

10-22-19

ORDINANCE NO. 31350

An ordinance amending Chapter 8, "Boards and Commissions," of the Dallas City Code by amending Sections 8-1 and 8-6; providing boards that have rulemaking or quasi-judicial power to require public testimony before or during consideration of any agenda item; providing twice the amount of time for public testimony from an individual using a translator; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86th Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, H.B. 2840 requires that (1) a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item; and (2) a rule adopted that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body.

WHEREAS, H.B. 2840 was approved by both chambers of the Texas Legislature; and

WHEREAS, H.B. 2840 was signed by Governor Greg Abbot on June 10, 2019; and

WHEREAS, H.B. 2840 became law on September 1, 2019; Now, Therefore,

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. During [~~the~~] debate, the chair shall be referred to by this official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title.

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

(4) CONSIDERATION means the process by which a board disposes of a motion.

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

(~~6~~[5]) FORFEIT or FORFEITURE means automatic loss of membership on a board, without the need for council action.

(7) ITEM means a particular subject of public business listed on a posted agenda that requires consideration from the board during the public meeting.

(~~8~~[6]) MEMBER means a duly appointed or elected member of a board."

SECTION 2. That 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:

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

(a) All meetings of a board shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act, as amended, to be discussed in executive session. All actions of the board shall be public and sufficient copies of the minutes shall be made

available by the coordinating city staff member to the news media and other interested persons upon request.

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

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

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

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

(f) Compliance with this section shall be the responsibility of the city department designated to provide staff support to the board. The city secretary shall be responsible for establishing guidelines for the security of all tapes on which board executive sessions are recorded pursuant to Subsection (b).”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 8 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.


SECTION 4. 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 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By 
Assistant City Attorney

Passed OCT 23 2019



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 OCT 23 2019

ORDINANCE NUMBER 31350

DATE PUBLISHED OCT 26 2019

ATTESTED BY: