effectiveness for all its citizens.
- Whether compensation for the Mayor and Council members should be adjusted.
- Whether the staffing levels and who hires staff for the Mayor and Council members should be changed.
- Whether the length of the terms Council members (currently two years) and/or the Mayor (currently four years) should be changed.
- Whether the term limits (how long a person may serve as mayor or Council member) should be changed.
- Whether any recommended "house-keeping" changes to the Charter recommended by the City Manager, the City Secretary, the City Auditor, or the City Attorney should be made.

II. ACTIVITIES OF THE CHARTER REVIEW COMMISSION

The Commission was actively involved in a series of community forums that provided valuable information from municipal government stakeholders. It heard from public administration experts, chamber of commerce representatives, neighborhood groups, individual citizens, and elected officials. In addition, Commission members spent more than seventy-five hours (75) deliberating issues related to their charge.

Provided is a summary of the various activities the Commission engaged in before arriving at its final recommendations:

- CRC orientation meetings were held June 11 & 18, 2002.
- In July letters were sent to over 400 key organizations identified by Council members and Commission members to request position statements relative to the CRC charge.
- August 12 - 22, 2002, the Commission received expert testimony from former Dallas Council members, a former Houston mayor, a former City Plan commissioner, academicians, a former city manager, park and recreation director, president of the Dallas Park Board, and city officers.
- August 26 - September 30, CRC community meetings were held in the 14 Council member districts to receive public input. More than 665 citizens attended the CRC community meetings. CRC records also revealed that almost 26% of the people who attended spoke before the Commission
- October 1 and 3, 2002, CRC heard additional testimony from City officers and one additional academician. A media round-table with six (6) Commissioners occurred on October 1.
- October 7 and 8, 2002, the Commission received oral presentations from eighteen (18) key community organizations.
- From October 18, 21, and 22, 2002, the Commission received additional expert testimony from a former San Antonio mayor, chief deputy city controller of Houston, city of Dallas chief financial officer, and two (2) City of Dallas assistant city managers.
- The Commission held twenty-six (26) public meetings to engage open discussion and deliberation.

III. SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS 031587

A. Recommendations for Charter Amendments

A majority of the Commission recommends **forty-three (43)** changes to the Dallas City Charter that are related to their charge set forth in Resolution # 02-140. These changes are delineated on pages marked as tabs 2 - 44 of this report.

B. Rejected Proposals

A majority of the Commission voted not to recommend charter changes to nineteen **(19)** proposals that were put forth for action. The rejected proposals are located behind **Tab 45**.

C. Recommendations for Public Policy

Several recommendations were considered by the Commission, but determined not to require Charter amendments. A majority of the Commission voted to refer the following **three (3)** proposals to the City Council for policy action.

- Allow the DFW Airport Board to retain independent legal counsel without input or approval by the Dallas City Attorney, either where a conflict of interest exists or as a general rule.
- Create position of Deputy Administrative Judge, who shall act as the administrative head of the court in the absence of the Administrative Judge.
- Prohibit full-time, municipal judges from practicing law during their tenure as judges.

(Refer to recommendations behind Tab 46 for the Charter reference and voting action related to each proposal).

D. Miscellaneous Statement

Additionally, the statement under **Tab 47** reflects the action taken by the Commission relating to recommended changes received from the Civil Service Department.

IV. MINORITY REPORT

Finally, the Commission agreed to submit minority reports for Council consideration. These reports have been provided to each Commissioner. Minority opinions have been included for council terms and Chapter VI "The City Manager," Section I, "Appointment; Removal; Compensation" they are presented behind **Tab 48**. Additional minority reports may be forthcoming following this submission.

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section		Yes	No	Abstain	Absent
I (Incorporation and Territory)	3 (Additional Territory)	Clarify the process for annexation as set forth in Appendix A.	Voice vote: recommendation passed.			
II (Powers of the City)	1 (Powers of the City)	Add new subsection (50), giving the City the power to "adopt rules and regulations regarding campaign contributions and expenditures for City elections."	11	3		1
II (Powers of the City)	1 (Powers of the City)	Add new subsection (51), a provision to adopt a disaster emergency preparedness ordinance that provides for the development of a comprehensive city emergency management plan.	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
II (Powers of the City)	3 (New) (Charter Review)	Add following section: "At intervals of not more than ten years, the first interval to occur not more than ten years after adoption of this provision, the charter shall be reviewed by a commission appointed by the council. The commission shall complete the review and report to the council within a year of its appointment. Notwithstanding this provision, amendments to the charter may at any time be framed and proposed as provided for by law."	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
III (City Council)	1 (Composition of City Council)	Change term of city council members other than the mayor from two years to four years.	8 (proxy)	6		2 (1-proxy)
III (City Council)	3A (Limitation of Terms)	Change term limits for city council members other than the mayor from four two-year terms to two four-year terms.	8 (proxy)	6		2 (1-proxy)
III (City Council)	4A (New) (Elected Officials Compensation Commission)	Create Elected Officials Compensation Commission as described in Appendix B.	Voice vote: recommendation passed.			
III (City Council)	5 (Vacancies in the City Council)	Add to Chapter II, Section 5, a provision to empower the city attorney to initiate court action, in the event of the simultaneous death or disability of all of the members of the city council.	11			4

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
III (City Council)	New	Add a new Section, Council Meeting Agenda that enables the mayor, the city manager, or three members of the city council may place any item on any city council agenda .	Voice vote: recommendation passed.			
III (City Council)	14 (Professional and Secretarial Assistance to Mayor and Council)	Substitute current language with the following: "The city council shall authorize the employment of professional and administrative assistants to aid the council in the performance of its official duties. Assistants to individual council members shall be appointed and discharged by the respective council members. Personnel filling these positions shall not be subject to civil service."	Voice vote: recommendation passed.			
III (City Council)	(District Offices for Council)	Council members may establish district offices, to be located in city-owned facilities.	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
III (City Council)	20 (City Treasurer)	Deletes the office of City Treasurer; City Manager shall have authority to designate an employee of the City as City Treasurer. Also amends language relating to selection of depository for city funds. See Appendix C.	Voice vote: recommendation passed.			
III (City Council)	21 (New) (Code of Ethics)	Insert provision: "The city council shall adopt a code of ethics as authorized by Section 1(49) of Chapter II of this charter.	10	1		4
III (City Council)	(New) (Council Meeting Agenda)	Add provision: "The mayor, the city manager, or three members of the city council may place any item on any city council agenda. The city council may establish rules limiting the consideration of items previously voted upon or tabled."	Voice vote: recommendation passed.			
IIIA (City Secretary)	1 (Appointment; Removal; Compensation)	Make gender references neutral.	Voice vote: recommendation passed.			
IIIA (City Secretary)		Change provision requiring 2/3 vote of council to terminate city secretary to requirement of simple majority of full council for termination.	9	5	1	

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
IIIA (City Secretary	2 (Assistants and Employees)	Delete "with the consent of the city council."	Voice vote: recommendation passed.			
IV (Elections and Referendums)	3 (General Election)	Make following change: "General elections for the purpose of electing members of the city council shall be held on the first authorized election date after February <u>March</u> 1 of each odd-numbered year."	Voice vote: recommendation passed.			
IV (Elections and Referendums)		Adopt the proposed language for Chapter IV, Elections and Referendums, Section 3, General Election.	Voice vote: recommendation passed			
IV (Elections and Referendums)		In all applicable sections of Chapter IV, change council terms from two years to four years.	8	6		1
IV (Elections and Referendums)	13 (Disclosure of Candidate Contributions)	Insert provision requiring publication of contributions to candidates for city council within certain deadlines before and after council elections. See Appendix D.	10	3	2	

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
VI (The City Manager)	1 (Appointment; Removal; Compensation)	Insert provision clarifying that majority of full council must approve appointment of the city manager.	Voice vote: recommendation passed.			
VII (Legal Department)	1 (Creation, etc.)	Change provision requiring 2/3 vote of council to terminate city attorney to requirement of simple majority of full council for termination.	8	6	1	
IX (City Auditor)	1 (Selection of City Auditor) (Appointment; Removal; Compensation)	Change section title to "Appointment; Removal; Compensation"	Voice vote: recommendation passed.			
IX (City Auditor)		Insert provision clarifying that appointment of city auditor must be approved by majority of full council	Voice vote: recommendation passed			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
IX (City Auditor)		Add provision establishing requirement of vote of majority of full city council to terminate city auditor.	13			2
IX (City Auditor)		Add provision stating that council shall fix compensation of City Auditor and that such compensation shall not be diminished during the term of the auditor.	10	2	1	2
IX (City Auditor)	2 (New) (Assistants and Employees)	Insert a section titled "Assistants and Employees," and move the current section 2 wording to section 3. Section 2 shall provide the city auditor with such assistants as it shall deem necessary.	12	1		2
IX (City Auditor)	3 (New) (Duties of the City Auditor)	Move "Duties of the City Auditor" from Section 2 to Section 3.	13			2
IX (City Auditor)	4 (New) (Special Audit)	The " Special Audit " will become Section 4 . The Recommendation provides for wording changes that clarify this section.	13			2

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
XI (The Budget)	6	Change "city treasurer" to "city treasury".	Voice vote: recommendation passed.			
XI (The Budget)	10 (Money Deemed in Treasury)	Add language "and moneys to be derived from the sale of lawfully authorized commercial paper notes," after phrase "process of delivery," and before word "shall."	Voice vote: recommendation passed.			
XI (The Budget)	13 (Disposition of Funds)	Change director of revenue & taxation finance to city controller; add the word "into"; and change "treasurer" to "treasury."	Voice vote: recommendation passed.			
XIII (Fire Department)		Change name of department to "Dallas Fire - Rescue Department," and change all references throughout charter to conform. See Appendix G.	Voice vote: recommendation passed.			
XIV (Franchises)	1 (Franchise by Ordinance)	Change language of charter to enable franchises by solid waste haulers, as set forth in Appendix H.	Voice vote: recommendation passed.			
	3 (Contesting of Rates)	Further changes relating to solid waste haulers, as set forth in Appendix H.	Voice vote: recommendation passed.			

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
XV (Planning and Zoning)		Significant changes. See proposed language at Appendix I.	12	1		2
XVI (Civil Service and Personnel)	1 (Organization of Civil Service)	Expand size of Civil Service Board from five to seven members, to be appointed in October of odd numbered years (instead of in August) .	Voice vote: recommendation passed.			
XVI (Civil Service and Personnel)	3	Delete term "to wit".	Voice vote: recommendation passed.			
XVI (Civil Service and Personnel)	4(c)	Change word "notification" to "notice"	Voice vote: recommendation passed.			
XXII (Public Contracts)	11 (Financial Interest of Employee or Officer Prohibited)	Amend current provision regarding prohibition of financial interest in city contracts by city officers and employees.	9	2		4

**Charter Review Commission
Summary of
Final Recommendations**

Chapter	Section	CRC Recommendation	Yes	No	Abstain	Absent
XXIV (Miscellaneous Provisions)	13(a)	Change requirement regarding appointment date for board and commission members from "during August" to "beginning in August" of each year.	Voice vote: recommendation passed.			
XXIV (Miscellaneous Provisions)		Change tenure of members of commissioners and boards to end two years from October 1 (current charter reads September 1) or until successors are appointed and qualified.	Voice vote: recommendation passed.			

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER I. INCORPORATION AND TERRITORY. SEC 3
ADDITIONAL TERRITORY.

The city may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. In addition thereto, the city may annex additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with the state law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed and shall be published one time in the official newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least 30 days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.

Recommendation: Clarify the process for annexation.

Voting Action Taken: 11/19/02, voice vote

- **Recommendation passed.**

Proposed New Language: SEC 3 ADDITIONAL TERRITORY.

~~The city may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. In addition thereto, the city may annex additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with the state law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed and shall be published one time in the official newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least 30 days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.~~ or disannexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER II. POWERS OF THE CITY. SECTION 1. POWERS OF THE CITY.

See attached charter reference.

Recommendation: Add new subsection (50), giving the City the power to "adopt rules and regulations regarding campaign contributions and expenditures for City elections."

Voting Action Taken: 1/28/03, record vote

- Favor: eleven (11); Quintanilla, Rodriguez, Hicks Sr., O'Bannon, Gates, Sampson, Schrader, Lowenberg, Howell, Gerhardt & Jung
- Oppose: three (3); Cabrera, LaBrec & Laney
- Absent during voting: one (1), Sorrell

Proposed New Language: SECTION 1. POWERS OF THE CITY. SUBSECTION

(50) to adopt rules and regulations regarding campaign contributions and expenditures for City elections;

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER II. POWERS OF CITY. SEC. 1. POWERS OF THE CITY.

A provision for an **Emergency Succession Plan** does not exist in the current charter.

Recommendation: Add to Chapter II, Section 1, a provision to adopt a disaster emergency preparedness ordinance that provides for the development of a comprehensive city emergency management plan.

Voting Action Taken: 2/20/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 1. POWERS OF THE CITY SUBSECTION

(51) to adopt a disaster emergency preparedness ordinance that provides for the development and adoption of a comprehensive city emergency management plan, to take effect in the event of the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause. Such comprehensive city emergency management plan shall assure the continuity of governance, operations, and services.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER II. POWERS OF THE CITY.

Section 3 does not exist in the current charter.

Recommendation: Add new Section (3), giving the City the power to establish a Charter Review process.

Voting Action Taken: 1/30/03 & 2/13/03, voice vote

- Recommendation passed.

Propose New Language: SEC. 3. CHARTER REVIEW PROCESS.

At intervals of not more than ten years, the first interval to occur not more than ten years after adoption of this provision, the charter shall be reviewed by a commission appointed by the council. The commission shall complete the review and report to the council within a year of its appointment. Notwithstanding this provision, amendments to the charter may at any time be framed and proposed as provided for by law.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER III. CITY COUNCIL. SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by this Charter, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city and 14 members by the qualified voters residing in a particular district, Places 1 through 14 respectively, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. The city council members so elected shall take office on the first Monday following the 30th calendar day after the general election, and they shall serve until their respective successors have been elected and qualified.

Recommendation: Change term of city council members other than the mayor from two years to four years.

Voting Action Taken: 2/27/03, record vote

- Favor: eight (8); Quintanilla, Cabrera, Hicks Sr., O'Bannon, Sorrell, Lowenberg, Howell & Gates' proxy cast by Lowenberg
- Oppose: six (6); Rodriguez, Sampson, LaBrec, Schrader, Gerhardt & Jung
- Absent during voting: two (2); Gates (proxy) & Laney

Proposed New Language: SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by this Charter, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city and 14 members by the qualified voters residing in a particular district, Places 1 through 14 respectively, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. Beginning with the election of 2007, members of the council, Places 1 through 15, shall each be elected for a term of four years. The city council members so elected shall take office on the first Monday following the 30th calendar day after the general election, and they shall serve until their respective successors have been elected and qualified.

**Charter Review Commission
Final Recommendations**

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Proposed New language: SEC. 3A. LIMITATION OF TERMS.

(a) (1) A person who has served as a member of the city council other than Place 15 for four consecutive two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 until at least one term has elapsed. Beginning with the election of 2007, a person who has served as a member of the city council other than Place 15 for two consecutive two-year terms shall not be able to become a candidate for, or to serve in, any place on the city council except Place 15, until at least one term has elapsed.

(2) Notwithstanding the above, starting with the election of 2007, the following term limitations shall apply to persons elected to the city council prior to 2007:

(i) a person who has served on the city council for three consecutive two-year terms ending in 2007 is eligible to become a candidate for, or to serve in, any place on the city council, Places 1 through 14, for one four-year term and, thereafter, may become a candidate after at least one four-year term has elapsed.

(ii) a person who has served on the city council for two consecutive two-year terms ending in 2007 is eligible to become a candidate for, or to serve in, any place on the city council, Places 1 through 14, for one four-year term and, thereafter, may become a candidate after at least one four-year term has elapsed.

(iii) a person who has served on the city council for one two-year term ending in 2007 is eligible to become a candidate for, or to serve in, any place on the city council, Places 1 through 14, for two consecutive four-year term and, thereafter, may become a candidate after at least one four-year term has elapsed.

(b) A person who has served two consecutive terms as a member of the city council, Place 15, shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council until at least one term for Place 15 has elapsed.

(c) In elections prior to 2007, a "term" as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of one year, including a term from which the member resigned. Beginning with the election of 2007, a "term" as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of 731 days, including a term from which the member resigned.

(d) For the purpose of limiting terms under Subsection (b), a term includes a period of time less than four years when the period of service by a mayor during a term is in excess of 731 days.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER III. CITY COUNCIL. SECTION 3A. LIMITATION OF TERMS.

(a) A person who has served as a member of the city council other than Place 15 for four consecutive two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 until at least one term has elapsed.

(b) A person who has served two consecutive terms as a member of the city council, Place 15, shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council until at least one term for Place 15 has elapsed.

(c) A "term" as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of one year, including a term from which the member resigned.

(d) For the purpose of limiting terms under Subsection (b), a term includes a period of time less than four years when the period of service by a mayor during a term is in excess of 731 days.

Recommendation: Adopt proposed language for Chapter III, City Council, Section 3A, Limitation of Terms.

Voting Action Taken: 2/27/03, record vote

- Favor: eight (8); Quintanilla, Cabrera, Hicks Sr., O'Bannon, Sorrell, Lowenberg, Howell & Gates' proxy cast by Lowenberg
- Oppose: six (6); Rodriguez, Sampson, LaBrec, Schrader, Gerhardt & Jung
- Absent during voting: two (2); Gates (proxy) & Laney

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER III. CITY COUNCIL. SECTION 4A. COMPOSITION OF THE MEMBERS OF THE CITY COUNCIL.

Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council.

Recommendation: Create Elected Officials Compensation Commission.

Voting Action Taken: 12/12/03 & 2/17/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 4A. ELECTED OFFICIALS COMPENSATION COMMISSION.

(a) Creation. There is hereby created an elected officials compensation commission which shall make Recommendations to the city council regarding the salaries of the mayor and council members.

(b) (1) Composition: appointment. The elected officials compensation commission shall consist of fifteen members, each of whom shall be appointed by one member of the council. The chair of the commission shall be designated by the mayor, from time to time, from among the appointed members of the commission. Each member must be a qualified voter of the city at the time of the appointment and at all times during the term of office. No member of the council or employee of the city or family member of any such member or employee shall be eligible to be a member of the commission. A member of the commission shall not serve as a member of the city council for a period of two years following the conclusion of such member's service on the commission.

(2) Term of office. Except as provided herein, the term of office of each member shall be four years. All terms shall expire on September 30, with the terms of seven members expiring two years apart from the terms of eight members. Members may serve no more than two terms in succession. Initial members of the commission shall be appointed within 90 days after the effective date of this provision, seven of whom (including the mayor's appointee) shall serve until September 30, 2005.

(3) Vacancies. If a vacancy occurs before the expiration of a member's term, the vacancy shall be filled to complete the term in the same manner as prescribed for the original appointment.

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(c) Powers and duties. At least one year prior to each regular general election of the city, the commission shall recommend to the council the amount of compensation which it deems appropriate for the mayor and members of council. No Recommendation shall be made except upon the affirmative vote of eight members of the commission. Recommendations, with supporting rationale, shall be made in writing. Prior to the submission of any Recommendation to the council, the commission shall conduct at least one public hearing on the matter. Any recommended compensation shall be an amount which takes into account the nature of the office, the financial condition of the city, and such other information as the commission deems relevant, and which is commensurate with salaries then being paid for other public positions having similar duties, responsibilities, or obligations. The amount recommended for each member of the council shall be the same, except that the amount recommended for the mayor may exceed that of the members of the council. Any Recommendation from the commission shall be approved or rejected by vote of the council not later than six months prior to the next succeeding general election of the city. Any recommended increase of more than 10% of the then current salary of the mayor or other council members, or both, may be limited by vote of the council to an increase of 10%. The commission shall not recommend a reduction of the mayor's salary below \$60,000, or a reduction of the salaries of other members of the council below \$37,500.

(d) Effective date of Recommendations. If approved by the council, a Recommendation of the commission shall become effective on October 1 next following such approval, provided that any recommended increase in excess of 10% of the then current salary of the mayor or other council members, or both, shall become effective on such October 1 only with the prior approval of such increase by qualified voters in a general election of the city.

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Current Charter Language: CHAPTER III. CITY COUNCIL SEC. 5. VACANCIES IN THE CITY COUNCIL; HOW FILLED.

A provision for an emergency Succession Plan does not exist in the current charter.

Recommendation: Add to Chapter II, Section 5, a provision to empower the city attorney to initiate court action, in the event of the simultaneous death or disability of all of the members of the city council.

Voting Action Taken: 2/20/03, record vote

- Favor: eleven (11); Quintanilla, Rodriguez, Cabrera, Hicks Sr., O'Bannon, Sorrell, Schrader, Lowenberg, Gerhardt, Jung & Laney
- Absent during voting: four (4); Gates, Howell, LaBrec, & Sampson

Proposed New Language: CHAPTER III. CITY COUNCIL SEC. 5. VACANCIES IN THE CITY COUNCIL; HOW FILLED.

(d) In the event of the death or disability of all members of the city council for any reason, so that the governing body of the city is unable to call an election to fill those places on the city council that are vacant, the city attorney is authorized to institute an action on behalf of the city in the district court of Dallas County, Texas, to obtain an appropriate order declaring an emergency and calling a special election to fill the places on the city council that are vacant. In the event state law provides for the manner and method of calling such special election, then state law shall be followed in lieu of the city attorney's instituting court action.

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Final Recommendations**

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Current Charter Language: CHAPTER III. CITY COUNCIL.

A related section does not exist in the current charter.

Recommendation: Add a new Section, Council Meeting Agenda that enables the mayor, the city manager, or three members of the city council may place any item on any **city council agenda**.

Voting Action Taken: 1/9/03 & 2/13/03, voice vote

- **Recommendation passed.**

Proposed New Language: CHAPTER III. CITY COUNCIL. SEC. 8A. AGENDA.

The mayor, the city manager, or three members of the city council may place any item on any city council agenda. The city council may establish rules limiting the consideration of items previously voted upon or tabled.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER III. CITY COUNCIL. SECTION 14. PROFESSIONAL AND SECRETARIAL ASSISTANCE TO MAYOR AND COUNCIL.

The city manager shall provide professional and secretarial assistance to the council as may be needed for the performance of their official duties. In addition, the council may provide for an assistant to the council to represent the mayor and the council at ceremonial occasions. Personnel filling these positions shall not be subject to civil service.

Recommendation: Enable mayor and council to hire and fire their staffs.

Voting Action Taken: 12/12/03 & 12/17/03, voice vote

- Recommendation passed.

Proposed New Language: CHAPTER III. CITY COUNCIL. SECTION 14. PROFESSIONAL AND SECRETARIAL ASSISTANCE TO MAYOR AND COUNCIL.

The city ~~manager~~council shall ~~provide~~authorize the employment of professional and secretarial assistance~~administrative assistants to aid the council as may be needed for~~the performance of their~~its~~official duties. ~~In addition, the council may provide for an assistant to the council to represent the mayor and the council at ceremonial occasions.~~ Assistants to individual council members shall be appointed and discharged by the respective council members. Personnel filling these positions shall not be subject to civil service.

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Final Recommendations**

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Current Charter Language: CHAPTER III. CITY COUNCIL.

This section does not exist in the current charter.

Recommendation: Establish district offices at city owned facilities.

Voting Action Taken: 1/7/03 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: CHAPTER III. CITY COUNCIL. SEC. 14A. DISTRICT OFFICES.

The city council may authorize the establishment of district offices at city-owned facilities to aid in the performance of its official duties.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER III. CITY COUNCIL. SECTION 20. CITY TREASURER & SELECTION OF CITY DEPOSITORY.

There shall be an officer appointed by the city council to be known as the city treasurer who shall have the custody of all the public moneys, funds, notes, bonds and other securities belonging to the city. The office of city treasurer shall be let by contract to the highest and best bidder, in the discretion of the council. He shall be appointed for a two year term and serve until his successor shall be duly qualified. Prior to the appointment of the city treasurer, the city council shall advertise for bids for said office, stating what said bids shall specify and the terms on which the bids shall be received; except, that the city council, in its discretion, may appoint the city treasurer for one additional two-year term and extend the contract for two years without re-advertising for bids. The city treasurer appointed by contract shall be an independent contractor, but shall be subject to the same duties as a city treasurer otherwise selected. Said treasurer shall give such bond as the council may require, conditioned on the faithful discharge of his duties, and in addition to such bond the city may require the treasurer to hypothecate securities in such amount as it shall prescribe. He shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the director of finance, after authorization of the city council. He shall render a full and correct statement of his receipts and payments to the city manager and the city council, on or before the 10th day of each month, and at such other time or times as the city manager or council may require, such statement to be made in such form as the city manager may prescribe. The treasurer shall perform such other acts and duties as the council may prescribe. He shall receive for his services \$5 per annum.

Recommendation: Delete the office of City Treasurer from the charter. The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer. The Recommendation was amended to include language that gives the city manager authority to designate an employee of the City of Dallas as the City Treasurer.

Voting Action Taken: 11/7/02 & 2/13/03, voice vote

Recommendation passed.

Proposed New Language: SEC. 20. CITY TREASURER. AND SELECTION OF CITY DEPOSITORY.

~~There shall be an~~

~~(a) The person designated by the city manager as the chief financial officer appointed by of the city council to be known shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds and other securities belonging to the city. The office of city treasurer shall be let by contract to the highest and best bidder, in the discretion of the council. He shall be appointed for a two year term and serve until his successor shall be duly qualified. Prior to the appointment of the city treasurer, the city council shall advertise for bids for said office, stating what said bids shall specify and the terms on which the bids shall be received; except, that the city council, in its discretion, may appoint the city treasurer for one additional two-year term and extend the contract for two years without re-advertising for bids. The city treasurer appointed by contract shall be an independent contractor, but shall be subject to the same duties as a city treasurer otherwise selected. Said city treasurer shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and in the premium of such bond shall be paid by the city. In addition to such bond, the city may require the treasurer to hypothecate securities in such amount as it shall prescribe. He~~

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(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance with state law, select and designate more than one such depository. The city treasurer shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the ~~director of finance~~city controller, after authorization of the city council. He The city treasurer shall ~~render~~ensure that a full and correct statement of his receipts and payments is provided to the city manager and the city council, on or before the 10th day of each month, and at such other time or times as the city manager or council may require, such statement to be made and in such form as the city manager may prescribe. The city treasurer shall perform such other acts and duties as the council may prescribe. He shall receive for his services \$5 per annum city manager may prescribe.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER III. CITY COUNCIL.

A related section does not exist in the current charter.

Recommendation: Insert Section 21 provision: "The city council shall adopt a **code of ethics** as authorized by Section 1(49) of Chapter II of this charter.

Voting Action Taken: 2/13/03, record vote

- Favor: ten (10); Quintanilla, Rodriguez, Hicks, Sr., Sorrell, LaBrec, Lowenberg, Howell, Gerhardt, Jung & Laney
- Oppose: one (1); Gates
- Absent during voting: four (4); Cabrera, O'Bannon, Sampson, & Schrader

Proposed New Language: SEC. 21.CODE OF ETHICS.

The city council shall adopt a code of ethics as authorized by Section 1(49) of Chapter II of this charter.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER IIIA. CITY SECRETARY. SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of his appointment or until his successor is appointed and qualified, unless sooner discharged by the council. He shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his term of office except upon a two-thirds vote of all of the members of the council. He shall receive such compensation as shall be fixed by the council.

Recommendation: Make gender references neutral.

Voting Action Taken: 11/17/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of his appointment or until ~~his~~the city secretary's successor is appointed and qualified, unless sooner discharged by the council. ~~He~~ The city secretary shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his or her term of office except upon a ~~two-thirds~~majority vote of all of the members of the council. ~~He~~ The city secretary shall receive such compensation as shall be fixed by the council.

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**Charter Review Commission
Final Recommendations**

Current Charter Language: CHAPTER IIIA. CITY SECRETARY. SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of his appointment or until his successor is appointed and qualified, unless sooner discharged by the council. He shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his term of office except upon a two-thirds vote of all of the members of the council. He shall receive such compensation as shall be fixed by the council.

Recommendation: Change provision requiring 2/3 vote of council to terminate city secretary to requirement of simple majority of full council for termination.

Voting Action Taken: 1/9/03 & 2/11/03, record vote

- Favor: nine (9); Sorrell, LaBrec, Schrader, Lowenberg, Howell, Jung, Laney, Gerhardt & Rodriguez
- Oppose: five (5); Quintanilla, Gates, Hicks Sr., O'Bannon & Sampson
- Abstain: one (1); Cabrera

Proposed New Language: CHAPTER IIIA. CITY SECRETARY. SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of ~~his~~ appointment or until ~~his~~ the city secretary's successor is appointed and qualified, unless sooner discharged by the council. ~~He~~ The city secretary shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his or her term of office except upon a ~~two-thirds~~ majority vote of all of the members of the council. ~~He~~ The city secretary shall receive such compensation as shall be fixed by the council.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER IIIA. CITY SECRETARY. SEC. 2. ASSISTANTS & EMPLOYEES.

The council shall provide the city secretary with such assistants as it may deem necessary and they shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city secretary with the consent of the city council. All powers and duties imposed on the city secretary may be exercised and performed by any assistant under his direction.

Recommendation: Delete "with the consent of the city council."

Voting Action Taken: 11/17/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 2. ASSISTANTS AND EMPLOYEES.

The council shall provide the city secretary with such assistants as it may deem necessary and they shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city secretary ~~with the consent of the city council~~. All powers and duties imposed on the city secretary may be exercised and performed by any assistant under ~~his~~ the city secretary's direction

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER IV. ELECTIONS & REFERENDUMS. SECTION 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after February 1 of each odd-numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in April of odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

Recommendation: General elections for the purpose of electing members of the city council shall be held on the first authorized election date after ~~February~~ March 1 of each odd-numbered year.

Voting Action Taken: 11/17/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after ~~February 1 of each odd-numbered year.~~ March 1 of each odd-numbered year through the year 2005. Beginning in 2007, general elections for the purpose of electing members of the city council shall be held quadrennially on the first authorized election date after March 1. If state law does not restrict election dates, the city council shall by ordinance establish an election date in ~~April~~ May of odd-numbered years ~~through the year 2005.~~ Beginning in 2007 and quadrennially thereafter, if state law does not restrict election dates, the city council shall by ordinance establish an election date in May. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER IV. ELECTIONS AND REFERENDUMS. SEC. 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after February 1 of each odd-numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in April of odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

Recommendation: Adopt the proposed language for Chapter IV, Elections and Referendums, Section 3, General Election.

Voting Action Taken: 2/27/03, record vote

- Favor: eight (8); Quintanilla, Cabrera, Hicks Sr., O'Bannon, Sorrell, Lowenberg, Howell & Gates' proxy cast by Lowenberg
- Oppose: six (6); Rodriguez, Sampson, LaBrec, Schrader, Gerhardt & Jung
- Absent during voting: two (2); Gates (proxy) & Laney

Proposed New Language: SEC. 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after ~~February 1 of each odd-numbered year.~~ March 1 of each odd-numbered year through the year 2005. Beginning in 2007, general elections for the purpose of electing members of the city council shall be held quadrennially on the first authorized election date after March 1. If state law does not restrict election dates, the city council shall by ordinance establish an election date in ~~April~~ May of odd-numbered years; ~~through the year 2005.~~ Beginning in 2007 and quadrennially thereafter, if state law does not restrict election dates, the city council shall by ordinance establish an election date in May. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER IV. ELECTIONS & REFERENDUMS.

Recommendation: In all applicable sections of Chapter IV, change council terms from two years to four years.

Voting Action Taken: 2/27/03, record vote

- Favor: eight (8); Quintanilla, Cabrera, Hicks Sr., O'Bannon, Sorrell, Lowenberg, Howell & Gates' proxy cast by Lowenberg
- Oppose: six (6); Rodriguez, Sampson, LaBrec, Schrader, Gerhardt & Jung
- Absent during voting: two (2); Gates (proxy) & Laney

**Proposed New Language: CHAPTER IV. ELECTIONS & REFERENDUMS. SEC. 3.
GENERAL ELECTION.**

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after ~~February 1 of each odd-numbered year.~~ March 1 of each odd-numbered year through the year 2005. Beginning in 2007, general elections for the purpose of electing members of the city council shall be held quadrennially on the first authorized election date after March 1. If state law does not restrict election dates, the city council shall by ordinance establish an election date in ~~April~~ May of odd-numbered years ~~through the year 2005.~~ Beginning in 2007 and quadrennially thereafter, if state law does not restrict election dates, the city council shall by ordinance establish an election date in May. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

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Final Recommendations**

Current Charter Language: CHAPTER IV. ELECTIONS & REFERENDUMS.

A related section does not exist in the current charter.

Recommendation: Add new section 13, Disclosure of Candidate Contributions, provision-requiring publication of contributions to candidates for city council within certain deadlines before and after council elections.

Voting Action Taken: 2/4/03, record vote

- Favor: ten (10); Rodriguez, O'Bannon, Sorrell, Gates, Sampson, Schrader, Gerhardt, Lowenberg, Jung & Laney
- Oppose: three (3); Quintanilla, Cabrera & Hicks Sr,
- Abstain: two(2); LaBrec & Howell

Proposed New Language: SEC. 13. DISCLOSURE OF CANDIDATE CONTRIBUTIONS.

(a) The city secretary shall cause to be published, in a newspaper of general circulation or on the city's website, on at least two separate dates twenty and two days, respectively, prior to each election or recall election, a notice disclosing the name and contribution amount of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council that have been reported to the city secretary prior to the dates of publication.

(b) The city secretary shall also cause to be published, in a newspaper of general circulation or on the city's website, a notice disclosing the name and contribution amount of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council reported to the city secretary following any election or recall election.

(c) The city council shall provide sufficient resources to the city secretary to implement this mandate.

**Charter Review Commission
Final Recommendations**

Current Charter Language: CHAPTER VI. THE CITY MANAGER. SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. The manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration, and need not, when appointed, be a resident of the City of Dallas or the State of Texas. No member of the council shall, during the time for which elected, be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council upon a two-thirds vote of the members of the council unless otherwise provided by contract. He shall be given at least 60 days' notice prior to his removal from office. If removed after serving three months he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. The city manager shall receive such compensation as may be fixed by the council.

Recommendation: Insert provision clarifying that majority of full council must approve appointment of the city manager.

Voting Action Taken: 1/903 & 2/11/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The council shall, by a majority vote of all members of the council, appoint a city manager, who shall be the chief administrative and executive officer of the city. The manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration, and need not, when appointed, be a resident of the City of Dallas or the State of Texas. No member of the council shall, during the time for which elected, be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council upon a two-thirds vote of the members of the council unless otherwise provided by contract. He shall be given at least 60 days' notice prior to his removal from office. If removed after serving three months he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. The city manager shall receive such compensation as may be fixed by the council.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER VII. LEGAL DEPARTMENT. SECTION 1. CREATION OF LEGAL DEPARTMENT; APPOINTMENT OF CITY ATTORNEY.

There is hereby created a department to be known as the legal department. The director or head of this department shall be a competent practicing attorney of recognized ability residing in the city, and he shall be known as the city attorney. He shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two years from the date of his appointment and thereafter until his successor is appointed, unless sooner discharged by the council, and he shall not be discharged during his term of office except after a public hearing upon written charges and upon a two-thirds vote of the members of the city council. He shall receive such compensation as shall be fixed by the council at the time of his appointment and such compensation shall not be diminished during the term for which he is appointed.

Recommendation: Change provision requiring 2/3 vote of council to terminate city attorney to requirement of simple majority of full council for **termination**.

Voting Action Taken: 1/9/03 & 2/11/03, record & voice vote

- Favor: eight (8); Rodriguez, Gerhardt, Sampson, LaBrec, Schrader, Lowenberg, Howell & Jung
- Oppose: six (6); Quintanilla, Hicks Sr., O'Bannon, Sorrell, Gates & Laney
- Abstain: one (1), Cabrera

Proposed New Language: SEC. 1. CREATION OF LEGAL DEPARTMENT; APPOINTMENT OF CITY ATTORNEY.

There is hereby created a department to be known as the legal department. The director or head of this department shall be a competent practicing attorney of recognized ability residing in the city, and he shall be known as the city attorney. He shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two years from the date of his appointment and thereafter until his successor is appointed, unless sooner discharged by the council, and he shall not be discharged during his term of office except after a public hearing upon written charges and upon a two-thirds majority vote of the all members of the city council. He shall receive such compensation as shall be fixed by the council at the time of his appointment and such compensation shall not be diminished during the term for which he is appointed.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER IX. CITY AUDITOR. SECTION 1. SELECTION OF CITY AUDITOR.

There is hereby created the office of city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance.

Recommendation: Change Section 1 title to "Appointment; Removal; Compensation"

Voting Action Taken: 10/28/02, voice vote

- Recommendation passed.

Proposed New Language: ~~SEC. 1. SELECTION OF CITY AUDITOR.~~ SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER IX. CITY AUDITOR. SECTION 1. SELECTION OF CITY AUDITOR.

There is hereby created the office of city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance.

Recommendation: Insert provision clarifying that **appointment** of city auditor must be approved by majority of full council

Voting Action Taken: 2/11/03, voice vote

- **Recommendation passed.**

Proposed New Language: SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION

(a) There is hereby created the office of city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be appointed by the city council, after being nominated in accordance with a nomination procedure established by ordinance. Appointment or reappointment of the city auditor must be made by a majority vote of all members of the city council.

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Final Recommendations**

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Current Charter Language: CHAPTER IX. CITY AUDITOR. SECTION 1. SELECTION OF CITY AUDITOR.

There is hereby created the office of city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance.

Recommendation: Add provision-establishing requirement of vote of majority of full city council to terminate city auditor.

Voting Action Taken: 1/9/03, 2/11/03 & 2/18/03, record & voice vote

- Favor: thirteen (13); Rodriguez, O'Bannon, LaBrec, Howell, Cabrera, Hicks Sr., Gates, Sampson, Schrader, Gerhardt, Lowenberg, Jung & Laney
- absent: two (2); Quintanilla & Sorrell

Proposed New Language: SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

(b) The city auditor shall serve for a period of four years from the date of appointment and thereafter until a successor is appointed, unless sooner discharged by the council. The city auditor shall not be discharged during the appointed term of office except after a public hearing upon written charges and by a majority vote of all members of the city council.

**Charter Review Commission
Final Recommendations**

031587

Current Charter Language: CHAPTER IX. CITY AUDITOR. SECTION 1. SELECTION OF CITY AUDITOR.

There is hereby created the office of city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance.

Recommendation: Add provision stating that council shall **fix compensation** of City Auditor and that such **compensation** shall not be diminished during the term of the auditor.

Voting Action Taken: 11/18/02, record vote

- Favor: ten (10); Rodriguez, Cabrera, O'Bannon, Sorrell, Schrader, Lowenberg, Howell, Gerhardt, Jung & Laney
- Oppose: two (2); Hicks Sr. & Gates
- Abstain: one (1); Sampson
- Absent during voting: two (2); Qunintanilla & LaBrec

Proposed New Language: SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

(c) The city auditor shall receive such compensation as shall be fixed by the council at the time of appointment, and such compensation shall not be diminished during the term for which the city auditor is appointed.

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Current Charter Language: CHAPTER IX. CITY AUDITOR.

A related section does not exist in the current charter.

Recommendation: Insert a section titled "Assistants and Employees," and move the current Section 2 wording to Section 3. Section 2 shall provide the city auditor with such assistants as it shall deem necessary.

Voting Action Taken: 11/18/02, record vote

- Favor: twelve (12); Rodriguez, Cabrera, O'Bannon, Sorrell, Lowenberg, Howell, Gerhardt, Hicks Sr., Gates, Sampson, Jung & Laney
- Oppose: one (1); Schrader
- Absent during voting: two (2); Quintanilla & LaBrec

Proposed New Language: SEC. 2. ASSISTANTS AND EMPLOYEES.

The council shall provide the city auditor with such assistants as it may deem necessary, and those assistants shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city auditor. All powers and duties imposed on the city auditor may be exercised and performed by any assistant under the city auditor's direction.

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Current Charter Language: CHAPTER IX. CITY AUDITOR. SECTION 2. DUTIES OF THE CITY AUDITOR.

The city auditor shall have the following duties and responsibilities:

- (1) monitoring and surveillance of the city's accounting and property records, funds, general accounting system, and records of city officers authorized to receive money or other property belonging to the city;
- (2) examination of the books, accounts, reports, vouchers, and records of city officers, of funds of the city, and of funds for which the city is responsible as trustee;
- (3) appraisal and verification of the accounting accuracy of financial records, statements, and reports, and determination that generally accepted accounting procedures and principles are followed;
- (4) evaluation of the adequacy of the city's accounting system and controls;
- (5) reporting to the city council, the city council finance committee, and the city manager any irregularities or failures to maintain adequate and accurate records;
- (6) making such studies and reports as the city council shall request or approve as to the efficiency, economy and effectiveness of the programs, projects or departments, reporting such data to the city council, the city council finance committee, and the city manager.

Recommendation: Move "Duties of the City Auditor" from Section 2 to Section 3. The current Section 3 "Special Audit" will become Section 4. Revise and add other duties and responsibilities for the city Auditor. Also include submission of an annual audit plan that delineates resources required to accomplish the plan.

Voting Action Taken: 11/18/02, record vote

- Favor: thirteen (13); Rodriguez, Cabrera, O'Bannon, Sorrell, Lowenberg, Howell, Gerhardt, Hicks Sr., Gates, Sampson, Schrader, Jung & Laney
- Absent during voting: two (2); Quintanilla & LaBrec

Proposed New Language: SEC. 3. DUTIES OF THE CITY AUDITOR.

The city auditor shall have the following duties and responsibilities:

- (1) ~~monitoring and surveillance of~~ Conducting financial audits, compliance audits, economy and efficiency audits, special audits, and investigations

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- (2) Conducting, at the direction of the city council or the city council finance committee, an audit or investigation of any entity receiving funds from the city.
- (3) Ensuring the quality and accuracy of information received for business decision-making and for improvement of the processes and controls used to effectively manage city resources.
- (4) Monitoring and evaluating the city's accounting and property records, funds, general accounting system, and records of city officers authorized to receive money or other property belonging to the city.
- (2) ~~examination of~~ (5) Examining the books, accounts, reports, vouchers, and records of city officers, of funds of the city, and of funds for which the city is responsible as trustee.
- (3) ~~appraisal~~ (6) Appraising and verification of ~~verifying~~ the accounting accuracy of financial records, statements, and reports, and determination ~~determining~~ that generally accepted accounting procedures and principles are followed.
- (4) ~~evaluation of~~ (7) Evaluating the adequacy of the city's accounting system and controls.
- (5) ~~reporting~~ (8) Reporting to the city council, the city council finance committee, and the city manager any irregularities or failures to maintain adequate and accurate records.
- (6) ~~making~~ (9) Making such studies and reports as the city council shall request or approve as to the efficiency, economy and effectiveness of the programs, projects or departments, and reporting such data to the city council, the city council finance committee, and the city manager.
- (10) Acting, on behalf of the city, as liaison to external auditing agencies that are reviewing or auditing city operations or city programs that may be federally or state funded.

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Current Charter Language: CHAPTER IX. CITY AUDITOR. SECTION 3. SPECIAL AUDIT.

Upon the death, resignation, removal or expiration of the term of any officer of the city, other than the city auditor, the city auditor shall cause an audit and investigation of the accounts of such officer to be made and shall report to the city manager and the council. Either the council or the city manager may at any time provide for an investigation or audit of the accounts of any officer or department of the city government. In case of the death, resignation or removal of the city auditor, the city manager shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the city, the city auditor, or other person making such audit, shall immediately give notice thereof to the council, the city manager and the city attorney; and the latter shall, as directed by the city council, forthwith proceed to collect such indebtedness.

Recommendation: The "Special Audit" will become **Section 4**. The Recommendation provides for wording changes that clarify this section.

Voting Action Taken: 11/18/02 & 2/13/03, record & voice vote

- Favor: thirteen (13); Rodriguez, Cabrera, O'Bannon, Sorrell, Lowenberg, Howell, Gerhardt, Hicks Sr., Gates, Sampson, Schrader, Jung & Laney
- Absent during voting: two (2); Quintanilla & LaBrec

Proposed New Language: SEC. 3,4, SPECIAL AUDIT.

Upon the death, resignation, removal or expiration of the term of any officer of the city, other than the city auditor, the city auditor shall cause an audit and investigation of the accounts of such officer to be made and shall report to the city manager and the council. Either the council or the city manager may at any time provide for an investigation or audit of the accounts of any officer or department of the city government. In case of the death, resignation or removal of the city auditor, the city manager shall cause an audit to be made of ~~his~~the city auditor's accounts. If, as a result of any such audit, an officer ~~beis~~to be found indebted to the city, the city auditor, or other person making such audit, shall immediately give notice ~~thereof~~of such indebtedness to the council, the city manager and the city attorney; and the ~~latter~~city attorney shall, as directed by the city council, ~~forthwith~~ proceed to collect such indebtedness.

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Current Charter Language: CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

SEC. 1. ANNUAL BUDGET ESTIMATE.

The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. On the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.

SEC. 2. BUDGET ESTIMATES TO BE FURNISHED CITY MANAGER BY ALL DEPARTMENTS NOT UNDER HIS IMMEDIATE DIRECTION.

Every department of the city government not under the direct control of the city manager shall furnish to the city manager, for use in the preparation of his Recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year.

SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in the official newspaper of the city with a separate schedule setting forth the items in the manager's estimate which were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.

Recommendation: Adopt proposed budget language changes for Chapter XI. Sections 1-3.

Voting Action Taken: 2/20/03, voice vote

- Recommendation passed.

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Proposed New Language: SEC. 1. ANNUAL RECOMMENDED BUDGET ESTIMATE.

(a) Fiscal year. The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. On the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.

(b) Budget. The budget shall consist of operating and capital budgets, and shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require for effective management and an understanding of the relationship between the budget and the city's strategic goals. The budget shall begin with a clear summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailing for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;

(2) Proposed long-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditures, and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city, and methods to measure outcomes and performance related to the goals. For any such fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(4) The capital program shall include;

(i) A clear general summary of its contents;

(ii) Identification of the long-term goals of the city;

(iii) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;

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(iv) Cost estimates and recommended time schedules for each improvement or other capital expenditure;

(v) Method of financing upon which each capital expenditure is to be reliant;

(vi) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;

(vii) A commentary on how the plan addresses the sustainability of the economic, sociological, and physical health of the city; and

(viii) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the city.

The above items (i) through (viii) shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(c) Recommended budget and budget message. On or before the first day of August of each year, the city manager shall submit to the council recommended budgets for the next fiscal year and an accompanying message.

~~SEC. 2. BUDGET ESTIMATES TO BE FURNISHED CITY MANAGER BY ALL DEPARTMENTS NOT UNDER HIS IMMEDIATE DIRECTION.~~

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and city priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the city manager deems desirable.

(d) Budget development. The city council shall adopt, and may from time to time modify, procedures for preparation, review, and amendment of the manager's recommended operating, capital, and grants and trusts budgets. These procedures shall include at least the following steps in sequence. The council shall prescribe similar steps by the council for preparation and adoption of a consolidated plan budget or other budgets for grant-funded activities, to reflect special requirements of federal and state laws.

(1) On or before April 15 of each year, the city manager shall provide to the council early estimates of revenues and expenditures for the current and next fiscal years.

(2) The council shall hold a first public hearing on the operating, capital, and grants and trusts budget, to receive proposals for the budget program for the next fiscal year.

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(3) The city manager shall consult with each council member, at the member's request, on proposals by the members for operating, capital, and grants and trusts budgets for the next fiscal year.

(4) Council members choosing to do so may file written proposals with the city manager by May 15, regarding operating, capital, and grants and trusts budgets for the next fiscal year. Such proposals shall be considered by the city manager in the development of the recommended budgets, and shall be included, with fiscal notes, as an information appendix to the recommended budget.

(5) Every department of the city government not under the direct control of the city manager shall furnish to the city manager, for use in the preparation of his Recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year.

(6) On or before August 1 of each year, the city manager shall present to the city council the recommended operating, capital, and grants and trusts budgets for the next fiscal year.

(7) On or before August 20 of each year, the city manager shall update the operating and capital budget with the latest revised estimates of revenues and expenditures.

(8) During the six weeks following presentation of the recommended budgets, the city council shall hold one or more public hearings on the recommended budgets, to be held before the entire council sitting as a committee of the whole.

SEC. 2. BUDGET ADOPTION.

The city council shall adopt the operating and capital budgets on or before the 30th day of September of the fiscal year currently ending.

SEC. 3. ANNUAL APPROPRIATION ORDINANCE AND TAX LEVY ORDINANCES.

Upon receipt of the city manager's estimate, the council shall ~~call a~~ hold one or more public hearinghearings upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearing(s), the city council shall pass on first reading the appropriation ordinance and shall cause it to be published in the official newspaper of the city ~~with~~ and on the city's internet website; these publications shall include a separate schedule setting forth the items in the manager's ~~estimate~~ recommended budget which were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least ~~10~~ten days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein shall become available on October 1, the beginning of the next fiscal year. ~~Following the final passage of the appropriation ordinance, the~~ The city council shall, by ordinance, levy the taxes for the current year.

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SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written Recommendation of the city manager, the city council may at any time transfer an ~~unincumbered~~unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.

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Current Charter Language: CHAPTER XI. THE BUDGET & FINANCIAL PROCEDURE RELATING THERETO.

Section 6. Expenditures Only Pursuant to Appropriations.

The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. On the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.

Section 7. Accounts of Appropriations.

Accounts shall be kept for each item of appropriation made by the council and every warrant on the city treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the council, the amount drawn thereon, the unpaid obligations charged against it and the unincumbered balance to the credit thereof.

Recommendation: Change "city treasurer" to "city treasury".

Voting Action Taken: 11/17/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city ~~treasurer~~treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the city secretary shall forthwith give notice to the city manager. At the close of each fiscal year the ~~unincumbered~~unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city which will not be completed within the current year.

SEC. 7. ACCOUNTS OF APPROPRIATIONS.

Accounts shall be kept for each item of appropriation made by the council and every warrant on the city treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the council, the amount drawn thereon, the unpaid obligations charged against it and the ~~unincumbered~~unencumbered balance to the credit thereof.

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Current Charter Language: CHAPTER XI. THE BUDGET & FINANCIAL PROCEDURE RELATING THERETO. SECTION 10. MONEY DEEMED IN TREASURY.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come in the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service product, or by-products, or from any city undertaking, fees, charges, accounts and bills receivable, or other credits in process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the city treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in the process of delivery, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

Recommendation: Add language "and moneys to be derived from the sale of lawfully authorized commercial paper notes," after phrase "process of delivery," and before word "shall."

Voting Action Taken: 2/6/03 & 2/11/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 10. MONEY DEEMED IN TREASURY.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come in the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service product, or by-products, or from any city undertaking, fees, charges, accounts and bills receivable, or other credits in process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the city treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in the process of delivery, and moneys to be derived from the sale of lawfully authorized commercial paper notes, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

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Current Charter Language: CHAPTER XI. THE BUDGET & FINANCIAL PROCEDURE RELATING THERETO. SECTION 13. DISPOSITION OF FUNDS.

The director of revenue and taxation [finance] shall pay over to the city treasurer all moneys collected by him and belonging to the city within a period of 24 hours after receiving the same. Should he fail to do so, he and his sureties on his bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.

Recommendation: Change director of revenue & taxation finance to **city controller**; add the word "**into**"; and change "**treasurer**" to "**treasury.**"

Voting Action Taken: 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 13. DISPOSITION OF FUNDS.

~~The director of revenue and taxation [finance]~~ city controller shall pay over ~~to~~ into the city ~~treasurer~~ treasury all moneys collected by ~~him~~ the city controller and belonging to the city within a period of 24 hours after receiving the same. ~~Should he fail~~ such moneys. ~~Upon failure~~ to do so, ~~he~~ the city controller and ~~his~~ the sureties on ~~his~~ the city controller's bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.

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Current Charter Language: CHAPTER XIII. FIRE DEPARTMENT.

See below in the new language proposed section Chapter XIII. Fire Department.

Recommendation: Change name of department to "Dallas Fire & Rescue Department," and change all references throughout charter to conform.

Voting Action Taken: 11/7/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 1. CREATION OF FIRE-RESCUE DEPARTMENT; PERSONNEL.

There is hereby created a fire-rescue department of the City of Dallas, at the head of which shall be the chief of the fire-rescue department. The fire-rescue department shall be composed of the chief of the fire-rescue department, whose office is hereby created and established, and other unclassified positions of assistants, limited to the two grades or ranks immediately below the grade or rank of chief, and classified employees as the council may provide by ordinance upon the Recommendation of the city manager. The chief of the fire-rescue department shall designate the order of succession of the assistant chiefs, who shall perform the duties of the chief in the event of the chief's disability, absence from the city, or inability to perform duties from any other cause.

SEC. 2. DUTIES.

The chief of the fire-rescue department shall:

- (1) have exclusive control of the stationing and transfer of all firefighters and other officers and employees constituting the fire-~~fire~~-rescue department, under such rules and regulations as may be established by the city manager, to whom the chief shall be immediately responsible, or according to the ordinances of the city;
- (2) take all necessary measures to protect the city and the property of its citizens from destruction by fire or conflagration;
- (3) devote the chief's entire time to the discharge of official duties, and shall not be absent from the city except in the performance of official duties, unless granted a written leave by the city manager;
- (4) classify the fire-rescue service of the city in conformity with the ordinances of the city council concerning the number of persons to be employed therein and make rules for the regulation and discipline of such service and the employees;
- (5) prescribe the uniform and badges for the members of the fire-rescue department;

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(6) provide fire-rescue equipment, personnel, and services for emergency use;

(7) perform such other duties as may be required by the city manager or by ordinance of the city council.

SEC. 3. REMOVAL OF CHIEF OR ASSISTANTS.

If the chief of the fire-rescue department, or any assistant provided for by council ordinance, was selected to that position from the ranks of the fire-rescue department and is removed from the position on account of unfitness for the discharge of the duties of the position, and not for any cause justifying dismissal from the service, the chief or the assistant shall be restored to the rank and grade held prior to appointment to the position, or reduced to a lower appointive rank.

SEC. 4. APPOINTMENT OF MEMBERS.

The members of the fire-force-rescue department, other than the chief of the fire-rescue department and the chief's assistants provided for by council ordinance, shall be certified from the list of eligibles prepared by a civil service commission, in accordance with such rules and regulations as may be prescribed by the civil service commission; provided, however, that in case of civil disturbance, the city manager or the chief of the fire-rescue department may appoint additional firefighters and officers for temporary service, who need not be in the classified service.

SEC. 5. ADDITIONAL COMPENSATION FOR CONTINUOUS SERVICE.

All firefighters and other uniformed personnel of the fire-rescue department shall receive additional compensation for continuous service as is provided by the laws of the State of Texas and, in the absence of such provisions, as is provided for by ordinances of the city.

SEC. 6. DESTRUCTION OF BUILDINGS.

When any building in the city is on fire, it shall be lawful for the chief of the fire department or any assistant fire-chief of the fire-rescue department, with the concurrence of the city manager, to direct such building, or any buildings that they may deem hazardous and likely to communicate fire to other buildings, to be torn down, blown up, or destroyed, and no action shall be maintained against any person or against the city therefor. Any person interested in any building so destroyed or injured may, within six months, and not thereafter, apply in writing to the council to assess and pay the damages claimed to have been sustained. If the council and the claimant cannot agree upon the terms of adjustment, then the application of the claimant shall be referred for decision to three disinterested arbitrators, who shall be qualified voters and owners of real estate within the city. One arbitrator shall be appointed by the claimant, and one by the council, and the third by both arbitrators previously selected, and the decision of the majority shall constitute the award in the case. The arbitrators shall be sworn to faithfully execute their duties according to the best of their ability. They shall have power to subpoena and administer oaths to witnesses; to give all parties a fair and impartial hearing; and to give reasonable notice beforehand of the time and place of the hearing. They shall take into account the probability as to whether the building would have been

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destroyed by fire if it had not been pulled down and destroyed and the loss of insurance upon the property, if any, caused by the pulling down, blowing up, and destroying of the building, and may report that no damages should equitably be allowed to the claimant. Whenever such report appraising the damages is made and finally confirmed by the council, compliance therewith by the council shall be deemed full satisfaction of the damages.

SEC. 7. FIREFIGHTERS TO EXERCISE POLICE POWERS IN ATTENDING AND RETURNING FROM FIRES.

Each member of the fire-rescue department acting under orders of a commanding officer is authorized to exercise powers of police officers while going to, attending, or returning from any fire or alarm of fire, and shall be issued a warrant of appointment signed by the city manager, in which the date of appointment shall be stated, and such warrant shall be the firefighter's commission.

SEC. 8. FALSELY WEARING UNIFORM OR BADGE.

Any person, other than a member of the fire-rescue department of the City of Dallas, who wears the uniform or badge as prescribed by the fire-chief of the fire-rescue department of the City of Dallas, or a uniform or badge so closely similar as to be mistaken for the uniform or badge of the fire-rescue department of the City of Dallas, shall be subject to such fine as may be prescribed by the city council by ordinance.

SEC. 9. SUSPENSION OF FIREFIGHTERS AND OTHER FIRE DEPARTMENT PERSONNEL; HEARING.

The chief of the fire-rescue department shall have the right to suspend for a definite time or discharge any officers or employees who may be under the chief's control and management for incompetence, neglect of duty, immorality, drunkenness, or failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. If any officer or employee is suspended or discharged, as herein provided, the chief of the fire-rescue department shall forthwith in writing certify the fact, together with the cause for the suspension or discharge to the city manager. The officer or employee suspended or discharged shall have five days from receipt of notice of such action within which to demand a hearing before the city manager. If demanded, the city manager shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged officer or employee desires to exercise the right of a public hearing before a trial board as provided by this Charter.

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Current Charter Language: CHAPTER XIV. FRANCHISES. SECTION 1. FRANCHISE BY ORDINANCE.

The city shall have the power, subject to the provisions hereof, by ordinance to confer upon any person, firm or corporation the franchise or right to use the public property of the city for the purpose of furnishing to the public any general public service or benefit, including, but not limited to, heat, light, power, telephone service and transportation, for compensation or hire; provided that no franchise shall be granted by the city to any person, firm or corporation to own, control or operate a waterworks therein. Any franchise granted may be voided upon the failure of the grantee to exercise the same in compliance with the terms thereof.

Recommendation: Change language of charter to enable franchises by solid waste haulers.

Voting Action Taken: 2/6/03 & 2/11/03 voice vote

- **Recommendation passed.**

Proposed New Language: SEC. 1. FRANCHISE BY ORDINANCE.

The city council shall have the power, subject to the provisions hereof of this chapter, by ordinance to confer upon any person, firm ~~or~~ corporation, or other business entity operating as a general public service provider the franchise or right to use the public streets, alleys, highways, thoroughfares, easements, or other public property of the city for the purpose of furnishing to the public any general public service or benefit, including, but not limited to, heat, light, power, telephone service, solid waste pickup, solid waste hauling, solid waste recycling, solid waste disposal, and transportation, for compensation or hire; provided that no franchise shall be granted by the city council to any person, firm ~~or~~ corporation, or other business entity to own, control or operate a waterworks therein, water or wastewater utility system within the city limits. Any franchise granted may be voided upon the failure of the grantee to exercise the same in compliance with the terms thereof of the franchise. This section does not apply to any certificated telecommunications provider, as that term is defined in Chapter 283, Texas Local Government Code, as amended.

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Final Recommendations**

Current Charter Language: CHAPTER XIV. FRANCHISES. SECTION 3. CONTESTING OF RATES.

No person or corporation enjoying any franchise to operate a public utility within the City of Dallas shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the City of Dallas without first being authorized by the city council by an ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the city council under the authority otherwise conferred in the charter of the city, in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the city council specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge and until the city council shall have passed upon the said motion for rehearing, provided that if the council has not acted within 60 days, the motion shall be deemed overruled.

Recommendation: Further changes relating to solid waste haulers.

Voting Action Taken: 2/6/03 & 2/11/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 3. CONTESTING OF RATES.

No person ~~or~~ corporation, or other business entity enjoying any franchise to operate a public utility within the City of Dallas shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the City of Dallas without first being authorized by the city council by an ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the city council under the authority otherwise conferred in the charter of the city, in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the city council specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge and until the city council shall have passed upon the said motion for rehearing, provided that if the council has not acted within 60 days, the motion shall be deemed overruled. This section does not apply to a person, corporation, or other business entity engaged in the business of solid waste pickup, solid waste hauling, solid waste recycling, or solid waste disposal.

**Charter Review Commission
Final Recommendations**

Current Charter Language: CHAPTER XV. PLANNING & ZONING.

See below in the new language proposed section Chapter XV. Planning & Zoning.

Recommendation: Adoption of "Comprehensive City Plan."

Voting Action Taken: 1/30/03 & 2/13/03, record vote

- Favor: twelve (12); Quintanilla, Rodriguez, Hicks Sr., O'Bannon, Sorrell, Gates, Sampson, Schrader, Lowenberg, Howell, Gerhardt & Jung
- Oppose: one (1); Laney
- Absent during voting: two (2); Cabrera & LaBrec

Proposed New Language: SEC. 1. COMPREHENSIVE PLANNING PLAN.

(1a) ~~CONTENT.~~ Content. The city council ~~may shall~~ adopt, and may from time to time modify, ~~aan integrated~~ comprehensive plan setting forth, in graphic and textual form, policies to govern the future physical and economic development of the city. Such plan ~~may cover the entire city and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire city and all of its functions and services~~ shall be contained in one or more volumes collectively comprising a single document, and shall cover the entire city. The plan shall address land use, transportation, economic development, community development, the environment, schools, telecommunications, and the provision of basic city services, including but not limited to police services, fire-rescue services, streets, sanitation, utilities, libraries, parks and recreation facilities, and cultural amenities. It shall identify projected capital expenditures and infrastructure improvements for a period of at least four years from the date of its adoption. The plan shall identify performance measures by which the achievement of the city's urban development goals may be evaluated.

(2) ~~ADOPTION.~~ Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment, or reject the same.

(3) ~~EFFECT.~~ The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban conservation and rehabilitation programs and expenditures for capital improvements.

(b) Initial development and Recommendation. Not later than October 1, 2008, the city manager shall develop and recommend to the city council a draft of an initial comprehensive plan. The draft plan shall incorporate and be based upon a statement of policies, goals, and objectives furnished to the city manager by the city council. In formulating the draft plan, the city manager shall consult with the mayor, the individual members of the city council, the park and recreation board, the city plan and zoning commission, affected school districts, federal, state, and regional planning, transportation, and environmental entities, and other appropriate interested parties, and shall hold such public meetings or hearings as the city manager shall deem advisable and such public meetings or hearings as the city council may direct.

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(c) Adoption. Not later than 180 days after receipt of the proposed initial comprehensive plan, the city council shall hold at least one public hearing on the proposed comprehensive plan and shall adopt it by resolution, with or without amendment, by a majority vote of all members of the city council.

(d) Subsequent review and modification. Not later than eighteen months after the commencement of each mayoral term, beginning with the mayoral term commencing in 2011, the city manager shall develop and recommend to the city council a draft of any appropriate modifications to the comprehensive plan. The draft modifications shall incorporate and be based upon a statement of policies, goals, and objectives furnished to the city manager by the city council. In formulating the draft modifications, the city manager shall consult with the mayor, the individual members of the city council, the park and recreation board, the city plan and zoning commission, affected school districts, federal, state, and regional planning, transportation, and environmental entities, and other appropriate interested parties, and shall hold such public meetings or hearings as the city manager shall deem advisable and such public meetings or hearings as the city council may direct. The proposed modifications shall identify projected capital expenditures and infrastructure improvements for a period of at least four years from the date of their Recommendation. Not later than 180 days after receipt of the proposed modifications to the comprehensive plan, the city council shall hold at least one public hearing on the proposed modifications and shall adopt the Recommendations by resolution, with or without amendment, by a majority vote of all members of the city council, or reject the Recommendations.

(e) Modification by city council. The city council may at any time modify the comprehensive plan by majority vote of all members of the city council after at least one public hearing.

(f) Effect. The comprehensive plan shall serve as a guide to all future city action concerning the subjects addressed in the comprehensive plan.

(g) Validity of ordinances and actions. The failure of the city council to adopt a comprehensive plan as required by this section shall not affect the validity of any ordinance or resolution adopted by the city council or the validity of any action or decision by a city board or commission, nor shall any such ordinance, resolution, action, or decision be rendered invalid on the ground that it is inconsistent with the comprehensive plan as adopted. No such ordinance, resolution, action, or decision shall be subject to injunctive relief on the ground that the city council has failed to adopt a comprehensive plan as required by this section or on the ground that it is inconsistent with the comprehensive plan as adopted.

(h) Liability. The failure of the city council to adopt a comprehensive plan as required by this section shall not render the city or any city official liable to any person or entity for damages, nor shall any ordinance or resolution adopted by the city council or any action or decision by a city board or commission render the city or any city official liable to any person or entity for damages on the ground that it is inconsistent with the comprehensive plan as adopted.

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SEC. 2. URBAN CONSERVATION AND REHABILITATION AND REDEVELOPMENT.

The council may by ordinance provide for urban redevelopment, rehabilitation and conservation programs for:

- (1) the alleviation or prevention of slums, obsolescence, blight, or other conditions of urban deterioration; and
- (2) the achievement of the most appropriate use of land.

SEC. 3. CITY PLAN AND ZONING COMMISSION.

The city council shall appoint 15 qualified voters of the City of Dallas to be known as the city plan and zoning commission who shall constitute the zoning commission of the City of Dallas, and shall be the city plan municipal planning commission as the same is referred to by state statute for the approval of plats and subdivisions. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. ~~The city council shall name one of the members to be the chairman and one to be the vice chairman.~~

SEC. 4. DUTIES OF CITY PLAN AND ZONING COMMISSION.

The city plan and zoning commission shall:

- (1) Adopt, subject to approval of the city council, such rules and regulations as they ~~deed~~deem best to govern their actions, proceedings and deliberations, including the time and place of meeting.
- (2) ~~Upon application made, advertise~~Advertise and hold public hearings on zoning or changes in zoning, and make Recommendations thereon to the city council.
- (3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such Recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.
- (4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, ~~to~~ require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements, or other public places of adequate width and size, to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as ~~they~~the commission may deem best in the interest of the general public. In connection with the planning and the platting of property, the city plan and zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, and streets and alleys of adequate width to be provided for that purpose.

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(5) Make Recommendations to the city manager and the city council on matters affecting the physical development of the city.

(6) Advise and make Recommendations on the comprehensive plan and the implementation thereof ~~as may be requested by the city manager and the city council.~~

(7) Exercise all other responsibilities as may be provided by law.

SEC. 5. DEDICATION OF STREETS, ALLEYS AND PUBLIC PROPERTIES.

The action of the city plan and zoning commission in requiring the dedication of streets, alleys and public places shall not amount to an acceptance of said dedication, nor estop the city council to deny the same. Acceptance of all dedications shall be by action of the city council, or when the city council shall have made actual appropriation of the same by entry, use, or improvement.

SEC. 6. CITY URBAN DEVELOPMENT COMMISSION.

~~In addition to the zoning commission, the city council may by ordinance provide for an urban development commission. The ordinance creating the same shall state how the body shall be constituted, the qualifications of the members and the duties of the same.~~

SEC. 7. ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.

~~In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.~~ SEC. 8. THOROUGHFARE PLAN.

The city council shall by ordinance adopt a thoroughfare plan. A thoroughfare plan now in existence or hereafter adopted by the city council shall not be changed except by an ordinance duly adopted after a public hearing as herein provided.

Prior to any change in a thoroughfare plan, the city council shall hold a public hearing. Written notice of all public hearings before the city council on proposed changes in the thoroughfare plan shall be sent to owners of real property lying within ~~200~~500 feet of the area of the proposed change, such notice to be given, not less than 10 days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail.

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Current Charter Language: CHAPTER XVI. CIVIL SERVICE & PERSONNEL. SECTION 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.

The civil service of the city is hereby divided into the "unclassified" and "classified" service, to wit:

Recommendation: Delete term "to wit".

Voting Action Taken: 2/6/03 & 2/11/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.

The civil service of the city is hereby divided into the "unclassified" and "classified" service, to wit:

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Final Recommendations**

Current Charter Language: CHAPTER XVI. CIVIL SERVICE & PERSONNEL. SECTION 1. ORGANIZATION OF CIVIL SERVICE.

There is hereby created and established a civil service board to be composed of five members who shall be qualified taxpaying citizens of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in August of each odd-numbered year, the city council shall appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified, and the mayor shall designate one member as chair subject to confirmation by a majority of the city council. The adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board upon stating in writing the reasons for removal and allowing the member or adjunct member an opportunity to present a defense. Any vacancies on the board must be filled by the city council for the unexpired term.

Recommendation: Expand size of Civil Service Board from **five to seven members**, to be appointed in **October** of odd numbered years (**instead of in August**).

Voting Action Taken: 2/6/03 & 2/11/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 1. ORGANIZATION OF CIVIL SERVICE.

There is hereby created and established a civil service board to be composed of ~~five~~seven members who shall be qualified taxpaying citizens of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in ~~August~~October of each odd-numbered year, the city council shall appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified, and the mayor shall designate one member as chair subject to confirmation by a majority of the city council. The adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board upon stating in writing the reasons for removal and allowing the member or adjunct member an opportunity to present a defense. Any vacancies on the board must be filled by the city council for the unexpired term.

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Final Recommendations**

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Current Charter Language: CHAPTER XVI. CIVIL SERVICE & PERSONNEL. SECTION 4 (C). CIVIL SERVICE BOARD TO ADOPT RULES AND REGULATIONS, SUBJECT TO THE APPROVAL OF THE CITY COUNCIL.

Notification to all department heads and through them to their employees regarding any recommended changes.

Recommendation: Change word "notification" to "notice"

Voting Action Taken: 2/6/03 & 2/11/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.

(c) ~~Notification~~Notice to all department heads and through them to their employees regarding any recommended changes.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER XXII. PUBLIC CONTRACTS. SECTION 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit the officer's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

Recommendation: Amend current provision regarding prohibition of financial interest in city contracts by city officers and employees.

Voting Action Taken: 2/13/03, record vote

- Favor: nine (9); Quintanilla, Rodriguez, Sorrell, LaBrec, Lowenberg, Howell, Gerhardt, Jung & Laney
- Oppose: two (2); Hicks Sr. & Gates
- Absent during voting: four (4); Cabrera, O'Bannon, Sampson & Schrader

Proposed New Language: SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) ~~No~~The code of ethics adopted under Section 21 of Chapter III of this charter shall prohibit an officer or employee shall have of the city from having any financial interest, direct or indirect, in any contract with the city, or ~~be financially interested, directly or indirectly,~~ in the sale to the city of any land, materials, supplies or services; ~~(except on behalf of the city as an officer or employee).~~ subject to such conditions and under such exceptions as the code of ethics may provide. Any violation of ~~this section~~such prohibitions by a member of the city council shall constitute malfeasance in office, and any ~~officer or employee~~council member guilty thereof shall thereby forfeit the ~~officer's or employee's office or position with the city.~~ Any violation of this section council member's office. The code of ethics shall prescribe the punishment or range of punishment for a violation of such prohibitions by an officer of the city other than a member of the city council, or by an employee of the city. Any violation of such prohibitions, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

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(b) ~~The alleged~~ Alleged violations of the prohibitions mandated by this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, ~~and by~~ as provided in the city council code of ethics in the case of officers and other employees.

(c) The prohibitions ~~of~~ mandated by this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

**Charter Review Commission
Final Recommendations**

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Current Charter Language: CHAPTER XXIV. MISCELLANEOUS PROVISIONS. SECTION 13(A). APPOINTMENT & TENURE OF COMMISSIONS & BOARDS.

During August of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from September 1 or until their successors are appointed and qualified.

Recommendation: Change requirement regarding appointment date for board and commission members from "during August" to "**during September**" of each year.

Voting Action Taken: 11/7/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During ~~August~~September of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from ~~September~~October 1 or until their successors are appointed and qualified.

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Final Recommendations**

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Current Charter Language: CHAPTER XXIV. MISCELLANEOUS PROVISIONS. SECTION 13(A). APPOINTMENT & TENURE OF COMMISSIONS & BOARDS.

During August of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from September 1 or until their successors are appointed and qualified.

Recommendation: Change tenure of members of commissioners and boards to end two years from **October 1** (current charter reads September 1) or until successors are appointed and qualified.

Voting Action Taken: 11/7/02 & 2/13/03, voice vote

- Recommendation passed.

Proposed New Language: SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During ~~August~~September of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from ~~September~~October 1 or until their successors are appointed and qualified.

**Charter Review Commission
Rejected Recommendations**

Charter Reference		Proposal	Vote			
Chapter	Section		Y	N	Abstain	Absent
IV (Elections and Referendums)	13 (New) (Time Restrictions on Candidate Fundraising)	Proposal to add a provision restricting the time during which candidates may engage in campaign fundraising.	1	13		1
VI (The City Manager)	1 (Appointment; Removal; Compensation)	Four-year term for city manager (current term is indefinite).	1	10	2	2
		Simple majority of the city council may remove the city manager (instead of current 2/3 requirement).	7	8		
VI (The Legal Department)		Add provision authorizing the city council to provide, by ordinance, that the DFW Airport board may retain independent counsel in instances where a conflict arises, as determined by the city council.	7	7		1

**Charter Review Commission
Rejected Recommendations**

Charter Reference	Section	Proposal	Vote			
			Y	N	Abstain	Absent
VIII (Municipal Courts)	3 (Practice and Procedure)	Enable municipal court practices & procedures by City Charter and add a publication & public hearing requirement for any proposed practices & procedures, prior to Council action.		Voice vote: recommendation failed.		
VIII (Municipal Courts)	4 (Municipal Judges; Appointment)	Increase term of municipal judge from two years to four years.	9		1 (proxy)	6 (1-proxy)
VIII (Municipal Courts)	5 (Municipal Judges; Authority)	City Marshal's office proposed amendment to Charter to reclassify marshals as police officers.		Voice vote: recommendation failed.		
	10 (New section: Law Practice by Full-Time Municipal Judges)	Proposal to add section prohibiting full-time municipal judges from practicing law while serving in the city post.		9	1 (proxy)	6 (1-proxy)
IX (City Auditor)	1 (Selection of City Auditor)	Require 2/3 vote of members of council to remove city auditor.	5	7	1	2
		Change term of city auditor from two years to four years.	2	11		2
X (Administrative Departments)	2 (Direction)	Recommendation to give city council the authority to hire and/or fire other department heads.	1	11	1	2

**Charter Review Commission
Rejected Recommendations**

Charter Reference	Section	Proposal	Vote			
			Y	N	Abstain	Absent
XI (The Budget and Financial Procedure Relating Thereto)	New	Reject Council district capital project prioritization	4	11 (proxy)		1 (1-proxy)
XII (Police Department)		Recommendation to give city council the authority to hire and/or fire the police chief.	1	11	1	2
XIII (Fire Department)		Recommendation to give city council the authority to hire and/or fire the fire chief.	1	11	1	2
XVI (Civil Service and Personnel)	16 (No Discrimination, etc.)	Proposal to change title of section to "Non-Discrimination" and to modify section (a) to include additional protected categories or classes.	3	10		2
XVII (Park and Recreation Department)		Any changes to Park Board line of authority and autonomy.	2	11		2

**Charter Review Commission
Rejected Recommendations**

Charter Reference		Proposal	Vote			
Chapter	Section		Y	N	Abstain	Absent
XXIV (Miscellaneous Provisions)	13 (Appt. and Tenure of Commissions and Boards)	Proposal to change current size of boards and commissions.	2	11		2
XXIV (Miscellaneous Provisions)	13 (Appt. and Tenure of Commissions and Boards)	Proposal to add requirement that council nominate and appoint a vice-chair of each commission and board.		Voice vote: recommendation failed.		
XXIV (Miscellaneous Provisions)	14 (Bonds of Officers and Employees)	Proposal to remove requirement that City Manager, Director of Finance, Purchasing Agent and Municipal Court Clerk be covered by bonds to cover "faithful performance of duties of the office."		Voice vote: recommendation failed.		
XXIV (Miscellaneous Provisions)	17 (Board and Commission Members)	Proposal: "To the extent allowed by state law and notwithstanding any provision of any city ordinance or resolution to the contrary, a spouse or domestic partner of a city council member may be appointed to any board commission, or ad hoc committee of the city or to any other entity to which the city council has the power to make appointments."	2	11	1	1

**Charter Review Commission
Summary of Rejected Proposals**

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Current Charter Reference: CHAPTER IV. ELECTIONS AND REFERENDUMS

Recommendation: Proposal to add a provision restricting the time during which candidates may engage in campaign fundraising

Voting Action Taken: 1/28/03, record vote

- Favor: one (1); O'Bannon
- Oppose: thirteen (13); Quintanilla, Rodriguez, Cabrera, Hicks Sr., Gates, Sampson, LaBrec, Schrader, Lowenberg, Howell, Gerhardt, Jung & Laney
- Absent during voting: during voting: one (1); Sorrell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VI. THE CITY MANAGER

Recommendation: Four-year term for city manager (current term is indefinite).

Voting Action Taken: 1/14/03, record vote

- Favor: one (1); Jung
- Oppose: ten (10); Quintanilla, Rodriguez, Hicks Sr., Sorrell, Sampson, Schrader, Lowenberg, Howell, Gerhardt & Laney
- Abstain: two (2); O'Bannon & Gates
- Absent during voting:: two (2) Cabrera & LaBrec

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VI. THE CITY MANAGER. SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

Recommendation: Simple majority of the city council may remove the city manager (instead of current 2/3 requirement).

Voting Action Taken: 1/28/02, 10/29/02, 1/9/03 & 2/11/03, record vote

- Favor: seven (7); Rodriguez, Cabrera, Lowenberg, Howell, Gerhardt, Jung & Laney
- Oppose: eight (8); Quintanilla, Hicks Sr., Sorrell, Gates, Sampson, LaBrec, O'Bannon & Schrader

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VII. LEGAL DEPARTMENT.

Recommendation: Add provision authorizing the city council to provide, by ordinance, that the DFW Airport board may retain independent counsel in instances where a conflict arises, as determined by the city council.

Voting Action Taken: 2/18/03, record vote

- Favor: seven (7); Quintanilla, Rodriguez, O'Bannon, Lowenberg, Howell, Jung & Laney
- Oppose: seven (7); Hicks Sr., Gates, Sampson, LaBrec, Cabrera, Schrader & Gerhardt
- Absent during voting:: one (1); Sorrell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VIII. MUNICIPAL COURTS. SEC. 4. MUNICIPAL JUDGES; APPOINTMENT.

Recommendation: Increase term of municipal judge from two years to four years.

Voting Action Taken: 11/14/02, record vote

- **Oppose:** nine (9); Quintanilla, Rodriguez, Cabrera, Hicks Sr., Sampson, Lowenberg, Gerhardt, Jung & Laney
- **Abstain:** one (1); Sorrell's proxy cast by Sampson
- **Absent during voting:** six (6); O'Bannon, Sorrell (proxy), Gates, LaBrec, Schrader & Howell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VIII. MUNICIPAL COURTS. SEC. 3. PRACTICE AND PROCEDURE.

Recommendation: Enable municipal court practices & procedures by City Charter and add a publication & public hearing requirement for any proposed practices & procedures, prior to Council action.

Voting Action Taken: 11/14/02, voice vote

- **Recommendation failed.**

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VIII. MUNICIPAL COURTS. SEC. 5. MUNICIPAL JUDGES; AUTHORITY.

Recommendation: City Marshal's office proposed amendment to Charter to reclassify marshals as police officers.

Voting Action Taken: 10/28/02, voice vote

- Recommendation failed.

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER VIII. MUNICIPAL COURTS.

Recommendation: Proposal to add section prohibiting full-time municipal judges from practicing law while serving in the city post.

Voting Action Taken: 11/14/02, record vote

- **Oppose:** nine (9); Quintanilla, Rodriguez, Cabrera, Hicks Sr., Sampson, Lowenberg, Gerhardt, Jung & Laney
- **Abstain:** one (1); Sorrell's proxy cast by Sampson
- **Absent during voting::** six (6); O'Bannon, Sorrell (proxy), Gates, LaBrec, Schrader & Howell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER IX. CITY AUDITOR. SEC. 1. SELECTION OF CITY AUDITOR.

Recommendation: Require 2/3 vote of members of council to remove city auditor.

Voting Action Taken: 2/11/03, record vote

- Favor: five (5); Rodriguez, Cabrera, Howell, Gerhardt & Laney
- Oppose: seven (7); Quintanilla, Hicks Sr., Sorrell, Gates, Sampson, Lowenberg & Jung
- Abstain: one (1); LaBrec
- Absent during voting:: two (2); O'Bannon & Schrader

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER IX. CITY AUDITOR. SEC. 1. SELECTION OF CITY AUDITOR.

Recommendation: Change term of city auditor from two years to four years.

Voting Action Taken: 11/18/02, record vote

- Favor: two (2) Cabrera & Howell
- Oppose: eleven (11); Rodriguez, Hicks Sr., O'Bannon, Sorrell, Gates, Sampson, Schrader, Gerhardt, Jung & Laney
- Absent during voting: two (2); Quintanilla & LaBrec

**Charter Review Commission
Summary of Rejected Proposals**

031587

**Current Charter Reference: CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE
RELATING THERETO**

Recommendation: Reject Council district capital project prioritization.

Voting Action Taken: 2/27/03, record vote

- Favor: eleven (11); Quintanilla, Rodriguez, Cabrera, Sampson, LaBrec, Schrader, Lowenberg, Howell, Gerhardt, Jung & Laney's proxy cast by Jung
- Oppose: four (4); Hicks Sr., O'Bannon, Sorrell & Gates
- Absent during voting:: one (1); Laney (proxy)

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER XII. POLICE DEPARTMENT.
Recommendation: Recommendation to give city council the authority to hire and/or fire the police chief.
Voting Action Taken: 1/21/03 & 2/13/03, record vote <ul style="list-style-type: none">• Favor: one (1); Laney• Oppose: eleven (11); Quintanilla, Rodriguez, Cabrera, Hicks Sr., O'Bannon, Gates, Sampson, Schrader, Sorrell, Lowenberg & Gerhardt• Abstain: one (1); Jung• Absent during voting:: two (2); LaBrec & Howell

**Charter Review Commission
Summary of Rejected Proposals**

03158

Current Charter Reference: CHAPTER XIII. FIRE DEPARTMENT.
Recommendation: Recommendation to give city council the authority to hire and/or fire the fire chief.
Voting Action Taken: 1/21/03 & 2/13/03, record vote <ul style="list-style-type: none">• Favor: one (1); Laney• Oppose: eleven (11); Quintanilla, Rodriguez, Cabrera, Hicks Sr., O'Bannon, Gates, Sampson, Schrader, Sorrell, Lowenberg & Gerhardt• Abstain: one (1); Jung• Absent during voting:: two (2); LaBrec & Howell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER XVI. CIVIL SERVICE AND PERSONNEL. SEC. 16.
NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS;
PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

Recommendation: Change title of section to "Non-Discrimination" and to modify section (a) to include additional protected categories or classes.

Voting Action Taken: 2/6/03 & 2/11/03, record vote

- Favor: three (3); Howell, Jung & Gerhardt
- Oppose: ten (10); Quintanilla, Rodriguez, Cabrera, O'Bannon, Gates, Sampson, LaBrec, Schrader, Hicks Sr., Lowenberg,
- Absent during voting:: two (2); Sorrell & Laney

031587

**Charter Review Commission
Summary of Rejected Proposals**

Current Charter Reference: CHAPTER XVII. PARK AND RECREATION DEPARTMENT

Recommendation: Any changes to Park Board line of authority and autonomy.

Voting Action Taken: 1/21/03 & 2/13/03, record vote

- Favor: two (2); Cabrera & Laney
- Oppose: eleven (11); Quintanilla, Rodriguez, Hicks Sr., O'Bannon, Gates, Sampson, Schrader, Sorrell, Jung, Lowenberg & Gerhardt
- Absent during voting:: two (2); LaBrec & Howell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER XXIV. MISCELLANEOUS PROVISIONS. SEC. 13.
APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

Recommendation: Change current size of the City's boards and commissions.

Voting Action Taken: 1/21/03 & 2/13/03, record vote

- Favor: two (2); Cabrera & Laney
- Oppose: eleven (11); Quintanilla, Rodriguez, Hicks Sr., O'Bannon, Gates, Sampson, Schrader, Cabrera, Laney Sorrell, Jung, Lowenberg & Gerhardt
- Absent during voting:: two (2); LaBrec & Howell

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER XXIV. MISCELLANEOUS PROVISIONS. SEC. 13.
APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

Recommendation: Proposal to add requirement that council nominate and appoint a vice-chair of each commission and board.

Voting Action Taken: 11/19/02, voice vote

- Recommendation failed.

031587

**Charter Review Commission
Summary of Rejected Proposals**

<p>Current Charter Reference: CHAPTER XXIV. MISCELLANEOUS PROVISIONS. SEC. 14. BONDS OF OFFICERS AND EMPLOYEES.</p>
<p>Recommendation: Proposal to remove requirement that City Manager, Director of Finance, Purchasing Agent and Municipal Court Clerk be covered by bonds to cover "faithful performance of duties of the office."</p>
<p>Voting Action Taken: 10/28/02, voice vote</p> <ul style="list-style-type: none">• Recommendation failed.

**Charter Review Commission
Summary of Rejected Proposals**

031587

Current Charter Reference: CHAPTER XXIV. MISCELLANEOUS PROVISIONS. SEC. 17. BOARD AND COMMISSION MEMBERS.

Recommendation: Proposal: "To the extent allowed by state law and notwithstanding any provision of any city ordinance or resolution to the contrary, a spouse or domestic partner of a city council member may be appointed to any board commission, or ad hoc committee of the city or to any other entity to which the city council has the power to make appointments."

Voting Action Taken: 1/28/03, record vote

- Favor: two (2); Hicks Sr. & O'Bannon
- Oppose: eleven (11); Quintanilla, Rodriguez, Cabrera, Sampson, LaBrec, Schrader, Lowenberg, Howell, Gerhardt, Jung & Laney
- Abstain: one (1); Gates
- Absent during voting:: one (1); Sorrell

**Charter Review Commission
Recommendations
for
Public Policy**

Charter Reference		Proposal	Rationale	Vote			
Chapter	Section			Yes	No	Abstain	Absent
VII (Legal Department)		The Council should consider whether the DFW Airport Board should be allowed to retain independent legal counsel without input or approval by the Dallas City Attorney, either where a conflict of interest exists or as a general rule.	The Commission discussed several concerns with the current arrangement, whereby the cities of Dallas and Fort Worth supply attorneys to the DFW Airport Board. While no consensus was reached on whether a charter change is currently necessary, the Commission recommends that the Council consider and debate the issues involved.	10	2	1	2
VIII (Municipal Courts)	4 (Municipal Judges; Appointment)	Create position of Deputy Administrative Judge, who shall act as the administrative head of the court in the absence of the Administrative Judge.		9 (1-proxy)	1		6 (1-proxy)
	10 (New section: Law Practice by Full-Time Municipal Judges)	Proposal to add section prohibiting full-time municipal judges from practicing law while serving in the city post.		9 (1-proxy)	1		6 (1-proxy)

**Charter Review Commission
Recommendations
For
Public Policy
Consideration**

031587

Charter Reference: CHAPTER VII. LEGAL DEPARTMENT.
Recommendation: The Council should consider whether the DFW Airport Board should be allowed to retain independent legal counsel without input or approval by the Dallas City Attorney, either where a conflict of interest exists or as a general rule.
Rationale: The Commission discussed several concerns with the current arrangement, whereby the cities of Dallas and Fort Worth supply attorneys to the DFW Airport Board. While no consensus was reached on whether a charter change is currently necessary, the Commission recommends that the Council consider and debate the issues involved.
Voting Action Taken: 2/18/03, record vote <ul style="list-style-type: none">• Favor: ten (10); Rodriguez, Cabrera, Hicks Sr., O'Bannon, Sampson, LaBrec, Schrader, Lowenberg, Howell & Gerhardt• Oppose: two (2); Jung & Laney• Abstain: one (1); Gates• Absent during voting: two (2); Quintanilla & Sorrell

031587

**Charter Review Commission
Recommendations
For
Public Policy
Consideration**

Charter Reference: CHAPTER VIII. MUNICIPAL COURTS.

Recommendation: Create position of Deputy Administrative Judge, who shall act as the administrative head of the court in the absence of the Administrative Judge.

Voting Action Taken: 11/14/02, voice vote

- Recommendation passed
- Oppose: one (1); Jung

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**Charter Review Commission
Recommendations
For
Public Policy
Consideration**

Charter Reference: CHAPTER VIII. MUNICIPAL COURTS.
Recommendation: Proposal to add section prohibiting full-time municipal judges from practicing law while serving in the city post.
Voting Action Taken: 11/14/02, voice vote <ul style="list-style-type: none">• Recommendation passed• Oppose: one (1); Jung

**Charter Review Commission
Miscellaneous Statement**

Charter Reference: CHAPTER. XVI. Civil Service. Sections. Various

Statement: The Commission was unable to consider many changes proposed to Chapter XVI by the Civil Service Board and/or Commission, due to the City Attorney's office determination not to provide legal advice related to such changes.

Voting Action Taken: 2/6/03 & 2/11/03, voice vote

- Recommendation passed

**Charter Review Commission
Minority Report Regarding Council Terms**

We, the undersigned members of the Charter Review Commission, dissent from the Commission's decision to recommend four-year terms for members of the City Council other than the mayor.

Council Accountability. Our principal reason for opposing this change is that it will decrease Council members' accountability to the voters. We have no doubt that most Council members conscientiously strive to be responsive to their constituents' needs and opinions. But municipal elections play an important role in assuring such accountability, allowing the voters to give their representative a "report card" confirming excellent performance, identifying a need for improvement, or declaring a failure to meet minimum expectations. As happens at the national and state levels, the representatives who have the most direct impact on their constituents' daily lives should be given a two-year term, as a means of ensuring that those representatives remain directly accountable to the voters for their performance. We believe that two-year terms are an important check and balance between the authority of the voters and the independence of their elected representatives.

This principle was aptly expressed by a citizen who testified at one of the Commission's hearings, who stated that enlarging Council terms to four years would be "great if you love your Council member, and terrible if you don't." Under the current system, if a Council member's constituents are pleased with her performance, they will be more than pleased to send her back for another two years. Under the proposed system, however, citizens who believe their Council member should be removed must either wait an unacceptably long period of time before the next election or resort to the recall process, which is rarely used and even less understood. The Council should not make it so difficult for the people of Dallas to judge its performance through

the election process.

Under the present system of two-year terms, a Council member who fails to honor the will of his or her constituents must usually answer for that decision within the next two years, while the decision is still fresh in the public mind. Under the proposed four-year terms, a re-elected Council member will be wholly unaccountable to the voters during half of his or her Council career.

Minority Voting Rights. The proposed four-year term is inconsistent with the ten-year cycle of the Census and Council redistricting, and will produce adverse consequences for minority voting rights. At present, there is a three-year gap between the taking of a Census and the first municipal election under new districts drawn in response to that Census. Under the proposal, this gap will enlarge to five years during odd-numbered decades. As a specific example, the new districts drawn in response to the 2010 Census will be used for the first time in 2013 under the current system, but in 2015 under the Commission's proposal. If, as anticipated, the number of minority districts increases as a result of the 2010 Census, the implementation of those districts will be delayed by two years. It is simply unacceptable, in our view, to require a significant portion of the population to wait two additional years before receiving – through redistricting – the opportunity to elect a Council representative of their choosing. That this result will occur only every twenty years does not mitigate its injustice.


Campaigning. One of the leading rationales for the change to a four-year term is that it will free Council members from the burdens of frequent campaigning, thereby enabling them to do a better job representing their constituents. We believe that this argument draws an artificial distinction between the kind of activities involved in a City Council campaign and the kind of activities involved in ongoing service as a Council member. Attending neighborhood group meetings, meeting and talking with voters individually and in small groups, knocking on doors,


and the like are all activities that every good Council member undertakes to stay in touch with his or her constituents, whether it is an election year or not. As one member of the public colorfully put it during the Commission's public hearings, "Every day you get up in the morning you're campaigning." We also believe that four-year Council terms will give an additional advantage to those Council members who are able to raise large sums of money over a four-year period to be spent in a short period just prior to an election.

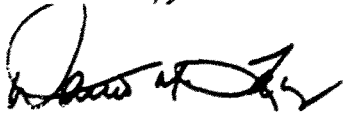
Election Costs. It is said that shifting to four-year terms will save the City money during difficult financial times. Eliminating one Citywide election every four years (assuming that those election slots are not needed for bond elections or referenda) would save the City about \$175,000 per year. This sum, although not inconsequential, represents only 2/100 of one percent of the general fund budget. This is a small price to pay to ensure accountability on the part of elected representatives who annually administer a nearly \$2 billion budget.


* * *

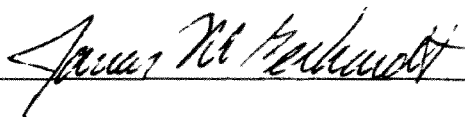
The City Council charged this Commission with increasing "government's efficiency, effectiveness, responsiveness and results for all its citizens." We believe that the proposed change to four-year terms runs counter to this mission and urge the Council to reject it.











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TAB 49



**Charter Review Commission
Minority Report Regarding
Chapter VI "The City Manager," Section 1, "Appointment; Removal; Compensation "**

We, the undersigned members of the Charter Review Commission, dissent from the Commission's decision to retain the current Charter provisions permitting appointment of a city manager by majority vote of the whole city council, but requiring a two-thirds vote of the whole council to remove a manager. We propose, instead, that the city manager may be hired only on a two-thirds vote of the whole council, but may be removed by a majority of the whole council.

City manager's accountability. Our principal reason for proposing this change is that it will strengthen the city manager's accountability to the city council and, through the council, to the voters. The current charter provisions reverse the proper relationship of democratic accountability between elected council and appointed manager. Currently, a closely divided council may hire a manager but be left unable to agree on removing that official by its own or subsequent councils' votes. Further, this arrangement severely challenges the responsibility of the council and manager, and of the council-manager system of government, to the voters. Even new elections may be unable to undo the council division that protects a sitting manager who has lost the confidence of a majority of the elected council. Our proposal precludes this potential affront to democratic accountability.

The current arrangement also runs counter to real-life expectations and conventions in the city management profession. A professionally competent city manager would not wish to retain a post relying on the support of only a determined minority of council members. Moreover, such a competent manager would be unlikely to risk a hard-earned professional reputation by accepting a post offered by a bare majority of a city council. Our proposal reflects these considerations.

City manager's rights. The current Charter, Chapter VI, Section 1, affords the city manager the 60 days' notice prior to removal from office and the right to written charges and a hearing thereon at a public meeting of the council prior to the date of final removal. It also empowers the council to suspend the manager pending such hearing. These provisions conflict with the principle, stated in the same chapter and section, that the Charter vests all authority and fixes all responsibility for removing a city manager in the city council. Put another way, in the council-manager form of city governance, the manager is directly responsible to the council, and to the public only through the council. Appropriate protections for the city manager's interests are better left to the terms of the employment agreement.

Opposition to this proposal. A majority of this commission has recommended a change to current Charter language, Chapter VI, Section 1, emphasizing that the city council's appointment of a city manager shall be by majority vote of the whole council. We agree that any council votes regarding appointment of a city manager should require appropriate majorities of the whole council, not of just a council quorum. Eight commission members, however, voted against shifting the current two-thirds super-majority requirement from a removal vote to the appointment vote. Their concern was that this would permit a bare majority of the whole council to remove a manager who was, in their minds, overly solicitous toward council members representing districts with voter majorities of race/ethnicity minorities. We recognize this possibility, but believe that, in the past decade, this city has removed such a prospect to the realm

of the highly unlikely. Moreover, as more than one of our expert advisors reminded us, such districts will, in the not distant future, readily and regularly command majorities on the city council. Opponents of our proposal also suggested that it would leave the manager and, presumably, the well being of the City to the "whims" of a bare majority of council members. We believe that council members are responsible officials who will not take such serious action merely on a whim. No council member, and certainly not a majority of them, would take precipitous action to dismiss a city manager, knowing that it would require agreement among at least two-thirds of the council to appoint a successor.

* * *

The city council charged this commission with increasing "government's efficiency, effectiveness, responsiveness and results for all its citizens." We believe that the current Charter provisions regarding appointment and removal of the city manager run counter to this mission. We believe that the city council should be required to find outstandingly qualified candidates for appointment as city manager who can win support of at least two-thirds of all the council members. We believe, further, that a majority of council members should be empowered to remove a manager who has lost their support but is unwilling to depart voluntarily, and that such action should not require written charges or public hearings. We urge the council to support the following changes to Chapter VI, Section 1, of the Charter.

Proposed new language for Chapter VI, Section 1.

The council shall, by a two-thirds vote of all members of the council,* appoint a city manager, who shall be the chief administrative and executive officer of the city. The manager shall be chosen by the council solely on the basis of [his] executive and administrative training, experience, and ability, and without regard to political consideration, and need not, when appointed, be a resident of the City of Dallas or the State of Texas. No member of the council shall, during the time for which elected, be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council upon a majority [~~two-thirds~~] vote of the full council [~~unless provided otherwise by contract~~]. [~~He shall be given at least 60 days' notice prior to his removal from office. If removed after serving three months he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office.~~] The action of the council in [~~suspending~~] appointing or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such [~~suspension~~] appointment or removal in the council. The city manager shall receive such compensation as may be fixed by the council.

* The Commission unanimously recommends revising existing charter language to emphasize that appointing a city manager requires a majority of all members of the council, not a simple majority vote.

Rodolfo Rodriguez, District 2
Julia Soto Cabrera, District 3
Julie Lowenberg, District 11
Charlene Howell, District 12

James M. Gerhardt, District 13
Michael Jung, District 14
David Laney, Chair