

Chapter IV, § 7

SEC. 7. NOMINATION BY PETITION.

A person desiring to become a candidate for the city council shall file with the city secretary, within the time required by the Texas Election Code, as amended, an application for a place on the ballot, ~~and~~ a petition signed by qualified voters of the city eligible to vote for the candidate equal in number to the minimum number of signatures required for a candidate petition by the Texas Election Code, as amended, and a filing fee in an amount permitted by the Texas Election Code, as amended. Each application and petition must comply in form, content, and procedure with the Texas Election Code, as amended. (Amend. of 6-12-73, Prop. No. 11; Amend. of 4-2-83, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6)

Justification: Allows collection of a fee to help offset City costs in verifying applications.

Chapter VI, § 1

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 city manager shall be chosen by the council solely on the basis of executive and administrative training, experience, and ability, and without regard to political consideration. The city manager shall be a resident of the City of Dallas. If at the time of appointment, the city manager resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. 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 city council upon a ~~two-thirds~~ majority vote of the members of the council unless otherwise provided by contract. The action of the council in removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the council. The city manager shall receive such compensation as may be fixed by the council. (Amend. of 6-12-73, Prop. No. 13; Amend. of 4-3-76, Prop. No. 4; Amend. of 11-8-05, Prop. Nos. 2, 5, and 13)

Justification: If it takes a majority to hire the city manager, it should only take a majority to remove. This addresses the oft-cited problem that a city manager need only keep a small group of the council happy to retain the job.

Chapter XI, § 4

SEC. 4. TRANSFER OF APPROPRIATIONS.

~~Upon the written recommendation of the city manager,~~ By a majority vote, the city council may at any time transfer an unincumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose. (Amend. of 5-1-93, Prop. No. 7)

Justification: Council approves the budget and it ought to be able to make alterations or move money around without a recommendation of the city manager.

Chapter XI, § 6

Option 1:

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city 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 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 that will not be completed within the current year. (Amend. of 11-8-05, Prop. No. 8)

Option 2:

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city 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~~chief financial officer shall forthwith give notice to the city manager. At the close of each fiscal year, the 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 that will not be completed within the current year. (Amend. of 11-8-05, Prop. No. 8)

Justification: There is no need for notice to the city manager, but if that requirement were to be retained, the proper person to give that notice is the chief financial officer.

Chapter XI, § 8

SEC. 8. PAYMENT OF OBLIGATIONS.

The ~~city controller~~chief financial officer shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The ~~city controller~~chief financial officer may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the ~~city controller~~chief financial officer upon oath or affirmation relative thereto, which oath or affirmation the ~~city controller~~chief financial officer may administer. If the ~~city controller~~chief financial officer knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the ~~city controller~~chief financial officer and the ~~city controller's~~chief financial officer's sureties shall be individually liable to the city for the amount thereof. (Amend. of 4-3-76, Prop. No. 7; Amend. of 4-2-83, Prop. No. 6; Amend. of 8-12-89, Prop. No. 7)

Justification: This is more properly a function of the chief financial officer.

Chapter XVI, § 12(a)

SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The ~~city council~~civil service board shall designate a secretary to the trial board.

Justification: This matches what occurs in practice and what is more practical.

Chapter IIIA, § 3(2)

SEC. 3. DUTIES OF THE CITY SECRETARY.

The city secretary shall:

- (1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;
- (2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program. The records management program shall include permanent retention of all written minutes and electronic recordings of all city boards and commissions, and those minutes and recordings should be made publicly available by posting them on a link on the city's website;

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Justification: Current practice allows the city secretary to adopt a records management program and gives the city secretary discretion insofar as the time period to retain those records. Recently, the city secretary elected to destroy all board and commission recordings older than 90 days, resulting in the loss of years of the City's history and rendering it impossible to revisit the details of what may have occurred at a particular hearing. Keeping such records is essential to the function of open and transparent government. The cost of retaining such records continues to decline. Further, any added costs (due to retention) can be offset by making these records available to the public online, which obviates the need for open records requests and personnel to handle such requests.