

7/17/2017

ORDINANCE NO. 30555

An ordinance amending Chapter 8, "Boards and Commissions," of the Dallas City Code by amending Sections 8-1, 8-1.1, 8-1.2, 8-1.4, 8-1.5, 8-2, 8-4, 8-6, 8-8, 8-9, 8-20, 8-20.1, and 8-21; clarifying and adding definitions; providing that each board approve and provide its annual report to the city manager; clarifying and adding items to be included in a board's annual report; providing clarification on residency requirements; providing term limits for elected trustees of the employees' retirement fund; requiring department directors to inform the city secretary's office of the board's regular meeting schedule; providing that a board may call a special meeting if a quorum does not exist 30 minutes after the meeting was called; providing that absence from a special meeting does not affect a board member's attendance in regards to the attendance policy; providing that the minutes of meetings to be submitted to the city secretary must be signed by the presiding officer; providing that the mayor shall appoint the chair for each board subject to confirmation by a majority of the city council; providing that the term of appointment of chair or vice-chair will run concurrently with the term of appointment to the board; providing that the chair or vice-chair may be removed from the position of chair or vice-chair for any cause with a public hearing before city council on charges publicly made; providing for an exception to the special attendance requirements; providing that a member will be counted absent from a meeting if that member is absent for more than 50 percent of that meeting; making certain other structural, grammatical, and clarifying changes; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 8-1, "Definitions," of Article I, "In General," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

"SEC. 8-1. DEFINITIONS.

In this chapter:

(1) BOARD means a board or commission of the city that is established by ordinance or the Charter of the City of Dallas.

(2) CHAIR means the presiding officer of a board whether appointed by the city council or elected by the other members of the board. In debate the chair shall be referred to by this official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title.

(3) CONFIDENTIAL INFORMATION means any information that could not be obtained by the public under the Texas Open Records Act.

(4) CRIMINAL RECORD means a record of a person's criminal history, which may include, without limitation, arrests, convictions, dismissals, and acquittals.

(5) FORFEIT or FORFEITURE means automatic loss of membership on a board, without the need for council action.

(6) MEMBER means a duly appointed or elected member of a board."

SECTION 2. That Subsection (a) of Section 8-1.1, "Reports to the City Council," of Article I, "In General," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

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

(a) By February 1 of each year, each board shall submit to the city manager for distribution to the city council an annual report that has been approved by the board of its activities containing the following:

(1) a cover letter transmitting the report, signed by the board chair, addressed to the mayor and city council;

(2) a table of contents;

(3) a mission statement [~~and~~] or the guiding principles of the reporting body;

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(4) ~~[a list of objectives, programs, and success indicators for period covered in the report;~~

(5) a summary of the year just completed including highlights of objectives and accomplishments;

(6) a ~~[work program]~~ list of objectives and programs for the coming year including revised goals ~~[and a revised matrix]~~;

(7) a summary of the board's recommendations, including a summary of the recommendations of the minority if there is a minority report;

(8) other information determined to be necessary by the board.”

SECTION 3. That Subsection (c) of Section 8-1.1, “Reports to the City Council,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

“(c) The ~~[public information representative of the]~~ office of the city manager shall coordinate the preparation of the reports within the applicable city departments and generally give assistance in the development of the reports.”

SECTION 4. That Subsection (d) of Section 8-1.1, “Reports to the City Council,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

“(d) The following formatting standards ~~[for format]~~ shall apply:

(1) The report should be 8-1/2 inches by 11 inches in size. Each larger sheet should be folded to this size.

~~[(2) The text should be black and white with no color.~~

~~[(3) The text should be typed and reproduced directly, without typesetting.~~

~~[(4) Use of photographs should be kept at a minimum.]~~

(5) Covers should include ~~[be of color stock paper with black print and]~~ the city of Dallas logo.

~~[(6) The report may be bound if over 200 pages in length.~~

(7) ~~The city print shop should do the printing.]”~~

SECTION 5. That Subsection (a) of Section 8-1.2, “Notice of Appointment; Acceptance,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

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

SECTION 6. That Section 8-1.4, “Qualification Considerations in Appointments to Board,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

“(a) In addition to the qualifications for service on a board that are mandated by the city charter or other ordinances, an appointee to a board must:

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

(2) be a qualified voter in the city at the time of appointment;

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

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

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

(6) not be in arrears on any city taxes, water service charges, or other

obligations owed the city;

(7) have a creditable record of attendance pursuant to Section 8-20 [~~and performance~~] in any previous board service; and

(8) not have been finally convicted of two or more felony offenses for which the person has not been pardoned or otherwise released from the resulting disabilities.

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

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

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

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

(~~f~~) The city secretary shall inform the city council if any person nominated for appointment to a board has been convicted of a misdemeanor offense, other than a traffic violation, in the last five years or of any felony offense.

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

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

(1) a notice that the person forfeits their membership on the board for no longer

qualifying under Paragraph (1), (2), (5), (6), (7), or (8) of Subsection (a) of this section.

(2) a notice that the city secretary shall place an item on a council agenda to consider removal of the person from the board for no longer qualifying under Paragraph (3) or (4) of Subsection (a) of this section.”

SECTION 7. That Section 8-1.5, “Limitation of Terms,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

“SEC. 8-1.5. LIMITATION OF TERMS.

(a) A person who has served as a member of a particular board for four consecutive two-year terms will not again be eligible to serve on that same board until at least one term has elapsed, regardless of whether service was as a member or chair. ~~[Disqualification of a board appointee under this subsection may be waived by the city council after a review of the specific circumstances.]~~

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

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

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

SECTION 8. That Section 8-2, “Regular Meetings,” of Article II, “Meetings,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

“SEC. 8-2. REGULAR MEETINGS.

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

(b) Department directors will biennially inform the city secretary’s office of the board’s regular meeting schedule, or at any other such time as that schedule changes.”

SECTION 9. That Section 8-4, "Quorum," of Article II, "Meetings," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

"SEC. 8-4. QUORUM.

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

(b) For purposes of calculating attendance, special meetings will not be counted."

SECTION 10. That Subsection (a) of Section 8-6, "Public Character of Meetings and Actions; Executive Sessions," of Article II, "Meetings," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

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

SECTION 11. That Section 8-8, "Report of Minutes," of Article II, "Meetings," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

"SEC. 8-8. REPORT OF MINUTES.

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

- (a) a list of members absent from the meeting; and
- (b) the approved ~~[a copy of the]~~ minutes of each ~~[the]~~ meeting, signed by the presiding officer."

SECTION 12. That Subsection (a) of Section 8-9, "Chair and Vice-Chair," of Article III, "Officers and Their Duties," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

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

SECTION 13. That Subsection (e) of Section 8-9, "Chair and Vice-Chair," of Article III, "Officers and Their Duties," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

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

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

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

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

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

SECTION 14. That Section 8-20, "Attendance," of Article IV, "Duties and Privileges of Members," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

"SEC. 8-20. ATTENDANCE.

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

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

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

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

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

SECTION 15. That Section 8-20.1, "Special Attendance Requirements," of Article IV, "Duties and Privileges of Members," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

"SEC. 8-20.1. SPECIAL ATTENDANCE REQUIREMENTS.

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

- (1) the member attends both the inspection trip and the meeting; ~~[or]~~
- (2) the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting; or~~[-]~~
- (3) the board or commission, by rule, provides otherwise."

SECTION 16. That Section 8-21, "Excusal During Meeting," of Article IV, "Duties and Privileges of Members," of Chapter 8, "Boards and Commissions," of the Dallas City Code is amended to read as follows:

"SEC. 8-21. EXCUSAL DURING MEETING.

(a) ~~[A member may not leave a board meeting in regular session without acknowledgment by the chair.]~~ A member who leaves a board meeting after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting.

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

SECTION 17. That Chapter 8 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 18. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

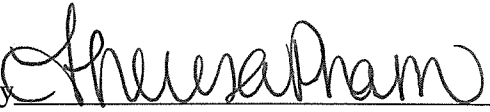
SECTION 19. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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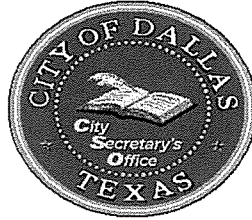
SECTION 20. That this ordinance shall take effect immediately, and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By  _____
Assistant City Attorney

Passed _____ AUG 9 2017



PROOF OF PUBLICATION – LEGAL ADVERTISING

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

DATE ADOPTED BY CITY COUNCIL AUG 9 2017

ORDINANCE NUMBER 30555

DATE PUBLISHED AUG 12 2017

ATTESTED BY: