


**AUGUST 20, 2014 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated August 20, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

8.15.14

Date



Edward Scott
City Controller

8-15-14

Date

RECEIVED

2014 AUG 15 PM 4: 32

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

August 20, 2014

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, AUGUST 20, 2014
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the August 6, 2014 City Council Meeting and August 12, 2014 City Council Budget Workshop
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS 6ES

- A. Mayor's Task Force on Poverty
 - B. Rest Break Ordinance for Construction Workers
- Lunch
- C. Property Tax Rate: State Law Requirements

ITEMS FOR INDIVIDUAL CONSIDERATION

Office of Financial Services

3. Authorize **(1)** public hearings to be held on Wednesday, September 3, 2014 and Wednesday, September 10, 2014 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a \$0.7970/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 17, 2014 - Financing: No cost consideration to the City

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, AUGUST 20, 2014

BRIEFINGS (Continued) 6ES

D. Discussion of Potential 2014-15 Budget Amendments

Closed Session 6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Settlement of a claim filed by AT&T, Texas Claim No. 13471515.
- Curtis Lockey et al. v. City of Dallas, et al., Appeal Nos. 13-10884 and 14-10063;
1600 Pacific LP v. City of Dallas, HUD Case File Nos. 06-10-0449-4, 06-10-0499-6,
06-10-0499-8, and 06-10-0449-9.

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

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 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. 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 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA ITEM # 3

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: August 20, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** public hearings to be held on Wednesday, September 3, 2014 and Wednesday, September 10, 2014 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a \$0.7970/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 17, 2014 - Financing: No cost consideration to the City

BACKGROUND

The City Manager's recommended FY 2014-15 budget includes a tax rate of \$0.7970/\$100. To set a property tax rate above the effective rate of \$0.7601/\$100, State law requires the following:

Specify a proposed desired rate; take record vote and schedule two special public hearings;

Publish "Notice of 2014 Tax Year Proposed Property Tax Rate" (quarter-page notice) at least seven days before public hearing (August 22, 2014);

Minimum 72-hour notice for public hearing;

Hold two special public hearings, schedule and announce meeting to adopt tax rate 3-14 days from this date (Wednesday, September 3, 2014 and Wednesday, September 10, 2014);

Minimum 72-hour notice for meeting at which Council will adopt tax rate;

Meeting to adopt tax rate (September 17, 2014)

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed on the City Manager's Proposed Budget on August 12, 2014.

Scheduled to be briefed to the City Council at the Budget Workshop on August 20, 2014.

FISCAL INFORMATION

No cost consideration to the City.

August 20, 2014

WHEREAS, the City Manager's proposed FY 2014-15 Budget includes a \$0.7970/\$100 tax rate; and

WHEREAS, Chapter 26 of the Texas Property Tax Code requires the publication of one notice and holding two public hearings should a tax rate above the lower of the effective or rollback rate be considered; and

WHEREAS, the City's FY 2014-15 effective rate is calculated to be \$0.7601/\$100; and

WHEREAS, the City Council desires to reserve the option to exceed the calculated effective rate of \$0.7601/\$100; and

WHEREAS, the City Council is committed to providing the citizens with the opportunity to speak on the City's FY 2014-15 tax rate;

NOW, THEREFORE,

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

Section 1. That the City Council will consider adoption of a \$0.7970/\$100 valuation property tax rate, or a lower rate as may be proposed by the City Council on September 17, 2014.

Section 2. That public hearings on the City's FY 2014-15 proposed tax rate be held on Wednesday, September 3, 2014 after 9:00 a.m. and Wednesday, September 10, 2014 after 1:00 p.m. at Dallas City Hall.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Memorandum



CITY OF DALLAS

DATE August 15, 2014

TO Members of the City Council

SUBJECT **Mayor's Task Force on Poverty**

Next Wednesday, August 20 2014, the City Council will be briefed by Larry James on an update on the Mayor's Task Force on Poverty.

The briefing materials are attached for your review.


Michael S. Rawlings
Mayor

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager

Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, (I) Assistant City Manager
Theresa O'Donnell, (I) Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, (I) Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



MAYOR'S TASK FORCE ON POVERTY

COUNCIL BRIEFING

August 20, 2014

Larry James
Chair
CitySquare

Regina Montoya
Co-Chair
Attorney

Tennell Atkins
Co-Chair
Mayor Pro Tem
City Council Member, District 8

Suzanne Smith
Founder/Managing Director
Social Impact Architects

Dr. Tim Bray
Professor
UT Dallas

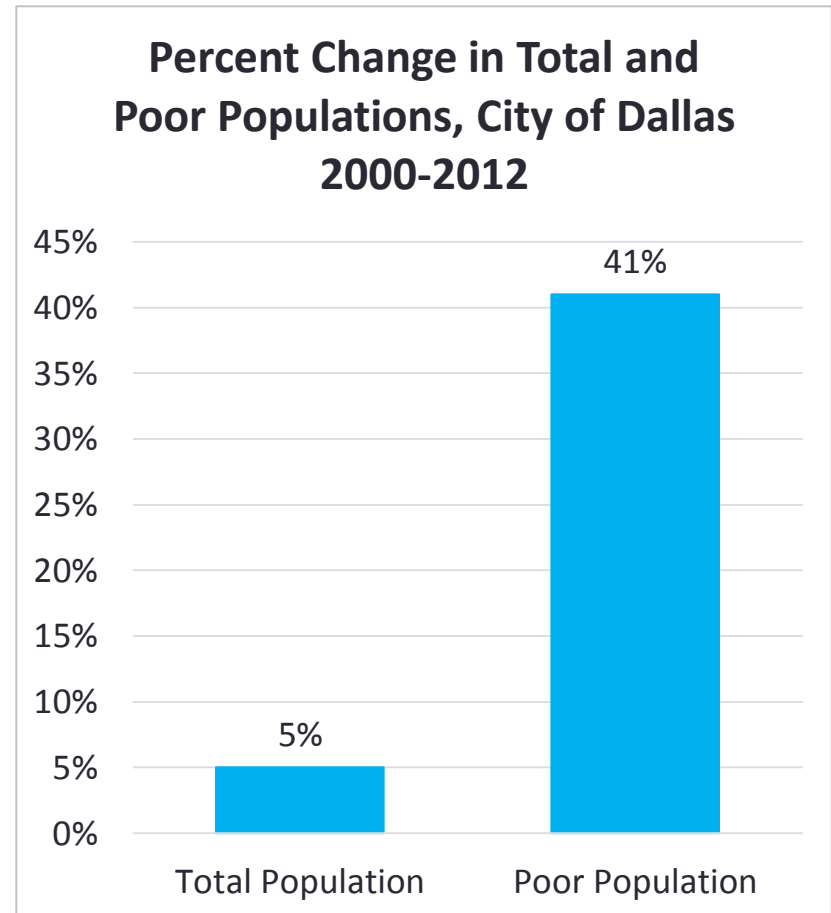


MAYOR'S TASK FORCE ON POVERTY

OPENING REMARKS

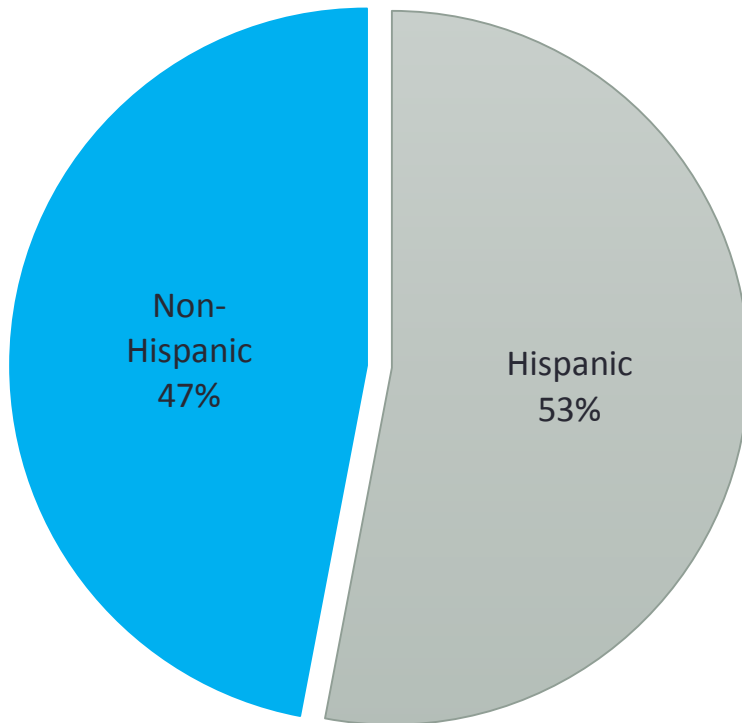
Poverty – An Epidemic – Urgent Action is Necessary

- From 2001 to 2012, the DFW GDP increased by 68% or \$169B¹
- Yet, from 2000 to 2012, poverty growth outpaced total population growth in the City of Dallas²
- In 2012, Dallas ranked:
 - **Worst** Child Poverty Rate (38%)³
 - **2nd** Largest Growth in Overall Poverty Rate from 2000 (+6 percentage points)³
 - **3rd** Worst Overall Poverty Rate (24%)³
 - **3rd** Worst Growth in Number of Poor Persons (+41%)³

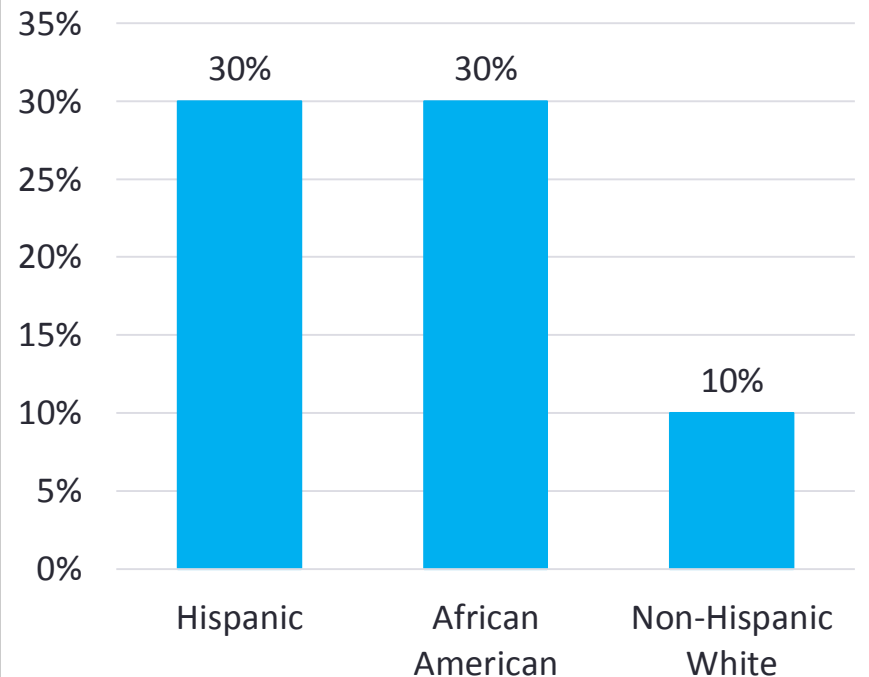


Poverty Affects People of Color Disproportionately

**Ethnicity of Persons in Poverty
City of Dallas, 2012**

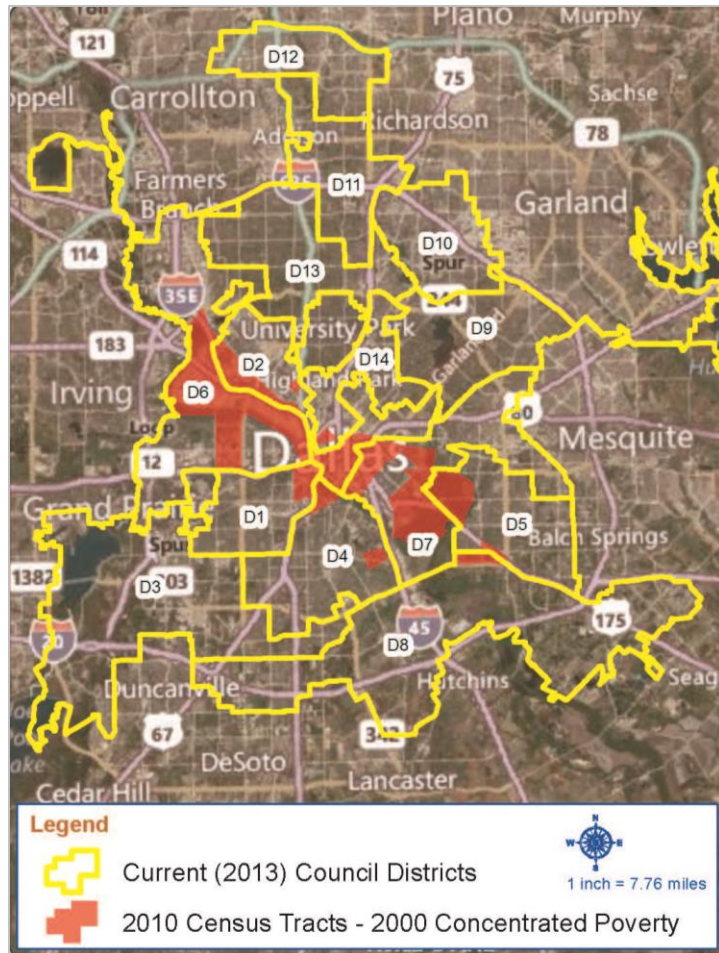


**Poverty in the Population,
by Race and Ethnicity
City of Dallas, 2012**

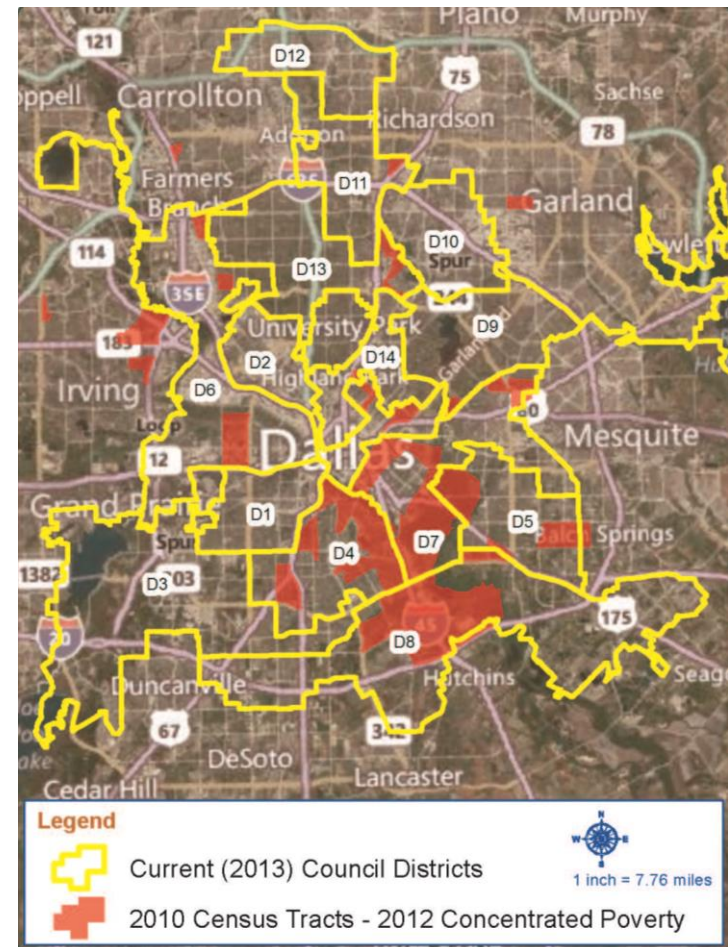


Concentrated Poverty

2000



2013



Concentrated Poverty⁴

	2000	2013
Population	10% of Dallas' poor and 4% of Dallas' total population lived in neighborhoods of concentrated poverty	21% of Dallas' poor, and 10% of Dallas' total population lived in neighborhoods of concentrated poverty
Neighborhoods	18 neighborhoods	32 neighborhoods
Districts	Concentrated poverty neighborhoods not found in 7 council districts	Concentrated poverty neighborhoods not found in 5 council districts

Concentrated Poverty by District

District	Neighborhoods with Concentrated Poverty		Percent of District Population Living in Concentrated Poverty		Estimated Population Growth 2000-2012	
	2000	2012	2000	2012	All Persons	Persons in Poverty
1	1	0	7%	0%	-8%	+11%
2	2	4	5%	14%	-10%	+1%
3	0	0	0%	0%	+28%	+79%
4	2	9	5%	39%	-3%	+42%
5	0	1	0%	13%	+16%	+72%
6	2	3	15%	22%	-2%	+22%
7	6	6	19%	22%	-4%	+13%
8	1	3	7%	16%	+19%	+75%
9	0	1	0%	2%	+3%	+74%
10	0	0	0%	0%	-11%	+64%
11	0	2	0%	8%	+2%	+44%
12	0	0	0%	0%	+8%	+155%
13	0	3	0%	9%	-14%	+12%
14	1	0	0%	0%	+11%	+23%

Why the Change?

- The population of Dallas is changing
 - In 2011, **28,746 income tax filers (51% of those moving out) moved from Dallas County to a surrounding county** (Collin, Denton, Tarrant, Johnson, Ellis, Kaufman, or Rockwall). Only 24,896 moved in from those counties. *More research is needed to better understand the drivers.*⁵
 - From 2004 through 2011, income tax filers moving out of Dallas County took \$22.5B in adjusted gross income with them, while those who moved in only brought \$19.2B, for **a net loss of \$3.3B**, inflation adjusted to 2014 dollars.⁵
- Those more vulnerable to poverty are growing poorer
 - From 2000 to 2012 in the City of Dallas, the median family income for single mothers with kids in the home **dropped by 30%**, from \$28,026 to \$19,559, adjusting for inflation. Over the same time period, median family income for married couples with kids dropped by a little more than half that much - 17%.⁶

Emerging Role of Cities Fighting Poverty

- **RELEVANCE**

- Increase in urban poverty rates

- **AWARENESS**

- Increased media attention & public concern

- **EFFICIENCY**

- Increased ability to impact through array of interventions and early warning signs
- Move toward more local action from federal



GOVERNING

THE STATES AND LOCALITIES

FINANCE | HEALTH | INFRASTRUCTURE | MANAGEMENT | ELECTIONS | POLITICS | PUBLIC SAFETY | URBAN | EDUCATION

HEALTH & HUMAN SERVICES

City Pilot Uses Late Water Bills to Help the Poor

While Detroit used unpaid bills to cut off water service to thousands of people, five other cities are using those same outstanding payments to identify and help people in need.

CITIES OF OPPORTUNITY TASK FORCE COMMITMENT TO ACTION

More than 30 mayors from across the country sign Commitment at Gracie

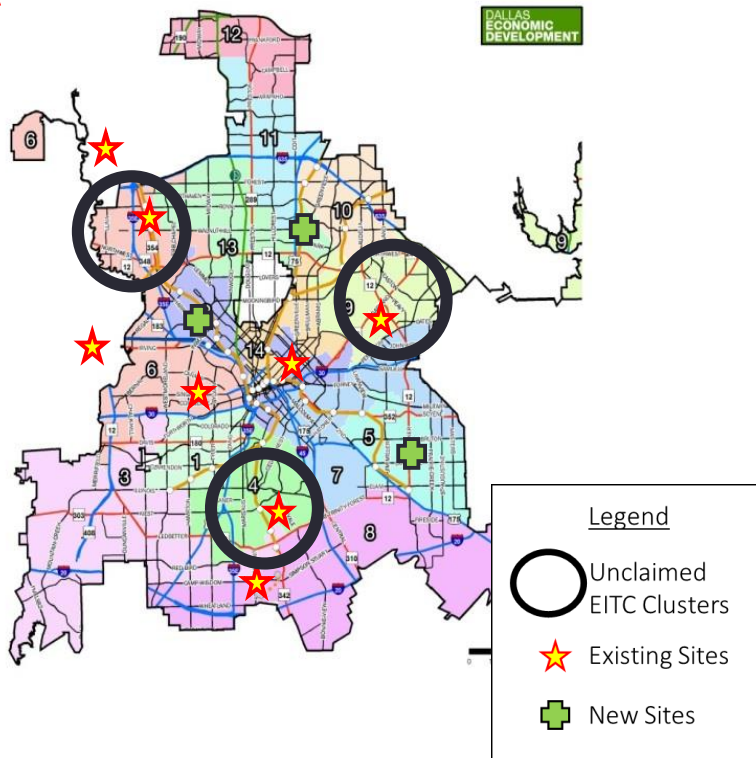


Top Recommendations

- Leverage EITC as economic engine & gateway
- Take leadership role in minimum wage
- Champion early childhood campaign
- Create a permanent “Office of Community Opportunity” inside City Hall
- Step up efforts to reduce blight
- Support Hire Dallas campaign

Leverage EITC as Economic Engine & Gateway for Future Asset Building

Detailed Description: Work with United Way, Foundation Communities, and others to expand outreach centers (e.g. libraries, recreation centers) to leverage EITC as an economic development opportunity for citizens as well as a gateway for future asset building.

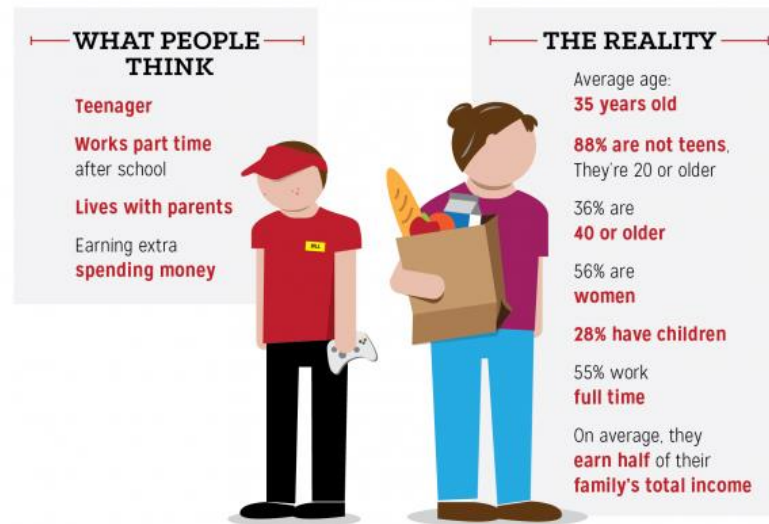


- **ASK #1:** \$1M investment by City to bring Dallas on-par with other Texas cities in leveraging this win-win opportunity
- **ASK #2:** In-kind support through December utility mailing & Council advocacy
- \$1M in investment will net **36x return** in refunds to citizens, as well as sales tax revenue from spending
- Will **expand reach** in many Council Districts, including 1, 2, 3, 4, 5, 6, 7, 9, 10, & 13
- Will also add **additional services**, including FAFSA prep and other savings products

Take Leadership Role in Minimum Wage

Detailed Description: Establish a City employee and City of Dallas' contractors' employees hourly rate of \$10.25 per hour adjusted to inflation. Encourage other government and private employers to follow this trend.

WHO'S HELPED BY RAISING THE MINIMUM WAGE?



Note: Statistics describe civilian workers, ages 16+, that would be affected by an increase in the federal minimum wage to \$10.10 over three years, as explained in *Raising the federal minimum wage to \$10.10 would give working families, and the overall economy, a much-needed boost*. The median age of affected workers is 31 years old. Visit epi.org/issues/minimum-wage for more details.

Champion Early Childhood Campaign

[Detailed Description:](#) Work with DISD and City to amplify existing efforts on *BIG Things for Little Kids* campaign (an engagement strategy of DISD's Destination 2020) to encourage early reading, pre-K enrollment, and other parent strategies.

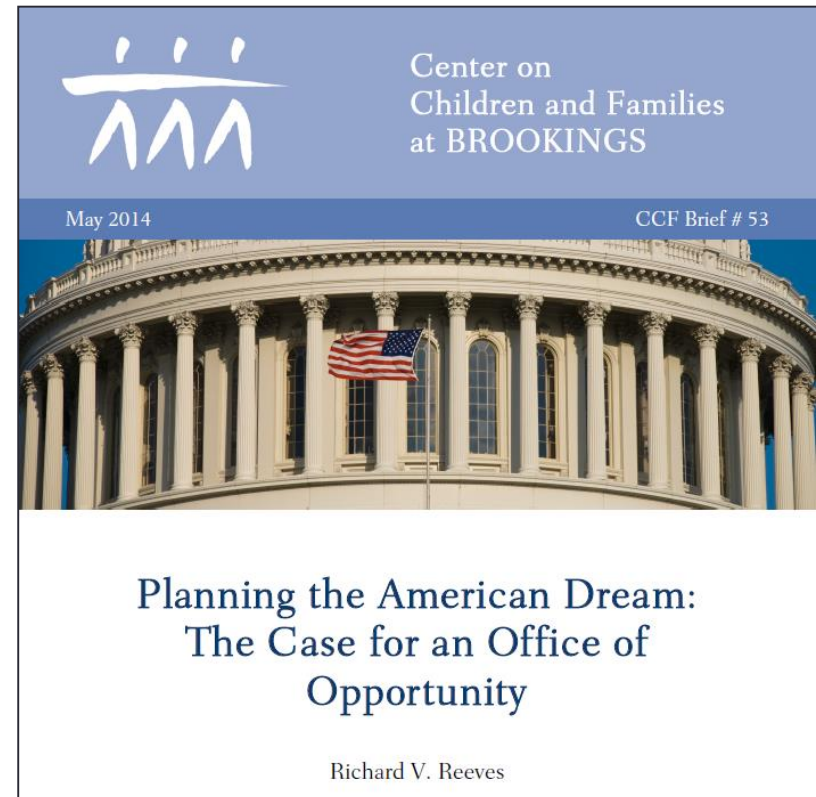


- **ASK #1:** \$250,000 to fully activate campaign, especially in Districts with the lowest percentage of children in pre-K
- **ASK #2:** In-kind support through utility mailing, publicity at recreation centers/libraries & Council advocacy



Create Permanent “Office of Community Opportunity” Inside City Hall

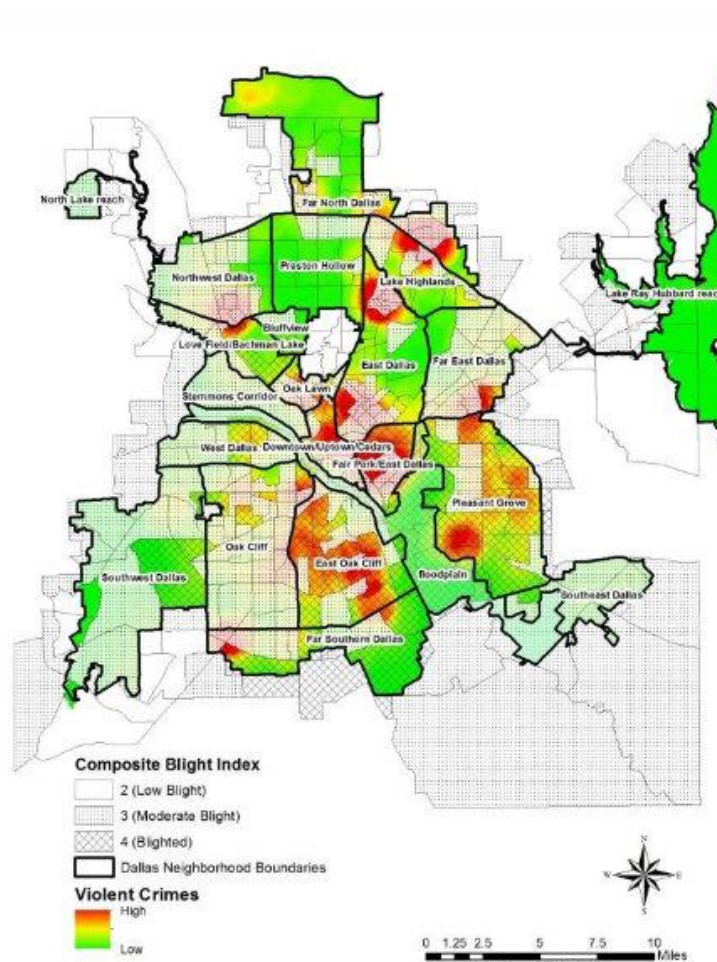
Detailed Description: Create an office to coordinate, evaluate, and accelerate poverty efforts among all City departments, funding streams, and other government offices. The City’s current *Housing Plus* effort serves as an example of a program that could be orchestrated by the new Office.



Step Up Efforts to Reduce Blight

Detailed Description: Amplify efforts through code enforcement, liens, and city attorney's resources to reduce blight and crime in select neighborhoods.

- **ASK:** Continue support within proposal budget
- Builds on the work of the Blight to Light report in August 2013
- Could also include reforming and strengthening the city's land bank program to allow developers to bundle lots



Support Hire Dallas Campaign

[Detailed Description:](#) Work with Workforce Solutions, Chambers, minority community, employers, electronic and print media, and others to conduct a hire Dallas/DISD campaign to support growth of jobs from within Dallas.

- **ASK:** Support philanthropic and other stakeholders' efforts on Dallas-based campaign

HIREDETROIT!TM



**HIRE ONE
ATLANTA**



MAYOR'S TASK FORCE ON POVERTY

Q & A



MAYOR'S TASK FORCE ON POVERTY

Hon. Tennell Atkins

Mayor Pro Tem, City of Dallas

Task Force Co-Chair

Rev. Larry James

CEO, City Square

Task Force Chair

Regina Montoya

Attorney

Task Force Co-Chair

Planning Cabinet

Britton Banowsky
 Dr. Timothy M. Bray
 Debra Brennan Tagg
 Darwin Bruce
 Hasani Burton
 Celina Cardenas
 John Castle
 Danny Cendejas
 Stacy Cheronas
 J.D. Garza
 Dianne Gibson
 Delores Sosa Green
 Bill Hall
 Susan Hoff
 Delia Jasso
 Sonya Jenkins

James Jones
 Johnny Jones
 Chris Kleinert
 Hank Lawson
 Lisa LeMaster
 Cyndy Lutz
 Tori Mannes
 Leonor Marquez
 Cheryl Mayo Williams
 Adam McGough
 Sara Mokuria
 Sarah Morningstar
 Natalie Nelms
 Regina Nippert
 Alfreda Norman
 Dr. Lynn Parsons

Oscar Pereira
 Jan Pruitt
 Sandy Rollins
 Rosie Rueda
 Rev. Chris Simmons
 Suzanne Smith
 Michael Sorrell
 Ron Stretcher
 Debbie Taylor
 Okema Thomas
 Kevin Thomason
 Florencia Velasco Fortner
 LaSheryl Walker
 Rev. Jeff Ward

Notes

1. DFW Metropolitan Statistical Area GDP calculated by the U.S. Department of Commerce Bureau of Economic Analysis.
2. Institute for Urban Policy Research analysis of U.S. Census Bureau's Decennial Census Summary File 3 for 2000 and American Community Survey 1-Year Estimates for 2012.
3. Rankings based on analyses of 9 cities with 2012 estimated population of 1 million or more.
4. Institute for Urban Policy Research analysis of decennial census data for 1970-2010 standardized to 2010 tract definitions by the Spatial Structures in the Social Sciences project at Brown University and American Community Survey 5-Year Estimates for 2012. City Council Districts are those drawn in 2013. Concentrated poverty is here defined as a census tract where 40% or more of the population is at or below the poverty level.
5. Institute for Urban Policy Research analysis of U.S. Internal Revenue Service Statistics of Income (SOI) county to county migration files for tax years 2005 through 2011. All dollars have been inflation adjusted to 2014 dollars using the Bureau of Labor Statistics Consumer Price Index.
6. Institute for Urban Policy Research analysis of U.S. Census Bureau Decennial Census Summary File 3 for 2000 and American Community Survey 1-Year Estimates for 2012, inflation adjusted to 2014 dollars using the Bureau of Labor Statistics Consumer Price Index.

Memorandum



CITY OF DALLAS

DATE August 15, 2014

TO The Honorable Mayor and Members of the City Council

SUBJECT Rest Break Ordinance for Construction Workers

On Monday, June 23, 2014, the Quality of Life & Environment Committee was briefed on Rest Break Ordinance for Construction Workers from the Workers Defense Project. The committee recommended that the briefing be presented to the City Council.

On Wednesday, August 20, 2014, the City Council will be briefed on Rest Break Ordinance for Construction Workers from the Workers Defense Project.

Please contact me if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

Attachment

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager

Forest E. Turner, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Rest Break Ordinance for Construction Workers



*Presented to the Dallas City Council,
August 20, 2014*



Workers Defense Project
Proyecto Defensa Laboral



Dallas Needs a Rest Break Ordinance

Table 1: Working Conditions Reported by Dallas Construction Workers¹

Receive no rest breaks	33%
Employer doesn't provide drinking water	66%
Witnessed a coworker faint due to heat exhaustion	12%

OSHA recommends that workers laboring in the heat, especially during the summer, be granted frequent rest breaks and that each worker be provided with clean drinking water throughout the workday.²

¹ Based on the findings of *Build a Better Texas: Construction Working Conditions in the Lone Star State*, University of Texas Division of Diversity and Community Engagement, January 2013.

² "OSHA's Campaign to Prevent Heat Stress in Outdoor Workers," US Department of Labor, OSHA, accessed June 19, 2014, <http://www.osha.gov/SLTC/heatillness/index.html>.

Dallas Construction Workers Speak

“I’ve seen people throw up, people fall, fainting because they wouldn’t get a rest break.” – Modesto Suret

“Your body feels like it’s suffocating. I felt dizzy, my eyes got blurry. I felt nauseous.” – Billy Tirado

Without frequent breaks, heat can be hazardous

- The body's usual cooling mechanisms – blood circulation and sweating – are not effective
- The body cannot get rid of excess heat, leading to increased heart rate and rise in body's core temperature;
- Symptoms of heat-related illness include headaches, nausea, dizziness, fainting or worse.
- **Between 2008 and 2012, at least 18 Texas workers died as the result of a heat-related illness – over 50% of which worked in construction.**³

³ “OSHA’s Campaign to Prevent Heat Stress in Outdoor Workers,” US Department of Labor, OSHA, accessed June 19, 2014, <http://www.osha.gov/SLTC/heatillness/index.html>.

Without frequent breaks, heat can be hazardous

Table 2: Reported Heat Related Illness by Type, Dallas County⁴

Week Ending	6/14	6/21	6/28	7/5	7/12	7/19	7/26	8/2	Total
MMWR Week	24	25	26	27	28	29	30	31	
Heat Cramps	0	5	2	1	8	5	14	4	38
Heat Exhaustion	2	15	2	4	9	3	16	2	58
Heat Stroke	1	2	1	0	4	1	5	0	16
Deaths*	0	0	0	0	0	0	0	0	0
Total Heat-Related Illness Cases	3	22	5	5	21	9	35	6	125

Dallas County Health and Human Services reports 125 cases of heat-related illness since May 4, 2014.

⁴ “Heat-Related Illness Surveillance Report: Week 31 ending August 2, 2014,” Dallas County Health and Human Services, accessed August 12, 2014, http://www.dallascounty.org/department/hhs/documents/Heat-relatedIllnessReportWeek318.2.14_000.pdf.

Lack of Rest Breaks Carries a Social Cost

In 2012 alone, there were 1,625 potentially preventable hospitalizations for dehydration in Dallas County. The estimated average charge per hospitalization exceeded \$20,000.

Table 3: Potentially Preventable Dehydration Hospitalizations, Dallas County⁵

# of Hospitalizations		2007-2012	
2012	2007-2012	Avg. Hospital Charge	Total Hospital Charges
1,625	7,040	\$20,601	\$145,028,426

⁵ "Dallas County: Potentially Preventable Hospitalizations," Texas Department of State Health Services, accessed August 12, 2014, <http://www.dshs.state.tx.us/ph/county.shtm>

Dallas Workers Have No Right to a Break

- Neither federal law nor Texas law requires employers to provide rest breaks.
- Although OSHA recommends that workers be given short, frequent breaks to prevent heat-related illness, the agency does not require rest breaks.
- However, 8 states and 1 Texas city have passed rest break legislation.

Basic Elements of a Rest Break Ordinance

- Minimum 10 minutes of rest for every four hours construction work performed.
- Flexibility to accommodate the ebb and flow of work.
- Signage in English and Spanish on all worksites about the ordinance.
- Mechanism for city officials to assess meaningful penalties for violations.
- Clear and concise definition of employees and employers covered by the ordinance.

Reporting and Enforcement

Lessons learned:

- Important for there to be a confidential means to report potential violations (3-1-1).
- Makes most sense for the city department that already inspects construction sites to be responsible for enforcement.



**ATTENTION
CONSTRUCTION WORKERS**

**YOU HAVE THE RIGHT TO A
REST BREAK IN AUSTIN**

THE LAW:
You have the right to rest 10 minutes for every 4 hours worked. This does not include lunch breaks. Your construction sites must also have signs in Spanish and English that state this right in a conspicuous place.

NO BREAKS? FILE A COMPLAINT:

- File a complaint at the Municipal Court found at 700 E. 7th. St.; or go to their website for more information: <http://www.austintexas.gov/departments/filing-citizencomplaint>
- Call 3-1-1 and give the following information: (1) Name of the business, (2) the address of the construction site

EMPLOYERS:
Anyone who continues to violate the requirements of this ordinance after being notified of the offense in writing by the City is subject to a civil penalty of not less than \$100 or more than \$500 for each day the violation occurs.

Good for workers, good for business.

- Workers who receive frequent rest breaks are more efficient and less likely to experience injury.
- Rest breaks help prevent the costly work-stoppages and project delays that result from workplace accidents.
- Director of Austin's Public Works Department, reports that complying with city's rest break ordinance has not resulted in extra expense for his department.⁶

⁶ Conversation with Howard Lazarus, Director of Public Works, City of Austin, July 29, 2014.

Low cost, common sense solution

- Majority of construction employers already do provide rest breaks to their workforce, this law would have minimal impact on them.
- Benefits responsible businesses by ensuring that all construction employers are held to the same minimum standard.
- Addresses a core public health concern.
- Sends a clear message that all construction workers building this city have the basic right to rest.





Ensuring Rest Breaks for Dallas Construction Workers

During the summer, the City of Dallas regularly experiences **average temperatures exceeding 100° F**. Workers laboring outside in such conditions are at great risk of injury and illness due to heat exhaustion or heat stroke. Between 2008 and 2012, at least 18 Texas workers died as the result of a heat-related illness, **over 50% of which were construction workers**.¹

OSHA recommends that workers laboring in the heat, especially during the summer, be granted short, frequent rest breaks and that each worker be provided with clean drinking water throughout the workday.² However, neither federal law nor Texas law requires employers to provide rest breaks.

Many Dallas construction workers currently go without rest breaks or water on the job:

33% of Dallas construction workers report receiving no rest breaks during their workday besides lunch;

66% of Dallas construction workers report that their employers fail to provide drinking water at their worksite; and

12% of Dallas construction workers report that they have witnessed a co-worker faint on the job due to heat exhaustion.³

A rest break ordinance in Dallas would benefit the city, its construction workers, and local construction employers. Well-rested workers commit fewer accidents, resulting in fewer injuries and costly work-stoppages.

Dallas needs a rest break ordinance that includes the following:

- A minimum 10 minute rest break apart from lunch required for every 4 hours of construction work;
- Required signage on worksites so workers know of their rights under the ordinance and how to report violations;
- A mechanism for workers to report violations confidentially; and
- Meaningful penalties to incentivize compliance.

For more information, contact:
Juan Cardoza-Oquendo
juan@workersdefense.org
972-479-5080, x8038

¹OSHA's Campaign to Prevent Heat Stress in Outdoor Workers: Map of Heat Fatalities," US Department of Labor, OSHA, accessed June 19, 2014, https://www.osha.gov/SLTC/heatillness/map_text.html

²OSHA's Campaign to Prevent Heat Stress in Outdoor Workers," US Department of Labor, OSHA, accessed June 19, 2014, <http://www.osha.gov/SLTC/heatillness/index.html>.

³Based on the findings of *Build a Better Texas: Construction Working Conditions in the Lone Star State*, University of Texas Division of Diversity and Community Engagement, January 2013.



Dallas Rest Break Ordinance FAQs

1. Why does Dallas need a rest break ordinance for construction workers?

Too many Dallas construction workers are currently not receiving rest breaks on the job. Rest breaks are necessary to prevent heat-related illness, injuries, and accidents. For this reason, OSHA recommends that workers laboring in the heat be given short, frequent breaks throughout the workday to rest, cool off, and drink water. A study published by the University of Texas-Austin in 2013, however, found that only 33% of Dallas construction workers reported receiving rest breaks apart from lunch.¹ We need to put a law in place in order to guarantee this basic protection for workers.

2. What would a rest break ordinance require?

The ordinance would require that construction workers received a minimum rest break apart from lunch during their workday. It would also require employers to post signs at the worksite informing workers of their right to a break and letting workers know how they can anonymously report violations of the ordinance to city officials. It's up to City Council to determine the local solution that makes the most sense for Dallas, but most rest break legislation guarantees workers a minimum break of 10 minutes, apart from lunch, for every four hours of work.

3. Aren't rest breaks already guaranteed under federal or state law?

Dallas construction workers currently have no legal right to a rest break under either federal or state law. Although OSHA recommends that workers be given sufficient breaks to rest and drink water, OSHA regulations do not require that employers actually provide these breaks. If our city officials agree that the workers building our city deserve a guaranteed rest break, they have the full authority to give construction workers that right.

4. Why don't construction workers get rest breaks?

There are many model construction companies in Dallas who invest in their workforce, prioritize workplace safety, and already provide rest breaks to their employees. Too many contractors, however, choose to cut corners on safety when

¹Based on the findings of *Build a Better Texas: Construction Working Conditions in the Lone Star State*, University of Texas Division of Diversity and Community Engagement, January 2013.



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they are running up against a deadline. If a contractor is behind on a project, they should not be allowed to endanger workers' safety by forcing their employees to work without a break. A rest break ordinance would create a minimum standard for everyone, so that high-road employers who want to do right by their employees aren't placed at a disadvantage.

5. Won't this ordinance cost the city a lot of money to implement?

City inspectors already visit construction sites regularly to ensure that construction companies comply with city permitting and code requirements. This ordinance would simply require those inspectors to check for one more sign and ask workers and the superintendent one additional question about whether rest breaks are being provided during their routine worksite visits.

6. Will requiring rest breaks be bad for business?

A rest break ordinance supports the many responsible construction businesses that already provide rest breaks to their employees by making sure that all businesses are held to that same minimum standard. Moreover, workplace accidents and injuries cause costly work stoppages and delay projects. Well-rested workers commit fewer accidents, are less likely to be injured on the job, and are actually more productive. Projects are more likely to be completed on time when workers are given short, frequent breaks to rest.

7. Doesn't this issue only impact undocumented workers who don't know their rights?

Currently, no construction workers in Dallas have the right to a rest break, so this problem has nothing to do with whether someone knows his or her rights. In addition, when contractors deny their workers rest breaks, they are most likely to deny rest breaks to their entire crew - documented and undocumented workers alike.

8. Won't this ordinance disrupt the completion of time-sensitive construction tasks, like pouring concrete?

A rest break ordinance can be crafted to allow employers the discretion to determine when to grant their workers a rest break, so as to not interfere with the ebb and flow of work. The City of Austin ordinance, for example, requires that the rest break be provided any time within the first 3.5 hours of work. The



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ordinance does not require all workers on the site to take their break at the same time, so contractors can use tag-in/tag-out procedures during time-sensitive tasks like pouring concrete. Many contractors already use these procedures to accommodate workers' needs to use the restroom.

9. Why does the ordinance only impact construction workers and not other workers who work outdoors (lifeguards, landscapers, electrical/telecom installers, etc?)

Sound policy comes from sound statistical data. Between 2008 and 2012, at least 18 Texas workers died as a result of a heat-related illness, over 50% of which were construction workers.² The 2013 study published by UT-Austin found that 33% of surveyed Dallas construction workers reported not receiving rest breaks.³ We have reliable data showing that this issue impacts local construction workers, so we need to act to protect local construction workers.

10. Will this ordinance really have an impact?

The UT-Austin conducted a study of Austin construction workers in 2009 and found that 41% of surveyed workers reported not receiving rest breaks.⁴ When UT conducted a different survey in 2012, two years after the Austin rest break ordinance passed, researchers found that 21% of Austin workers reported not receiving rest breaks.⁵ It is impossible for researchers to determine the full impact of policy measures like a rest break ordinance. That being said, passing such a law certainly sets a minimum standard, sending the message to workers and employers that providing rest breaks is both necessary and expected.

² "OSHA's Campaign to Prevent Heat Stress in Outdoor Workers: Map of Heat Fatalities," U.S. Department of Labor, OSHA, accessed June 19, 2014, https://www.osha.gov/SLTC/heatillness/map_text.html.

³ Based on the findings of *Build a Better Texas: Construction Working Conditions in the Lone Star State*, University of Texas Division of Diversity and Community Engagement, January 2013.

⁴ *Building Austin Building Injustice: Working Conditions in Austin's Construction Industry*, University of Texas Division of Diversity and Community Engagement, June 2009.

⁵ Based on the findings of *Build a Better Texas: Construction Working Conditions in the Lone Star State*, University of Texas Division of Diversity and Community Engagement, January 2013.



Workers Defense Project

Proyecto Defensa Laboral

How Dallas Measures Up¹

Texas construction is a deadly and dangerous industry. More construction workers are killed on the job in Texas than in any other state.ⁱ Between 2007 and 2011, 585 construction workers died in Texas, compared to 299 in California, which had a larger construction population.ⁱⁱ Between 2003 and 2010, construction accounted for an average of 6% of the Texas workforce,ⁱⁱⁱ but 26% of total workplace fatalities.^{iv} In other words, a Texas construction worker is 4.5 times more likely to be killed on the job than the average Texas worker.

Workplace abuses faced by construction workers are often even more widespread in Dallas than they are in other Texas cities.

Heat Safety: Rest Breaks and Water

OSHA recommends that workers laboring in the heat, especially during the summer, be granted frequent rest breaks and that each worker be provided with clean drinking water throughout the workday.^v **Although federal law requires employers to provide their workers drinking water, 66% of Dallas respondents said that their employers failed to do so.** Many workers were expected to bring their own water or go without. **Thirty-three percent of Dallas workers surveyed reported receiving no rest breaks during their workdays besides lunch.**

Table 1: Working Conditions Reported by Dallas Construction Workers

Receive no rest breaks	33%
Employer doesn't provide drinking water	66%
Witnessed a coworker faint due to heat exhaustion	12%

Lack of Safety Training

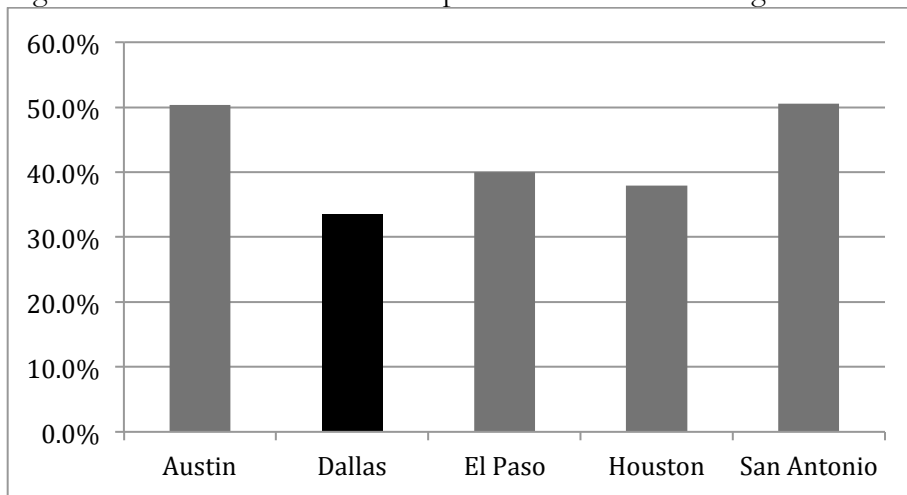
A lack of safety knowledge further compounds safety conditions on construction sites. **An astounding 66% of surveyed Dallas workers had never received an OSHA-certified safety training class that covers basic safety issues workers may encounter on construction sites.** OSHA recommends that *all* construction workers receive this basic training to prevent injury on the job. Additionally, only 17% of workers reported receiving first aid and CPR training.

Table 2: Dallas Workers Lack Knowledge of Basic Worksite Safety

Workers lacking OSHA 10-hour safety training	66%
Workers lacking CPR/first aid training	83%

¹ *How Dallas Measures Up* is based on the findings of *Build a Better Texas: Construction Working Conditions in the Lone Star State*, University of Texas Division of Diversity and Community Engagement, January 2013. *Build a Better Texas* presented over a year of research conducted by a team of researchers from Workers Defense Project, faculty from the University of Texas at Austin, and faculty from the University of Illinois at Chicago. The report examined data collected from primary and secondary sources, including surveys with 1,194 construction workers in Austin, Dallas, Houston, and San Antonio, 35 interviews with construction workers, construction employers, contractors, and developers, and data from state and federal government agencies. Findings focused on conditions in the vertical construction industry (the construction of buildings). All data presented is from the *Build a Better Texas* data set unless otherwise noted.

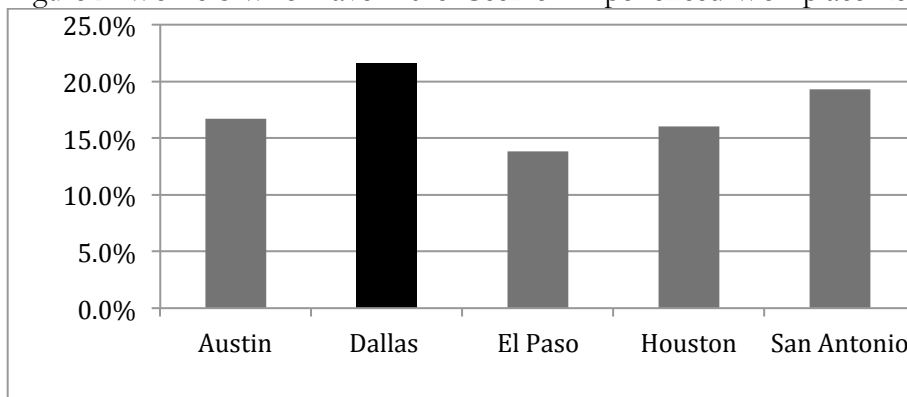
Figure 1: Workers Who Have Completed OSHA-10 Training



Retaliation

For many workers, reporting worksite hazards or even being injured can lead to retaliation. **Sixty-four percent of Dallas workers reported seeing unsafe conditions on their worksites**, such as poorly constructed scaffolds, unstable ladders, and workers using tools or machinery improperly. Of the workers surveyed, more than three-quarters did not report the hazard, frequently citing fear of retaliation as their reason.

Figure 2: Workers Who Have Either Seen or Experienced Workplace Retaliation



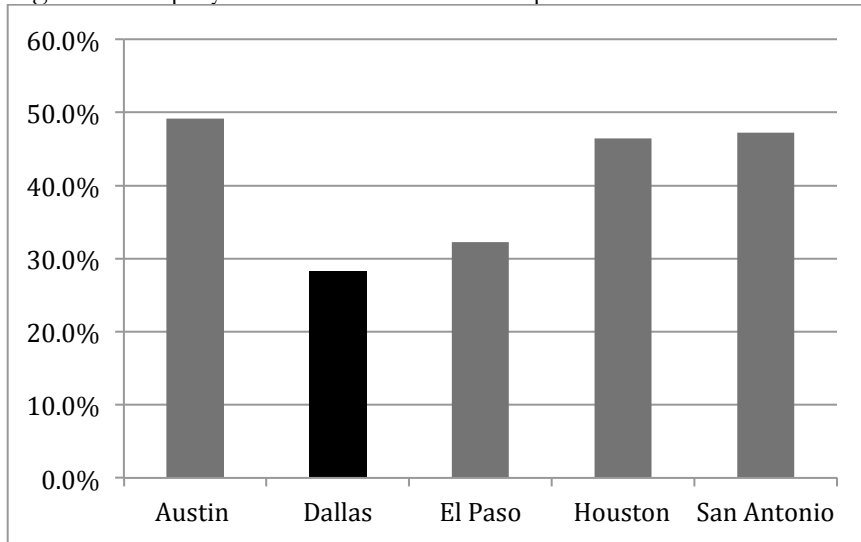
It is up to construction employers to create a culture of safety on their worksites. For dangerous working conditions to be corrected, workers must not only be trained to recognize worksite hazards, but also be confident that they can report unsafe conditions without retaliation. **When employers cut corners with safety, do not provide drinking water and rest breaks, or fail to ensure workers have safety training, they expose workers to avoidable hazards that result in high rates of injuries and fatalities.**

Few Employers Provide Workers' Compensation or Medical Insurance

Despite the high incidence of work-related injuries in construction, Texas law allows employers to choose not to carry workers' compensation coverage, even in a dangerous industry like construction.

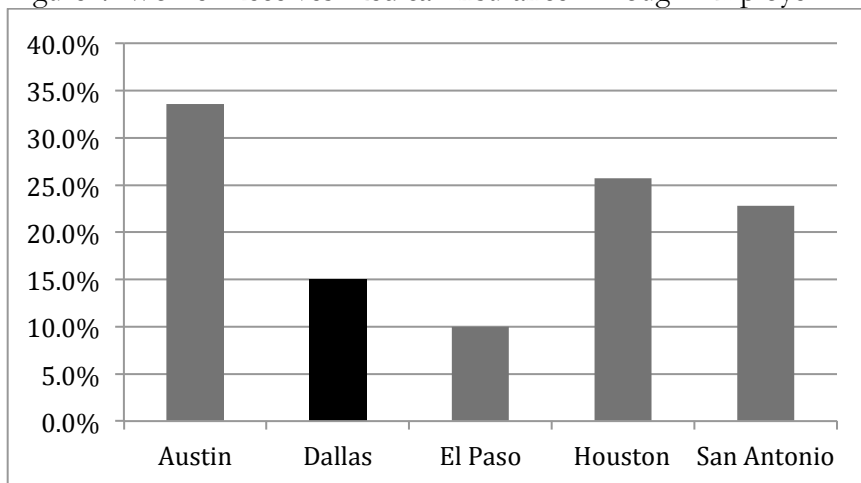
While **nearly one in five Dallas workers has suffered a workplace injury requiring medical attention, only 28% of surveyed workers reported that their employer provided workers' compensation insurance or an alternate plan.** Furthermore, although employers are required by law to inform employees if they do not carry workers' compensation, 97% of survey respondents indicated that their employers failed to do so.^{vi}

Figure 3: Employer Carries Workers' Compensation



Employers are even less likely to provide health insurance to Dallas construction workers than they are workers' compensation. **Only 15% of surveyed Dallas workers reported that they are covered by employer-based medical insurance.**

Figure 4: Worker Receives Medical Insurance Through Employer



When employers fail to provide health insurance or workers compensation for their employees, workers or hospitals are left to pay for expensive medical costs of work-related injuries. Prohibitive out-of-pocket medical expenses force workers to make difficult choices surrounding the health and security of their families. Many surveyed workers indicated that they did not seek needed medical

attention following a workplace injury because they were worried about cost, and many are still experiencing health problems as a result.

Access to Resources

State and federal agencies play a critical role in enforcing protections for workers. However, the majority of Dallas workers surveyed indicated that they were not familiar with either the U.S. Department of Labor (DOL) or the Texas Workforce Commission (TWC), the two entities charged with investigating and enforcing labor law violations. This lack of familiarity indicates that when workers experience workplace abuses, few are able to report them. As a result, violations go unchecked for the majority of construction workers.

Table 3: Dallas Workers' Knowledge of Worker Protection Agencies

Has not heard of Occupational Safety and Health Administration (OSHA)	37%
Has not heard of Department of Labor (DOL)	73%
Has not heard of Workers' Compensation Division (WCD) or Texas Department of Insurance (TDI)	76%
Has not heard of Texas Workforce Commission (TWC)	68%

Workers were more likely to be familiar with OSHA than other agencies, but rarely reported violations to any agency. Many workers lacked knowledge of how to make a complaint with OSHA, and others feared they would be retaliated against if their employer knew they had made the report.

Table 4: Worker Has Heard of Worker Protection Agencies

	<i>OSHA</i>	<i>DOL</i>	<i>TDI/WCD</i>	<i>TWC</i>
<i>Austin</i>	90.8%	26.5%	27.5%	36.7%
<i>Dallas</i>	62.7%	26.5%	24.2%	32.2%
<i>El Paso</i>	86.7%	38.7%	26.7%	45.2%
<i>Houston</i>	85.5%	40.6%	30.8%	25.8%
<i>San Antonio</i>	78.5%	47.8%	40.1%	50.0%

Build a Better Texas researchers found numerous health and safety violations on nearly every Dallas construction site they visited.^{vii} Many construction sites never see inspectors, and the unsafe conditions found by researchers remain the norm on worksites throughout the city.

ⁱ "Census of Fatal Occupational Injuries [2007-2011, fatal injury counts by state]," US Department of Labor, BLS, accessed October 12, 2012,

ⁱⁱ US Department of Labor, BLS.

ⁱⁱⁱ St. Louis Fed, "Federal Reserve Economic Data, 2003-2010," accessed November 12, 2012, <http://research.stlouisfed.org/>.

^{iv} "Census of Fatal Occupational Injuries [Texas, 2003-2011]," US Department of Labor, BLS, accessed October 12, 2012,

<http://www.bls.gov/iif/oshstate.htm>.

^v "OSHA's Campaign to Prevent Heat Stress in Outdoor Workers: Map of Heat Fatalities," US Department of Labor, OSHA, accessed October 15, 2012, <http://www.osha.gov/SLTC/heatillness/index.html>.

^{vi} Texas Administrative Title Code, Title 28: Insurance, chapter 110.1 and 110.101.

^{vii} See Appendix E of *Build a Better Texas* for safety violation data.

Dallas County Health and Human Services Heat-Related Illness Surveillance Report



Week 31 ending August 2, 2014

Figure 1. Reported Heat-Related Illness (HRI) by Type

Week Ending	6/14	6/21	6/28	7/5	7/12	7/19	7/26	8/2	Total
MMWR Week	24	25	26	27	28	29	30	31	
Heat Cramps	0	5	2	1	8	5	14	4	38
Heat Exhaustion	2	15	2	4	9	3	16	2	58
Heat Stroke	1	2	1	0	4	1	5	0	16
Deaths*	0	0	0	0	0	0	0	0	0
Total Heat-Related Illness Cases	3	22	5	5	21	9	35	6	125

Figure 2. HRI Reports by Gender and Age

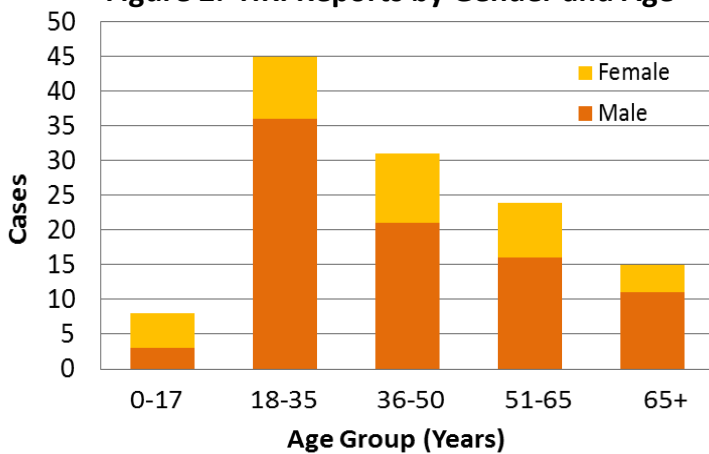


Figure 3. HRI Reports by Contributing Factors

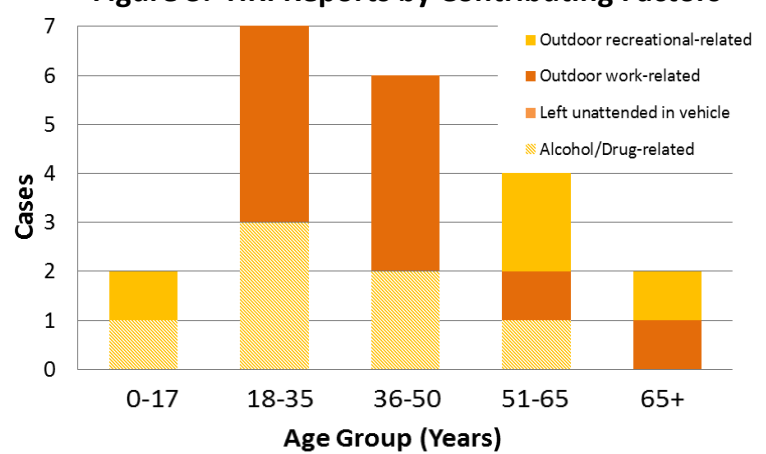
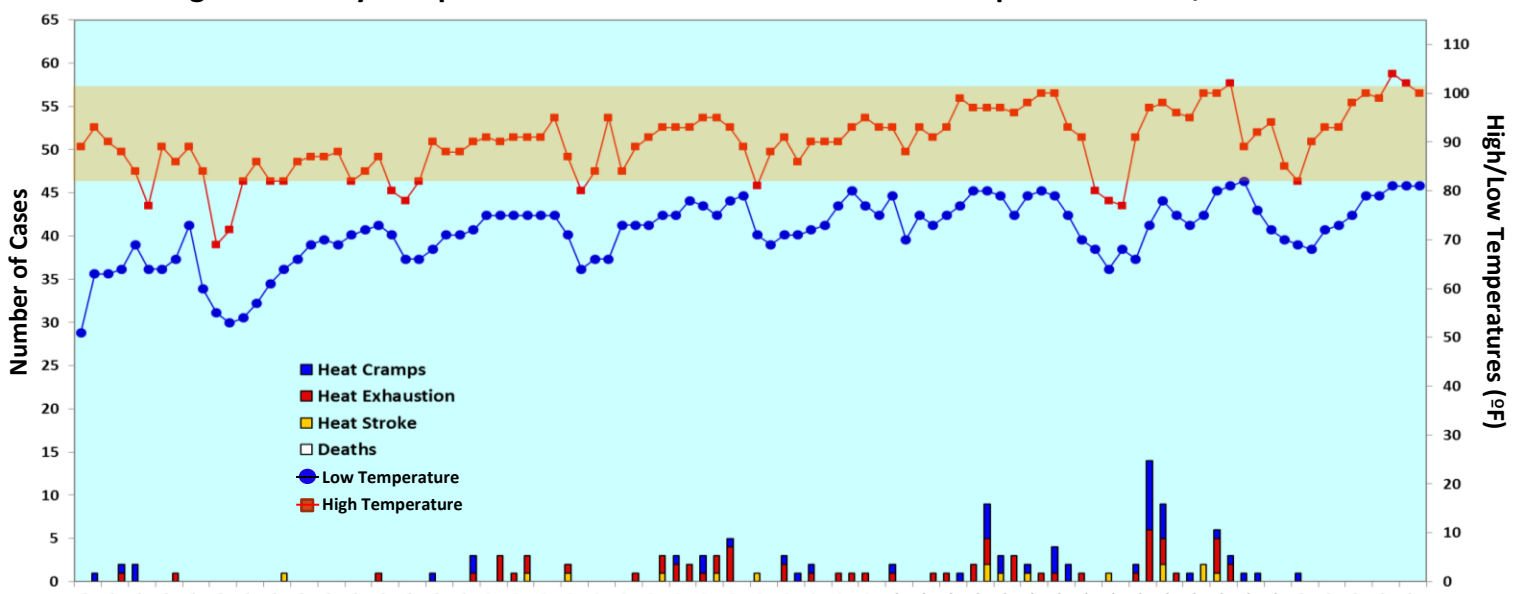


Figure 4. Daily Temperatures versus Heat-Related Illness Reports in Dallas, 2014



Peak temperatures forecasted for this weekend are in the upper 90s°F with overnight lows predicted to be in the upper 70s°F.

Data obtained from hospitals participating in the Electronic Surveillance System for the Early Notification of Community-based Epidemics (ESSENCE) from May 4, 2014 through the present. Depicted are the numbers of patients presenting to Emergency Departments in Dallas County hospitals with heat-related chief complaints. Data also obtained from reports received from Dallas County Medical Examiner's Office.

RESOLUTION NO. 20100624-087

WHEREAS, the City Council of the City of Austin passed a resolution in October 2009 related to construction worker safety that began a series of efforts to improve construction site safety; and

WHEREAS, rest breaks and provision of drinking water for construction workers are necessary for the health and safety of workers; and

WHEREAS, federal regulations under the Occupational Safety and Health Act include a requirement that drinking water be provided to workers on construction sites; and

WHEREAS, the Occupational Safety and Health Administration currently enforces laws related to construction site safety, including the provision of drinking water; **NOW, THEREFORE**,

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

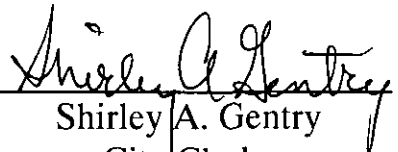
The City Manager is directed to work with the City's Legal Department to develop an ordinance requiring (1) rest breaks at regular intervals for construction workers at construction sites within the City, and (2) provision of drinking water for construction workers at construction sites within the City, provided the City has the legal authority to require it.

BE IT FURTHER RESOLVED:

The City Manager is hereby directed to place the ordinance on the City Council agenda for July 29, 2010, with the provision that it should be immediately effective upon passage.

ADOPTED: June 24,, 2010

ATTEST:


Shirley A. Gentry
City Clerk

ORDINANCE NO. 20100729-047

AN ORDINANCE AMENDING TITLE 4 OF THE CITY CODE TO ADD A NEW CHAPTER 4-5 RELATING TO WORKING CONDITIONS AT CONSTRUCTION SITES; CREATING AN OFFENSE AND IMPOSING A MAXIMUM PENALTY OF \$500 FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

PART 1. Title 4 (*Business Regulation and Permit Requirements*) of the City Code is amended to add a new Chapter 4-5 to read:

CHAPTER 4-5. WORKING CONDITIONS AT CONSTRUCTION SITES.

§ 4-5-1 DEFINITIONS.

- (1) CONSTRUCTION SITE means a site or structure for which a building permit or site plan has been issued under Title 25 (*Land Development Code*) for an existing or proposed use.
- (2) CONSTRUCTION ACTIVITY means all work associated with construction, including but not limited to work involving the alteration, demolition, building, excavation, maintenance, and renovation of structures or sites.
- (3) DEPARTMENT means the department designated by the city manager.
- (4) EMPLOYEE means any person employed by the employer.
- (5) EMPLOYER means an individual, partnership, association, corporation, business trust, or any person or group of persons who directly or indirectly, through an agent, or any other person or employee, exercises control over the wages, hours or working conditions of any person.
- (6) ESTABLISHMENT means a single physical location to which employees report each day.
- (7) HOURS WORKED means the time during which an employee is subject to the control of an employer and includes all the time the employee is required or permitted to work, whether or not required to do so.
- (8) REST BREAK means a break from work within working hours, during which an employee may not work. The term excludes any regular meal period provided by the employer.

§ 4-5-2 REST BREAK REQUIRED.

- (A) Except as provided in Subsection (B), an employee performing construction activity at a construction site is entitled to a rest break of not less than ten (10) minutes for every four (4) hours worked. No employee may be required to work more than 3.5 hours without a rest break.
- (B) An employee is not entitled to rest breaks under Subsection (A) of this section on any day that the employee works less than 3.5 hours or spends more than half of his or her work time engaged in non-strenuous labor in a climate-controlled environment.
- (C) An employer shall provide rest breaks in accordance with the requirements of this section. A rest break shall be scheduled as near as possible to the midpoint of the work period.

§ 4-5-3 SIGNAGE REQUIRED.

- (A) A sign describing the requirements of Section 4-5-2 (*Rest Break Required*) in English and Spanish shall be posted by the employer in each establishment subject to Section 4-5-2 in a conspicuous place or places where notices to employees are customarily posted.
- (B) The department shall prescribe by rule the size, content, and location of signs required under Subsection (A) of this section.

§ 4-5-4 CRIMINAL PENALTY.

- (A) A person commits a Class C misdemeanor if the person:
 - (1) fails to provide a rest break as required under Section 4-5-2 (*Rest Break Required*); or
 - (2) fails to post signage required under Section 4-5-3 (*Signage Requirements*).
- (B) Proof of a culpable mental state is not required to prove an offense under this chapter.
- (C) Each day that a violation occurs or continues is a separate offense.

§ 4-5-5 CIVIL REMEDIES.

- (A) The city council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants.

ATTENTION CONSTRUCTION WORKERS



YOU HAVE THE RIGHT TO A REST BREAK IN AUSTIN

THE LAW:

You have the right to rest 10 minutes for every 4 hours worked. This does not include lunch breaks.

Your construction sites must also have signs in Spanish and English that state this right in a conspicuous place.

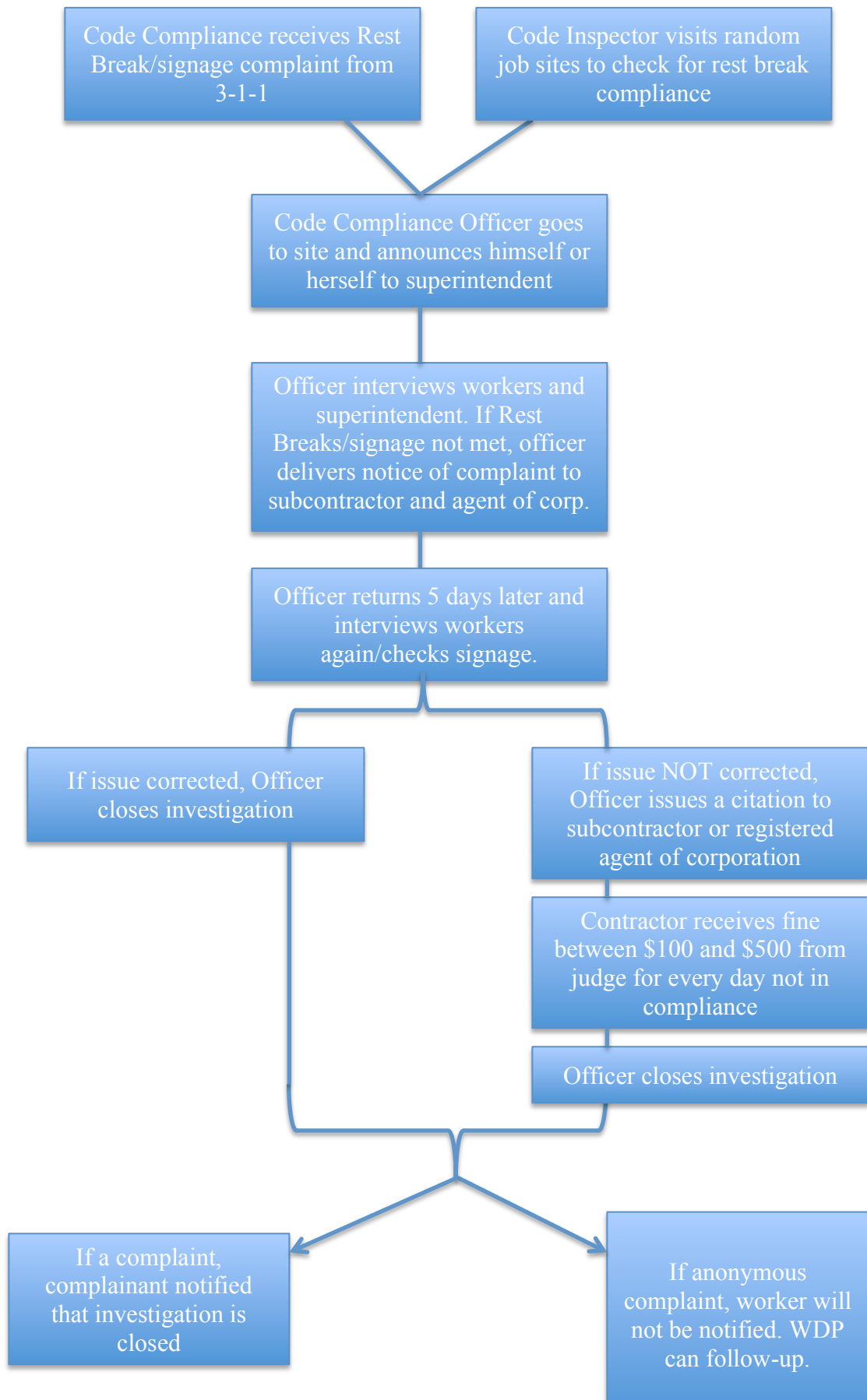
NO BREAKS? FILE A COMPLAINT:

- File a complaint at the Municipal Court found at 700 E. 7th. St.; or go to their website for more information: <http://www.austintexas.gov/department/filing-citizencomplaint>
- Call 3-1-1 and give the following information: (1) Name of the business, (2) the address of the construction site

EMPLOYERS:

Anyone who continues to violate the requirements of this ordinance after being notified of the offense in writing by the City is subject to a civil penalty of not less than \$100 or more than \$500 for each day the violation occurs.

Austin Code Compliance Rest Break Investigation Protocol



RESEARCH BRIEF:

The impact of rest breaks on worker health, safety, and productivity

This brief summarizes significant research on impact of rest breaks on worker health, safety, and productivity covering a range of industries and occupations that carry different physical and mental strains for workers. The studies examined in this brief employ a variety of methodologies, including analysis of injury records, interviews with injured workers, empirical studies, and statistical analysis. Though they differed greatly in their methodology, researchers consistently found that rest breaks are key to counteracting the effects of continuous exertion during the workday, especially in tasks that involve significant manual labor.

EFFECTS ON WORKER HEALTH AND SAFETY

- One study examining the trends in risk at a large manufacturing plant found that “an accident was more than twice as likely to occur” after two hours of continuous work (Tucker, 2003). The same study found that “risk immediately following a break was reduced to a level close to that observed at the start of the preceding period of work.”
- A study investigating the relationship between rest breaks and time to injury using a nationally representative sample of injured workers from US emergency room departments found that “Workers without rest breaks worked a median 3.0 hours before the injury... whereas workers with longer total rest break time were able to work significantly longer into their workday without an injury (Wirtz, 2011).” This study shows is that workers face an increasing risk of injury throughout the workday, but they are likely to be injured much earlier in the day if they do not receive rest breaks. The study concluded that “accumulated work-related fatigue can be at least partially reversed by rest breaks.”
- Lilley et al., in a study of forestry workers’ self-reported fatigue and its relationship to workplace accidents, found there to be a significant association between “self-reported near-misses [near-accidents on the job] in the previous 12 months and the level of fatigue experienced at work (2002).” Further, the study confirmed “that reporting of fatigue was significantly associated with... the number of breaks [workers received during their shifts].” Lilley’s study concluded that “impairment due to increased fatigue may constitute a significant risk factor for accidents and injuries.”
- According to Lilley et al., “Although workers appear to be aware of fatigue, they apparently underestimate its potential impact on their safety (Lilley, 2002).” While data from the study demonstrated a strong relationship between fatigue and accident occurrence, respondents [forestry workers] rarely “reported that they believed fatigue played a role in more serious adverse outcomes.” These results indicate that workers should be granted regularly scheduled rest breaks, as they may be unaware of the effect fatigue is having on their ability to remain safe while working.



EFFECTS ON PRODUCTIVITY

- A study comparing workers in a processing plant receiving additional rest breaks and those using the plant's usual rest break schedule found that "production improved significantly (25-30%)" later in the work shift over workers who had received fewer rest breaks (Dababneh, 2001). The study went on to explain that "workers will tolerate certain levels of fatigue and will protect their output from declining by investing more resources and working harder. This behavior will hold until fatigue reaches a level at which workers cannot work any harder; then their output will drop significantly."
- Another study, analyzing the impact of rest breaks on workers' fatigue, discomfort, and productivity using provision of regular rest breaks as an intervention, found that symptoms of fatigue and discomfort were lessened for workers receiving rest breaks, while similar levels of productivity were maintained between the two groups (Faucett, 2005).
- Wen Yi and Albert P. Chan used biometric data from nearly three hundred construction workers to calculate the average heat tolerance time for construction workers (2013). Using this index, the researchers calculated that, to remain safely within their heat tolerance limits and maximize productivity, construction workers should receive a 15-minute break roughly every two hours.

CITATIONS

- Dababneh, Awwad J. et al, "Impact of added rest breaks on the productivity and well being of workers," *Ergonomics [journal]*, 44 no. 2 (2001) 164-174.
- Faucett, Julia, et al, "Rest break interventions in stoop labor tasks," *Applied Ergonomics [journal]*, 38, (2007) 219-226.
- Lilley, Rebecca, et al, "A survey of forest workers in New Zealand: Do hours of work, rest, and recovery play a role in accidents and injury?" *Journal of Safety Research*, 33 (2002) 53-71, accepted 1 August 2001.
- Tucker, Philip, "The impact of rest breaks upon accident risk, fatigue and performance: a review," *Work and Stress [journal]*, vol. 17 (April-June 2003) 123-137.
- Wirtz, Anna, et al, "The effect of rest breaks on time to injury - a study on work-related ladder-fall injuries in the United States," *Scandinavian Journal of Work, Environment & Health*, vol. 32 (2006) 75-84; vol. 37 (2011) 173-185.
- Yi, Wen and Albert Chan, "Optimizing work-rest schedule for construction rebar workers in hot and humid environment," *Building and Environment [journal]*, 61 (2013) 104-113.

Sample Rest Break Legislation

State/City	Rest Break Law	Enforcing Agency
California	In addition to a lunch break, employees receive a paid 10-minute rest period for each 4 hours worked. Workers have a right to penalty pay of 1-2 hours' pay each day that they do not get their breaks	California Division of Labor Standards Enforcement
Colorado	In addition to a lunch break, employees receive a paid 10-minute rest period for each 4-hour work period.	Colorado Department of Labor and Employment
Kentucky	In addition to a lunch break, employees receive a paid 10-minute rest period for each 4-hour work period. Law also provides for a private right of action.	Kentucky Department of Labor Division of Employment Standards
Nevada	In addition to a lunch break, employees receive a paid 10-minute rest period for each 4 hours worked.	Nevada Office of the Labor Commissioner
Oregon	In addition to a lunch break, employees receive a paid 10-minute rest period for every 4-hours worked. Rest break must be uninterrupted	Oregon Bureau of Labor and Industries
Washington	In addition to a lunch break, employees receive a paid 10-minute rest period for each 4-hour work period. Workers can take several mini-breaks (totaling 10 minutes) during 4 hours of work instead of one ten-minute rest break.	Washington State Department of Labor and Industries, Employment Standards Office
Austin, Texas	Employees performing construction activity at a construction site are entitled to a rest break of not less than 10 minutes for every four hours worked.	Code Compliance Department

Memorandum



CITY OF DALLAS

DATE August 15, 2014

TO Honorable Mayor and Members of the City Council

SUBJECT Property Tax Rate: State Law Requirements

Your Wednesday, August 20th briefing agenda includes a presentation on the proposed property tax rate for FY 2014-15 as well as the calculated effective tax rate and rollback tax rate. The briefing materials are attached for your review.

Let me know if you need additional information.

A handwritten signature in black ink that reads "Jeanne Chipperfield".

Jeanne Chipperfield
Chief Financial Officer

Attachment

C: A. C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel Solis, Administrative Judge, Municipal Court
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager

Property Tax Rate: State Law Requirements

Wednesday, August 20, 2014



Agenda

- Overview
- Effective Tax Rate
- Rollback Tax Rate
- Notice and Hearing Rate
- Schedule



Overview

- Property tax is single largest source of revenue for City of Dallas and totals \$725.3 million
 - \$513.8 million budgeted for General Fund in FY 2014-15
 - \$211.5 million budgeted for Debt Service in FY 2014-15
- Property tax is comprised of two factors:
 - Tax base value is certified by four Appraisal Districts
 - Tax rate is set by Dallas City Council

Overview – Property Tax Base Value

- Collin, Dallas, Denton, and Rockwall Appraisal Districts are required to certify values within City by July 25th of each year
- Certified values for tax year 2014 (FY 2014-15) are \$93.1 billion which is 6.75% more than values certified for FY 2013-14
- Values are detailed by following types of property:

Value by Type of Property (\$ in Billion)	FY 2013-14		FY 2014-15	
Residential	\$39.1	44.8%	\$41.5	44.5%
Commercial	\$35.1	40.2%	\$38.6	41.5%
Business Personal Property	\$13.0	14.9%	\$13.0	14.0%
Total	\$87.2	100.0%	\$93.1	100.0%

Overview – Property Tax Rate

- Each September, City Council sets a property tax rate necessary to support City’s annual budget
- Proposed tax rate for FY 2014-15 is \$0.7970 per \$100 of valuation which is same property tax rate as current year (FY 2013-14)
- Tax rate is split between:
 - General fund which supports day to day operations of City
 - Debt service fund which is used to pay City’s general obligation long term debt

	FY 2013-14 Adopted Rate		FY 2014-15 Proposed Rate	
General Fund	\$0.5601	70.3%	\$0.5646	70.8%
Debt Service	\$0.2369	29.7%	\$0.2324	29.2%
Total	\$0.7970	100.0%	\$0.7970	100.0%

Overview – State Requirements

- State law governs property taxes in Texas and ensures that property owners are given notice and have certain rights
 - Requires publication of Effective and Rollback Tax rates before adopting an actual tax rate
 - Public notice of proposed tax rate calculations will be published in Dallas Morning News on Friday, August 22
 - Requires publication of special notices and two public hearings before adopting a tax rate that exceeds lower of rollback rate or effective rate
 - Allows taxpayers to roll back or limit tax increase in certain cases

Effective Tax Rate

- Effective Rate is rate that generates same amount of revenue in new fiscal year on property that was taxed in previous fiscal year
 - New construction not included in calculation
- FY 2014-15 Effective Rate = \$0.7601
 - \$0.0369 decrease from current/proposed rate
- If tax rate were set at Effective Rate, revenues would decrease by \$33.5 million and expenses would need to be reduced by an equivalent amount

Rollback Tax Rate

- Rollback Rate is rate that if exceeded provides voters an opportunity to limit tax rate increase through a citywide Rollback Election
- Rollback Rate is effective general fund rate plus 8%, plus tax rate required to pay debt service
- Rollback Rate divides overall property taxes into two categories
 - General Fund
 - Debt Service
- Rollback Rate includes an 8% increase on general fund taxes

Rollback Tax Rate (continued)

- FY 2014-15 calculated Rollback Rate = \$0.8006
 - \$0.0036 increase above current/proposed rate
- If tax rate were set at Rollback Rate, revenues would increase by \$3.3 million
- If debt service rate changes (as a result of Council amendments to budget), Rollback Rate changes
- If adopted tax rate exceeds Rollback Rate, voters have option to petition for a Rollback Election and limit tax rate increase

Notice and Hearing Rate

- Lower of either Effective (\$0.7601) or Rollback (\$0.8006) rate is referred to as Notice and Hearing rate
- FY 2014-15 Notice and Hearing rate = \$0.7601
- \$0.0369 decrease from current/proposed rate
- If tax rate were set at Notice and Hearing Rate, revenues would decrease by \$33.5 million and expenses would need to be reduced by an equivalent amount

Notice and Hearing Rate (continued)

- In order for a taxing unit to adopt a rate above Notice and Hearing rate following requirements must be met:
 - Take a record vote for or against consideration of a specific tax rate higher than Notice and Hearing tax rate
 - Publish notice of date and time for 2 public hearings
 - Hold 2 public hearings on tax rate
 - Vote on tax rate
 - Ratify increase in taxes in a separate vote

Tax Rate Recap

- Recap of tax rates
 - Current = \$0.7970
 - Rate adopted for FY 2013-14
 - Proposed = \$0.7970
 - Rate included in City Manager proposed budget for FY 2014-15
 - Effective = \$0.7601 (\$0.0369 or \$33.5m revenue decrease)
 - Generates same amount of revenue in new year as generated in previous year
 - Rollback = \$0.8006 (\$0.0036 or \$3.3m revenue increase)
 - Effective general fund rate plus 8%, plus rate necessary to pay debt service
 - Rate that if exceeded provides voters opportunity to limit tax rate increase through citywide Rollback Election
 - Notice and Hearing = \$0.7601 (\$0.0369 or \$33.5m revenue decrease)
 - Lower of either Effective or Rollback rate

Schedule – August 20th

- Take record vote to consider a specific tax rate that exceeds Notice and Hearing rate
- Call public hearings on tax rate for Wednesday, September 3rd and Wednesday, September 10th
- If no vote is taken today (August 20th), maximum tax rate is \$0.7601
- If Council wishes to consider a different rate than posted rate, resolution could be amended (from floor) to consider an alternative tax rate

Schedule – August 20th

- Tax rate considered in today's resolution becomes maximum tax rate Council could set on Wednesday, September 17th
- If no action to consider a tax rate is taken today, maximum rate allowed for FY 2014-15 would be \$0.7601
 - Notice and 2 tax rate public hearings are not required to adopt a tax rate below this rate
 - Revenues for FY 2014-15 would decrease by \$33.5 million and expenses would need to be reduced by an equivalent amount

Schedule (continued)

Friday, August 22

Publish *Notice of 2014 Tax Year Proposed Property Tax Rate*

Wednesday, September 3
(9 a.m.)

Hold 1st public hearing – if called
(City Hall, Room 6ES)

Wednesday, September 10
(1 p.m.)

Hold 2nd public hearing – if called
(City Hall, Council Chambers)

Wednesday, September 17

Vote on Tax Rate

Ratify increase in taxes in a separate vote,
if necessary