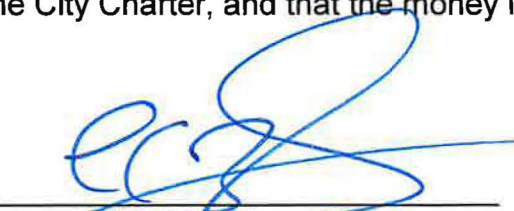


**APRIL 24, 2019 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated April 24, 2019. 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.



T.C. Broadnax
City Manager

4/19/2019

Date



Elizabeth Reich
Chief Financial Officer

4-19-19

Date

RECEIVED

2019 APR 19 PM 12:57

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, APRIL 24, 2019
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 42

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 43 - 46
Addendum Items 1 - 3

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 47 - 63

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

ADDITIONS:

Closed Session

Personnel (Sec. 551.074 T.O.M.A.)

- Discuss and evaluate performance of appointed officials City Manager T.C. Broadnax and City Secretary Bilierae Johnson.

ITEMS FOR INDIVIDUAL CONSIDERATION**City Secretary's Office**

1. 19-616 A resolution designating an absence by Councilmember Tennell Atkins as being for "Official City Business" - Financing: No cost consideration to the City

Housing & Neighborhood Revitalization

2. 19-440 Authorize **(1)** preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG), to **(a)** revise the Dallas Homebuyer Assistance Program (DHAP) Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program (HIPP) Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and **(2)** a public hearing to be held on June 12, 2019, to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME and CDBG programs, to revise the DHAP and HIPP programs and maintain the HOME and CDBG funds currently allocated to them - Financing: No cost consideration to the City

Police Department

3. 19-613 An ordinance amending Chapter 2, "Administration," of the Dallas City Code by adding a new Article XXII; amending Chapter 37, "Police," of the Dallas City Code by amending Article III; **(1)** creating an office of community police oversight; **(2)** creating a director/monitor position; **(3)** renaming the Dallas citizens police review board as the community police oversight board; **(4)** providing definitions; **(5)** providing duties; **(6)** providing for community engagement; **(7)** providing functions; **(8)** providing for a mediation process; **(9)** providing procedures for external administrative complaints; **(10)** providing procedures related to critical incidents; **(11)** providing confidentiality requirements; **(12)** amending the requirements related to witnesses; **(13)** retitling the technical advisory committee as the technical resource panel; **(14)** amending the technical resource panel; and **(15)** providing for further transparency - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

DELETION:**Department of Aviation**

6. 18-1086 Authorize a five-year service contract for the purchase of the X5-2500 Acuity system to include the installation, systems application setup and training with onsite support to support the Closed-Circuit Television camera system at Dallas Love Field - Pivot3, Inc., sole source - Not to exceed \$2,558,435.80 - Financing: Aviation Fund (subject to annual appropriations)

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

Addendum Date: April 24, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	I	SEC	NC	A resolution designating an absence by Councilmember Tennell Atkins as being for "Official City Business" - Financing: No cost consideration to the City
2.	All	I	HOU	NC	Authorize (1) preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG), to (a) revise the Dallas Homebuyer Assistance Program (DHAP) Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and (b) revise the Housing Improvement and Preservation Program (HIPP) Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and (2) a public hearing to be held on June 12, 2019, to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME and CDBG programs, to revise the DHAP and HIPP programs and maintain the HOME and CDBG funds currently allocated to them - Financing: No cost consideration to the City
3.	N/A	I	DPD	NC	An ordinance amending Chapter 2, "Administration," of the Dallas City Code by adding a new Article XXII; amending Chapter 37, "Police," of the Dallas City Code by amending Article III; (1) creating an office of community police oversight; (2) creating a director/monitor position; (3) renaming the Dallas citizens police review board as the community police oversight board; (4) providing definitions; (5) providing duties; (6) providing for community engagement; (7) providing functions; (8) providing for a mediation process; (9) providing procedures for external administrative complaints; (10) providing procedures related to critical incidents; (11) providing confidentiality requirements; (12) amending the requirements related to witnesses; (13) retitling the technical advisory committee as the technical resource panel; (14) amending the technical resource panel; and (15) providing for further transparency - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

TOTAL \$0.00



Agenda Information Sheet

File #: 19-616

Item #: 1.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

A resolution designating an absence by Councilmember Tennell Atkins as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business".

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's

absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

April 24, 2019

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Tennell Atkins participated in an event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

Now, Therefore,

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

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Tennell Atkins because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

April 24, 2019

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember Tennell Atkins in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is hereby authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in **Exhibit A**, if applicable, to reflect that the absence(s) by Councilmember Tennell Atkins as described in **Exhibit A**, were for "official city business," and no further city council action or approval of those minutes is required.

SECTION 4. 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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
Tennell Atkins	4/15/2019	Government Performance and Financial Management Committee	Attended a meeting with Chief Hall and the Redbird Community.	Absent more than 50%

DALLAS, TX

Memorandum

RECEIVED

2019 APR 15 PM 2:31

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

DATE April 15, 2019
TO Bilierae Johnson
City Secretary
SUBJECT Early Departure – April 15, 2019 Government Performance & Financial Management (GPFM)

Please note that I will be absent for the remainder of the Government Performance & Financial Management Committee Meeting due to City Business meeting with Chief Hall and the Redbird Community.

Should any questions arise, please contact Maria Salazar at 214-670-4066.

A handwritten signature in cursive script that reads "Tennell Atkins".

Tennell Atkins
Councilmember
District8

c: The Honorable Mayor Mike Rawlings
The Honorable Members of City Council



Agenda Information Sheet

File #: 19-440

Item #: 2.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality
AGENDA DATE: April 24, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing & Neighborhood Revitalization
EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG), to **(a)** revise the Dallas Homebuyer Assistance Program (DHAP) Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program (HIPP) Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and **(2)** a public hearing to be held on June 12, 2019, to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME and CDBG programs, to revise the DHAP and HIPP programs and maintain the HOME and CDBG funds currently allocated to them - Financing: No cost consideration to the City

BACKGROUND

This item was originally scheduled to be considered by the Economic Development and Housing Committee on April 1, 2019 and the Committee requested it be brought back for discussion on April 15, 2019. In order to continue to meet the public hearing requirement for this item it is being included in the addendum.

On August 15, 2018, the City submitted the FY 2018-19 Action Plan to the U.S. Department of Housing and Urban Development (HUD). HUD grant programs covered by the Action Plan include the CDBG, HOME, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS Grant (HOPWA). The Action Plan provides a detailed description of programs and services to be undertaken with the grant funds over the twelve-month period of October 1, 2018 through September 30, 2019 to address priority needs in the community designed to improve Dallas residents' quality of life for low- and moderate-income persons.

The City of Dallas has now proposed to revise two existing activities that are currently in the original FY 2018-19 Action Plan, DHAP, an activity to provide homeownership opportunities to low- and moderate-income persons, and HIPP, an activity to provide home repair opportunities to low- and moderate-income persons.

Federal regulations and the City's Citizen Participation Plan require a public hearing to authorize a substantial amendment and require that a public hearing be held with not less than a 30-day public review and comment period to allow for public comments and input with respect to any substantial amendment.

This action authorizes **(1)** preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG), to **(a)** revise the Dallas Homebuyer Assistance Program (DHAP) Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program (HIPP) Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and **(2)** a public hearing on June 12, 2019, to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME and CDBG programs, to revise the DHAP and HIPP programs and maintain the HOME and CDBG funds currently allocated to them.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2018, City Council authorized final adoption of the FY 2018-19 HUD Consolidated Plan Budget, the FY 2017-18 Reprogramming Budget; and an amendment to the Five-Year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019, by Resolution No. 18-0987.

On April 10, 2019, City Council authorized the final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan by Resolution No. 19-0556.

The Economic Development and Housing Committee was briefed regarding this item on April 1, 2019 and April 15, 2019.

FISCAL INFORMATION

No cost consideration to the City.

April 24, 2019

WHEREAS, on June 27, 2018, City Council authorized final adoption of the FY 2018-19 HUD Consolidated Plan Budget, the FY 2017-18 Reprogramming Budget; and an amendment to the Five-Year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019, by Resolution No. 18-0987; and

WHEREAS, on April 10, 2019, City Council authorized the final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan by Resolution No. 19-0556; and

WHEREAS, the City desires to provide homeownership opportunities for persons of low- and moderate-income.

Now, Therefore,

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

SECTION 1. That the City Council hereby authorizes preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG), to **(a)** revise the Dallas Homebuyer Assistance Program (DHAP) Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program (HIPP) Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program, as provided in the attached **Appendix A**.

SECTION 2. That a public hearing be held on June 12, 2019 before the Dallas City Council to receive comments on the Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME and CDBG programs, to revise the DHAP and HIPP programs and maintain the HOME and CDBG funds currently allocated to them, as provided in the attached **Appendix A**.

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.

Appendix A

Priority Need: Affordable Housing – Homeownership Opportunities Project Title: Dallas Home Buyers Assistance Program

Description: DHAP provides homeownership opportunities to low and moderate-income homebuyers through the provision of financial assistance when purchasing a home within the City limits of Dallas, in accordance with federal, state, and local laws and regulations. Financial assistance may include down payment, principle reduction, and closing costs. DHAP is offered to homebuyers up to eighty percent (80%) Area Median Family Income. Eligible homebuyers must get a principal mortgage through participating lenders and complete a homebuyer counseling course by a HUD approved trainer. The DHAP financial assistance is in the form of a deferred, forgivable loan annually made for down payment, principal reduction, and closing costs based on the borrowers need and debt capacity.

City staff will administer this program. Project implemented in conjunction with Project # 17 (HOME DHAP).

Primary Purpose: Direct assistance provided to eligible homebuyers for down payment, principle reduction, and closing costs based on borrowers' need and debt capacity.

Objective Category: Decent Housing

Outcome Category: Availability/Accessibility Location/Target Area(s):

1500 Marilla St Room 6CN

75201 (214) 670-4447

Priority Need: Affordable Housing – Homeownership Opportunities Project Title: HOME - Dallas Homebuyers Assistance Program (DHAP)

Description: DHAP provides homeownership opportunities to low and moderate-income homebuyers through the provision of financial assistance when purchasing a home within the City limits of Dallas, in accordance with federal, state, and local laws and regulations. Financial assistance may include down payment, principle reduction, and closing costs. DHAP is offered to homebuyers up to eighty percent (80%) Area Median Family Income. Eligible homebuyers must get a principal mortgage through participating lenders and complete a homebuyer counseling course by a HUD approved trainer. The DHAP financial assistance is in the form of a deferred forgivable loan annually made for down payment, principal reduction, and closing costs based on the borrowers need and debt capacity.

City staff will administer this program. Project implemented in conjunction with DHAP CDBG (Project No. 7).

Primary Purpose: Direct assistance provided to eligible homebuyers for down payment, principle reduction, and closing costs based on borrowers' need and debt capacity.

Objective Category: Decent Housing

Outcome Category: Availability/Accessibility Location/Target Area(s):

1500 Marilla St Room 6CN

75201 (214) 670-4447

Priority Need: Affordable Housing

Project Title: Home Improvement and Preservation / Single Family (HIPP / SF) Affordable Housing

Description: Provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units Home Improvement and Preservation Program / SF Program (HIPP) will be offered as a

comprehensive program with three components with the purpose of making needed improvements and preserving affordable housing: 1) a Minor Home Repair grant program for low and moderate-income homeowners needing minor repairs not exceeding \$10,000 (\$5,000 from the City and \$5,000 from the participating nonprofit); 2) a rehabilitation loan program for low and moderate income homeowners needing up to \$40,000 in rehabilitation; and 3) a reconstruction loan program for low and moderate income homeowners needing up to \$160,000 to reconstruct their home. The terms of assistance for the loans will vary based on the borrower's income, need and debt capacity.

Primary Purpose: HIPP is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies.

Objective Category: Decent Housing

Outcome Category: Sustainability

Location/Target Area(s): Citywide

1500 Marilla Street Room



Agenda Information Sheet

File #: 19-613

Item #: 3.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: April 24, 2019
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

An ordinance amending Chapter 2, "Administration," of the Dallas City Code by adding a new Article XXII; amending Chapter 37, "Police," of the Dallas City Code by amending Article III; **(1)** creating an office of community police oversight; **(2)** creating a director/monitor position; **(3)** renaming the Dallas citizens police review board as the community police oversight board; **(4)** providing definitions; **(5)** providing duties; **(6)** providing for community engagement; **(7)** providing functions; **(8)** providing for a mediation process; **(9)** providing procedures for external administrative complaints; **(10)** providing procedures related to critical incidents; **(11)** providing confidentiality requirements; **(12)** amending the requirements related to witnesses; **(13)** retitling the technical advisory committee as the technical resource panel; **(14)** amending the technical resource panel; and **(15)** providing for further transparency - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

This item is placed on the addendum due to, on April 3, 2019 the City Council was briefed on the proposed recommendations and amendments to the Citizens Police Review Board. Staff worked diligently with the City Attorney's Office to provide an ordinance that would reflect council recommendations, input from citizens and the coalition. To ensure all input was reflected in the ordinance, the item was submitted past the due date.

The Dallas Police Department continues to seek community focused engagement by implementing best practices that are focused on building trust, strengthening relationships, and community collaboration. Following community concerns about police operations, transparency and conduct, the Department began a process to work with a coalition of community groups to investigate nationwide best practices in police oversight to determine if changes to the Dallas Citizen Police Review Board structure were needed. The Department also sought community input through a series of community meetings held throughout the City as well as conducted briefings with the Public Safety and Criminal Justice Committee and a public hearing at a City Council meeting. This engagement process resulted in the Department's recommendation as presented to City Council on April 3, 2019, at which time, Chief Hall highlighted the Dallas Police Department's recommended changes and amendments to

the Board Structure.

Following the Council direction on April 3, 2019 staff began the process of creating an ordinance to amend the current board structure with the goal of presenting it to the City Council at the April 24, 2019 agenda meeting for consideration and approval. Due to this compressed time schedule, this item is being placed on the addendum agenda to allow staff sufficient time to complete drafting of the ordinance and final discussions with stakeholders.

The attached ordinance includes the changes and amendments described on April 3. A summary chart comparing the previous board structure to the proposal is listed below.

BOARD STRUCTURE AND STAFFING

	Current	Proposed
Name	Citizen Police Review Board	Community Police Oversight Board (CPOB)
Board Size	15	15
Selection Process	Appointed by City Council	Appointed by City Council
Office of Community Police Oversight (OPO)	No	Created within the City Manager's office to support the operations of the CPOB
Staff	No	Yes, 3 FTEs
Director/Monitor	No	Yes, Reports to the City Manager and functionally supports the CPOB.
Technical Advisory	Yes	Yes (removed involvement in subpoena process. Changed name to Technical Resource Panel.

EXTERNAL ADMINISTRATIVE COMPLAINT PROCESS

	Current	Proposed
External Administrative Complaints	Complaints Received and Forwarded to DPD	Complaints received by OPO or DPD and Centrally logged at OPO
Mediation	No	Yes
Investigating Entity	DPD Internal Affairs/Division Supervisor	DPD Internal Affairs/Division Supervisor
Review of Complaints	Yes (Appeals Only)	Yes (All External)
Monitoring During External Administrative Investigations	No	Yes

Determination of Final Disposition and Discipline	Police Chief	Police Chief
Reporting of Case Conclusions	Required to Complainant Only	Complainant and OPO/CPOB
Ability to Conduct Independent Investigations	Yes	Yes, after Chief reports findings of IAD investigation
Ability to Recommend Improvement to DPD Procedures	Yes	Yes
During an independent Investigation, ability to require employees, including involved officer, to provide statement	No	Yes, to the independent investigator (OPO), not the CPOB, under Garrity issued by the Chief using guidelines established by DPD
Able to Subpoena Witnesses	Yes, but not the involved officer	Yes, but not the involved officer

CRITICAL INCIDENTS

	Current	Proposed
Notice of Critical Incidents	No	Yes
Monitoring of Investigations	No	Yes, by Monitor within the OPO who must possess minimum qualifications and experience as established by the City Manager
Confidentiality Agreement of Monitor	N/A	Yes, prior to reviewing any case details
Updates to CPOB	N/A	At the conclusion of administrative and criminal investigations
Determination of Final Disposition and Discipline	Police Chief	Police Chief

COMMUNITY ENGAGEMENT AND TRANSPERANCY

	Current	Proposed
Regular Reporting to City Council	Not Required	Yes, to the Public Safety and Criminal Justice Committee
Community Engagement	Allowed	Allowed/Encouraged

Staff would like to highlight one change that is included in the draft ordinance that varies from the presentation made on April 3, 2019. Upon further discussion with stakeholders, the ordinance includes a change in the name of the Technical Advisory Committee to the Technical Resource Panel. The requirement that the technical advisors concur with the issuance of a subpoena has also been removed.

As the proposed changes require funding and the hiring of a staff, the effective date and implementation of this ordinance is schedule for October 1, 2019.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Public Safety and Criminal Justice Committee was briefed regarding this item on February 11, 2019.

On March 29, 2019, the Mayor authorized a public hearing to be held on April 3, 2019 following the briefing to council by memorandum.

City Council was briefed regarding this item on April 3, 2019.

FISCAL INFORMATION

Future estimated cost includes three positions for approximately \$500,000.00 beginning in FY 2019-20.

4-19-19

ORDINANCE NO. _____

An ordinance amending Chapter 2, “Administration,” of the Dallas City Code by adding a new Article XXII; amending Chapter 37, “Police,” of the Dallas City Code by amending Article III; creating an office of community police oversight; creating a director/monitor position; renaming the Dallas citizens police review board as the community police oversight board; providing definitions; providing duties; providing for community engagement; providing functions; providing for a mediation process; providing procedures for external administrative complaints; providing procedures related to critical incidents; providing confidentiality requirements; amending the requirements related to witnesses; retitling the technical advisory committee as the technical resource panel; amending the technical resource panel; providing for further transparency; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Chapter 2, “Administration,” of the Dallas City Code is amended by adding a new Article XVI, “Office of Community Police Oversight,” to read as follows:

**“ARTICLE XXII.
OFFICE OF COMMUNITY POLICE OVERSIGHT.**

SEC. 2-153. PURPOSE.

The purpose of this office is to provide support and technical assistance to the community police oversight board.

**SEC. 2-153.1 CREATED; DIRECTOR/MONITOR OF OFFICE OF
COMMUNITY POLICE OVERSIGHT.**

(a) There is hereby created a division of the city manager’s office to be known as the office of community police oversight, the head of which shall be the director/monitor of community police oversight who shall be appointed by the city manager with input from the chair of the community police oversight board and who shall be a person professionally competent by experience and training to manage such office.

(b) The office of community police oversight will be composed of the director/monitor of community police oversight and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

**SEC. 2-153.2. DUTIES OF THE DIRECTOR/MONITOR OF THE OFFICE
OF COMMUNITY POLICE OVERSIGHT.**

The director/monitor of community police oversight shall perform the following duties:

- (1) Provide functional support to the community police oversight board.
- (2) Ensure that the community police oversight board can fulfill its duties.
- (3) Make such reports as may be required by the city manager and the community police oversight board.
- (4) Perform such other duties as may be required by the city manager, by ordinance of the city council, or the community police oversight board in accordance with Article III of Chapter 37 of the Dallas City Code.”

SECTION 2. That Article III, “Dallas Citizens Police Review Board,” of Chapter 37, “Police,” of the Dallas City Code is amended to read as follows:

**“ARTICLE III.
COMMUNITY POLICE OVERSIGHT [DALLAS CITIZENS POLICE REVIEW]
BOARD.**

SEC. 37-31. BOARD CREATED; APPOINTMENT; TERM; MEETINGS.

(a) There is hereby created the community [~~Dallas citizens~~] police oversight [~~review~~] board (the “board”) to be composed of 15 members. Each city council member shall appoint one member to the board. It is the intent of the city council that the membership of the board be representative of the [~~ethnic~~] diversity of the city.

DRAFT DOCUMENT—FOR DISCUSSION PURPOSES ONLY.

(b) The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(c) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. Members shall serve until their successors are appointed and qualified.

(d) The following persons shall be disqualified for appointment to and service on the board:

(1) persons who are in violation of Chapter 12A [~~Article XII~~], “Code of Ethics” [~~of Chapter 2~~] of the city code and persons disqualified from appointment pursuant to Section 8-1.4 of the city code; [~~and~~]

(2) persons who are currently employed by the department, or have an immediate family member, as defined in Section 34-4(26) of the Dallas City Code, who is an employee of the Dallas Police Department; and

(3) persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the city relating to the board or the police department or against any individual officer or employee of the police department (unless unrelated to such individual’s office or employment).

(e) Any board member who is disqualified for appointment to and service on the board under Subsection (d) shall forfeit membership on the board. Upon determination by the board chair that a board member is so disqualified, the chair will notify that board member and the city secretary. The city secretary will then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter.

(f) Under no circumstances may the city council or the board chair be authorized to waive the requirements for appointment to and service on the board referenced in Subsection (d).

(g) Each board member must attend [~~a~~] training necessary to execute the board’s duties including training on [~~session to become familiar with~~] police procedures.

(h) The board must meet at least once each month [~~in city hall~~] and at other times at the call of the chair

(i) The office of community police oversight provides support services to the board.

(j) For purposes of Section [~~s 2-122(a)(10)(B) and~~] 8-1.4(a)(4) of this code, the police department is deemed a department providing support services to the board.

SEC. 37-31.1.

DEFINITIONS.

In this article:

- (1) BOARD means the community police oversight board.
- (2) CHIEF means the chief of police, as described in Section 37-20, or the chief's representative.
- (3) CONFIDENTIAL INFORMATION means any information that may not be obtained by the public under the Texas Public Information Act. When submitting information to the board, the police department shall place identifying marks on any confidential information.
- (4) CRITICAL INCIDENT means an officer-involved shooting or a use of force incident that results in serious bodily injury or death.
- (5) DEPARTMENT means the Dallas police department.
- (6) DIRECTOR means the director/monitor of the office of community police oversight or the director/monitor's representative, unless otherwise stated.
- (7) DIVISION REFERRAL means an investigation into an external administrative complaint that is conducted by the supervisor of an officer.
- (8) EXTERNAL ADMINISTRATIVE COMPLAINT means a written complaint submitted to either the office of community police oversight, the board, or the department by a person, who is not a city employee, that alleges a complaint of police procedures, treatment of residents, abuse, harassment, or violation of civil rights against a city police officer that results in mediation, a division referral, or an investigation conducted by the internal affairs division of the department.
- (9) MEDIATION means a voluntary, informal process of communication and conciliation of minor external administrative complaints of police misconduct, conducted by an independent, certified mediator.
- (10) OFFICE means the office of community police oversight.
- (11) SERIOUS BODILY INJURY means bodily injury that creates a risk of death or that causes serious permanent or temporary disfigurement or loss or impairment of the function of any bodily member or organ, including, but not limited to, a broken long bone, rib, or fracture of the skull; mechanical injury of the neck and upper airways; multiple severe bruises wherever located; a sharp or blunt injury requiring sutures or clips; or a wound leading to blood loss requiring volume replacement.

SEC. 37-31.2. **DUTIES.**

The board shall perform the following duties to provide residents fair and thorough oversight of the department:

- (1) provide an accessible process that ensures fair acceptance and processing of external administrative complaints;
- (2) direct the director to initiate an independent administrative investigation into a complaint by a member of the public investigated by the internal affairs division, as set forth in Section 37-32.2 and 37-33;
- (3) provide a report at least annually to the appropriate council committee in addition to any reports required under Chapter 8; and
- (4) engage in community outreach.

SEC. 37-31.3. **COMMUNITY ENGAGEMENT.**

The board shall conduct community outreach to create awareness about the board, the office of community police oversight, and the complaint process. The board may also provide outreach to promote transparency and accountability and to foster community relationships with the police department.

SEC. 37-32. **FUNCTIONS.**

(a) Subject to the procedural requirements set forth in Sections 37-32.2 and 37-33, the board shall have authority to:

- (1) R[~~re~~]view the facts and evidence pertaining to a critical [~~an~~] incident or external administrative complaint against a city police officer following:
 - (A) completion of all findings and recommendations of the internal affairs division of the [~~police~~] department;
 - (B) the final decision within the [~~police~~] department determining what, if any, disciplinary action will be taken; and
 - (C) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint.[~~;~~]

(2) Acept from members of the public [citizens] written complaints, on a paper or online form provided by the director with input by the department, [signed by the person making the complaint,] of police procedures, treatment of members of the public [citizens], abuse, harassment, violation of civil rights, serious injury, or fatality and refer the complaints to the office of community police oversight and the internal affairs division of the [police] department for investigation.[:]

(3) [~~present to the chief of police inquiries and suggestions for further investigation concerning an incident or a complaint that comes before the board;~~

(4) When the board is not satisfied with the findings of the police department internal affairs division's investigation of a critical [an] incident or external administrative complaint which is properly before the board [~~pursuant to Section 37-33~~], the board may direct the director to initiate [~~conduct~~] an independent [~~additional~~] investigation into the internal affairs division investigation of a critical incident or an external administrative complaint.[:]

[~~(5) — when the board is not satisfied with the police department internal affairs division's investigation of an incident or a complaint involving a fatality or serious bodily injury which is properly before the board pursuant to Section 37-33, contract, at its discretion and on a case by case basis, with an independent investigator with experience in the type of incident or complaint being investigated to assist and advise the board in its review of the incident or complaint;~~

(4[6]) Take sworn testimony from witnesses relating to [~~citizens about~~] the internal affairs division investigation of a critical [an] incident or external administrative complaint [~~which is properly before the board~~] pursuant to Section 37-35.[:]

(5[7]) Subpoena witnesses in accordance with Section 37-35.[:]

(6[8]) Request the city manager to review disciplinary action by the chief [~~of police~~] in a case when the board considers it appropriate.[:~~and~~]

(7[9]) Recommend to the chief and the city manager improvements in [~~police~~] department [~~policies and~~] procedures, practices, training, and the early warning system.

(b) [~~Retention of an independent investigator under Paragraph [Subsection] (a)(5) must be in accordance with city contracting procedures. If the contract does not require city council approval, the city manager will notify the city council before the contract is executed.~~

(e) The board shall act as an advisory board to the chief [~~of police~~], the city manager, and the city council.

(c[~~d~~]) Notwithstanding any provision of this article to the contrary, the board shall not:

(1) take any action, nor recommend to or request the city council or any other city authority to take any action, which interferes in any manner with the appointment, removal, or discipline of any person by the city manager or any of his subordinates;

(2) review the facts and evidence of a complaint nor accept a complaint from a police officer which pertains to another police officer for which the city personnel rules or police general orders provide a grievance or appeal procedure.

(3) review the facts and evidence of a complaint nor accept a complaint from a person concerning a matter which is the subject of pending civil litigation to which the city or a city employee is a party.

~~[For the purposes of this article SERIOUS BODILY INJURY means bodily injury that creates a risk of death or that causes serious permanent or temporary disfigurement or loss or impairment of the function of any bodily member or organ, including, but not limited to, a broken long bone, rib, or fracture of the skull; mechanical injury of the neck and upper airways; multiple severe bruises wherever located; a sharp or blunt injury requiring sutures or clips; or a wound leading to blood loss requiring volume replacement.]~~

SEC. 37-32.1. DIVISION REFERRALS.

The department shall take appropriate action on division referrals, provide the director with confirmation that the matter has been addressed, and provide the director access to relevant information.

SEC. 37-32.2. MEDIATION PROCEDURES.

(a) In general. Except as provided in this section, a complainant may request to mediate an external administrative complaint for minor allegations of misconduct at any time during the external administrative complaint process. Mediation does not include negotiation of demands for monetary or equitable relief.

(b) Notice. The director shall inform a complainant that mediation may be available as an alternative to the review processes upon receiving notice of a complaint.

(c) Eligibility. For an external administrative complaint to be eligible for mediation, the following requirements must be met:

(1) Both the complainant and officer must agree to participate;

(2) The officer has not resolved a prior complaint through mediation in the last six months;

(3) The director must determine that mediation is appropriate for the alleged complaint;

(4) The officer must be deemed eligible for mediation by the internal affairs division or the chief; and

(5) There must not be any pending claims, civil litigation, or criminal investigations involving the alleged incident.

(d) Form. The director shall provide an eligible complainant a form to request mediation.

(e) Administration. The director will oversee administration of the mediation process including:

(1) providing a forum for the mediation; and

(2) scheduling the mediation within a reasonable time.

(f) Procedure.

(1) After confirmation that the complaint and the parties are eligible for mediation the director shall contact the internal affairs division to advise the city police officer's chain of command of the complaint and the complainant's decision to pursue mediation.

(2) After receiving notification from the city police officer's chain of command, the officer shall contact the internal affairs division to accept or decline the opportunity to mediate the complaint.

(3) If the officer declines the mediation, the complainant may choose to pursue the complaint through the external administrative process.

(g) Informational requests. The director and the department must comply with the mediator's requests for information during the mediation process.

(h) Final administrative remedy. Mediation constitutes the final administrative remedy.

(i) Confidentiality required. Participants in the mediation process shall sign a confidentiality agreement that provides:

(1) That participation in mediation and any statements made during mediation are not admissible in court.

(2) That documents or information created or retained pursuant to mediation cannot be subpoenaed.

(3) That the mediator and participating staff may not be called as witnesses regarding incidents discussed during mediation.

SEC. 37-32.3. PROCEDURES FOR EXTERNAL ADMINISTRATIVE COMPLAINT REVIEW.

(a) Internal affairs division investigation.

(1) Monitoring. During the pendency of an internal affairs division investigation into an external administrative complaint, the director may monitor the investigation including observing witness interviews, submitting recommendations of interview inquiries, and issuing evidentiary retention requests. Additionally, the internal affairs division must provide the director with timely and free access to investigative evidence and relevant police data. At any time during the internal affairs division investigation, the director may discuss the investigation with the chief or ask questions regarding the investigation.

(2) Notification. When the internal affairs division notifies a complainant of its findings, it shall:

(A) provide a form to the complainant which can be submitted to the board or the director if the complainant desires to request review of the findings; and

(B) notify the board and director of those findings and any recommendations.

(3) Director-initiated independent investigations. At the close of the internal affairs division investigation, if the director disagrees with the findings of the investigation, the director may initiate an independent investigation.

(A) When the independent investigation is complete, the director shall present the findings of the investigation to the board.

(B) The board shall forward those findings and any recommendations to the chief.

(C) The chief shall provide the board written acknowledgement of receipt of the recommendations.

(D) The chief retains final decision-making authority regarding disciplinary matters and the disposition of administrative and criminal investigations.

(b) Complainant requests for review process.

(1) Within 30 days after notification of the results of the internal affairs division investigation, a complainant may request a review of the internal affairs division findings to the office of community police oversight on a form provided by the office of community police oversight.

(2) For requests for review filed by a complainant, the director shall review the internal affairs division investigation and present those findings to the board.

(3) After the director presents the review of the internal affairs division investigation to the board, the board may, by majority vote, direct the director to initiate an independent investigation or may choose to take no further action.

(A) When the independent investigation is complete, the director shall present the findings of the investigation to the board and make recommendations to the board for further action, if any.

(B) The board shall review the director's report and make recommendations as the board deems appropriate.

(C) When requested, the director shall forward the results of the investigation and the recommendations of the board to the chief, the city manager, or the appropriate city council committee.

(D) The chief shall provide the board written acknowledgement of receipt of the recommendations.

(E) The chief retains final decision-making authority regarding disciplinary matters and the disposition of administrative and criminal investigations.

(4) Complainant request for review to the board constitutes the final administrative remedy.

(c) Postponement. Board review or independent investigation of any incident, complaint, or request for review, whether received by the board or director, shall be postponed pending:

(1) completion of all findings and recommendations of the internal affairs division;

(2) the final decision within the department regarding disciplinary action, if any;

(3) the conclusion of any claim or civil litigation involving the incident or complaint; and

(4) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint.

(d) Department monitoring. The department may monitor investigations conducted by the office of community police oversight subject to the same restrictions and requirements imposed on the director when monitoring internal affairs division investigations.

SEC. 37-33. PROCEDURES FOR CRITICAL INCIDENT REVIEW.

(a) The chief [of police] shall provide [submit to] the board and the director with timely notification of all critical incidents. The director may participate in preliminary briefings related to the critical incident [a list briefly describing all citizen complaints filed with the internal affairs division of the police department].

(b) The director may monitor the investigation of all critical incidents. The purpose of monitoring critical incidents is to ensure that the investigation is comprehensive, objective, impartial, and consistent with appropriate investigative protocols.

(1) If the director is unavailable, a person approved by the city manager may serve in this capacity during the director's absence [Complaints received by the board directly from citizens shall be forwarded to the internal affairs division of the police department for review and disposition].

(2) In this subsection DIRECTOR does not include the director's representative.

(c) Board review or independent investigation of any incident, complaint, or request for review, whether received by the board or director, shall be postponed pending [The board may only review an incident or complaint]:

(1) completion of all findings and recommendations of the internal affairs division [if the incident or complaint involves a fatality or serious bodily injury to a citizen]; [or]

(2) the final decision within the department determining what, if any, disciplinary action will be taken; [if a citizen who submitted a written complaint to the police department or the board submits to the board a written request for review of the findings of the internal affairs division of the police department with respect to the subject matter of that complaint and at least seven members of the board determine that the findings of the internal affairs division merit board review.]

(3) the conclusion of any claim or civil litigation involving the incident or complaint; and

(4) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to the incident or complaint.

(d) The director may monitor the investigation including observing witness interviews, submitting recommendations of interview inquiries, reviewing documentary and physical evidence, and accessing relevant police data. The director may meet with the chief throughout the investigation to ask questions and discuss any areas of concern identified while monitoring. [When the internal affairs division of the police department notifies a complainant of its findings and recommendations, it shall provide a form to the complainant which can be submitted to the board if the complainant desires to request review of the findings.]

(e) Before the conclusion of the criminal investigation, the director may meet with the chief to hear preliminary findings and provide feedback about the investigatory process. The director may provide the chief with a recommendation on the outcome of the investigation. [Board review of any incident, complaint or request for review, whether received by the board from the chief of police, directly from a citizen, or otherwise, shall be postponed pending:

(1) completion of all findings and recommendations of the internal affairs division of the police department;

(2) the final decision within the police department determining what, if any, disciplinary action will be taken; and

(3) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint.]

(f) The chief shall review all information and determine what actions, if any, are warranted.

(g) Throughout the investigation, per confidentiality requirements, the director shall not update the board or anyone else on the status of the investigation. The director may provide a report to the board at the conclusion of both the criminal and the administrative investigations to attest whether the criminal investigation was comprehensive, objective, impartial, and consistent with appropriate investigative protocols.

(h) The director shall provide a report to the board, after the internal affairs division investigation of the critical incident is complete, regarding department compliance with Subsection (b) above.

(i) The board and the director may engage in community outreach as needed after the occurrence of a critical incident.

(j) The chief retains final decision-making authority regarding disciplinary matters and the disposition of administrative and criminal investigations.

SEC. 37-34. CONFIDENTIALITY.

(a) ~~[In this section, CONFIDENTIAL INFORMATION means any information that could not be obtained by the public under the Texas Open Records Act. When submitting information to the board, the police department shall place identifying marks on any confidential information.]~~

(b) Community police oversight board. The board in reviewing a personnel matter shall hold closed meetings in compliance with the Texas Open Meetings Act, acting in a nonjudicial capacity. The confidentiality of any file, record, or other data received by the board in its review of an incident or a complaint shall be strictly maintained by every member of the board.

(1(e)) ~~[A]~~ B[b]oard members commit[s] an offense if they ~~[he]~~ disclose[s] to another person confidential information obtained in the course of their [his] board duties.

(2~~[d]~~) It is a defense to prosecution under Paragraph (1) ~~[Subsection (e)]~~ that the disclosure was made:

(A[1]) to another board member or to city staff assigned to the board; or

(B[2]) as compelled testimony in a court proceeding.

(3~~[e]~~) An offense under this section is punishable by a fine not to exceed \$500.

(4~~[f]~~) Any board member who discloses confidential information to anyone other than another board member or city staff member assigned to the board or as compelled testimony in a court proceeding shall forfeit membership on the board. Upon determination by the chairman of the board that a board member has disclosed confidential information, the chairman shall notify that board member and the city secretary. The city secretary shall then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership under this section will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter. If requested by the board member, the city council will immediately schedule a hearing to be held at the next regularly scheduled city council meeting. The board member may designate either a public or closed hearing.

(b) Office of community police oversight. The confidentiality of any investigative file, record, or other data received by the director or the director’s staff during the briefing, review, or monitoring of an incident or a complaint shall be strictly maintained. The director shall not share any confidential information with the board that is obtained during the monitoring of a critical incident. Any staff member of the office of community police oversight who discloses confidential information to another person may be subjected to disciplinary action, up to and including termination of employment.

(1) The director or any member of the office of community police oversight commits an offense if he discloses to another person confidential information obtained in the course or performance of his duties.

(2) An offense under this section is punishable by a fine not to exceed \$500.

(3) It is a defense to prosecution under Paragraph (1) that the disclosure was made:

(A) to the city manager, an assistant city manager, the director or a staff member of the office of community police oversight, the chief, or employees of the department authorized to receive the information;

(B) as compelled testimony in a court proceeding; or

(C) pursuant to a valid request from the district attorney’s office.

SEC. 37-35. WITNESSES.

~~(a) The board shall have authority to issue subpoenas upon a majority vote [in accordance with the following:~~

~~(1) No subpoena may be issued without a favorable vote of at least seven members] of the board.~~

~~[(2) If the issuance of a subpoena is approved by a favorable vote of at least seven members of] the board, and at least two members of the technical advisory committee created pursuant to Section 37-36 concur in writing in the need for a subpoena, the board will be authorized to issue the subpoena. In this case, no action by the city council will be required for issuance of a subpoena.~~

~~(3) If the issuance of a subpoena is approved by a favorable vote of at least seven members of the board, and at least two members of the technical advisory committee created pursuant to Section 37-36 do not concur in writing in the need for a subpoena, the board will be authorized to issue the subpoena only upon approval by a favorable vote of at least six members of the city council. The city manager shall place the request for approval on the agenda for the next regularly scheduled city council meeting following receipt of the request. A city council member shall not use the deferral privilege under Section 7.12 of the City Council Rules of Procedure to postpone action on the request beyond 30 days from the date the city manager receives the request.]~~

(b) The board may not subpoena a city employee or police officer [~~in accordance with the procedure described in Subsection (a), subpoena a city police officer to appear before the board if that officer is a witness to the incident giving rise to the board's investigation, but in no event shall the board have authority to subpoena a city police officer to appear or testify before the board or to provide information to any investigator of the board if that officer's actions are the subject of the incident or complaint giving rise to the board's investigation].~~

(c) The board may request statements from city employees or police officers through the office of community police oversight. These statements must be provided to the office of community police oversight in a non-public setting.

(d) Before a city employee or police officer is required to make a statement to the office of police community oversight a *Garrity* warning must be issued to the employee. The *Garrity* protections available to a city employee or police officer during an administrative investigation apply to testimony or a statement made in connection with an investigation of the director.

(e) Every person appearing before the board to testify concerning an incident or a complaint being reviewed shall have the right to counsel. All statements and testimony before the board must be given under oath. Nothing in this article shall be construed to deprive any individual of rights given under constitutional, statutory or common law.

~~(f[d])~~ If a city police officer appears before the board, [~~whether~~] pursuant to a board request [~~or subpoena~~], the officer shall be entitled to:

(1) payment by the city of reasonable fees for private legal counsel of the city police officer's choice as provided for in Chapter 12A and Chapter 31A; and

(2) all rights afforded an individual under constitutional, statutory, or common law to the full extent as would be afforded to that officer as a defendant in a criminal proceeding.

(g[e]) A city police officer shall not be subjected to departmental or other administrative disciplinary action:

(1) for refusing to appear voluntarily before the board;

(2) for refusing to answer any question on constitutional grounds or otherwise upon recommendation of legal counsel; or

(3) based upon the subject matter of that officer's testimony provided to the board or to any investigator of the board.

SEC. 37-36. TECHNICAL RESOURCE PANEL [ADVISORY COMMITTEE].

(a) There is hereby created the technical resource panel [~~advisory committee~~] to be composed of three members appointed by the city manager.

(1) The technical resource panel [~~advisory committee~~] is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.

(2) The director shall assist the city manager in the recruitment of qualified members.

(b) Each member of the technical resource panel [~~advisory committee~~] shall be an individual with at least 10 years of law enforcement experience in a recognized local, county, state, or federal law enforcement agency and, to the extent possible, appointments to the technical resource panel [~~advisory committee~~] will be representative of the ethnic diversity of the city and will include individuals with substantial patrol officer experience.

(c) Active law enforcement professionals employed in Dallas County by the state, the county, or any local government may not be members of the technical resource panel [~~advisory committee~~]. In addition, former city of Dallas police officers may not be members of the technical resource panel [~~advisory committee~~]. Members of the technical resource panel [~~advisory committee~~] are not required to be residents of the city nor qualified voters in the city.

(d) Members of the technical resource panel [~~advisory committee~~] shall serve three-year terms, shall be subject to the same conflict of interest and confidentiality restrictions as are applicable to members of the board, and shall be subject to forfeiture of membership on the same basis as members of the board.

(e) Members of the technical resource panel [~~advisory committee~~] shall attend and participate fully in all meetings and deliberations of the board, and at the board's discretion, attend and participate in [including] closed sessions, but shall not be entitled to vote as members of the board.

(f) The technical resource panel [~~advisory committee~~] shall use its expertise and experience in law enforcement matters and procedures to assist the board to the fullest extent possible in the review and investigation of all incidents and complaints coming before the board.

(g) ~~[Prior to the issuance of a subpoena by the board, the technical advisory committee shall make a separate determination as to the need for the subpoena and each member of the technical advisory committee shall submit to the board a written statement either concurring in or dissenting to the need for the subpoena. This separate determination shall be based on the information otherwise available to the board and the technical advisory committee's collective experience and expertise in comparable investigative efforts.]~~

(h) ~~The technical resource panel [advisory committee is an advisory committee and] shall not have any oversight responsibility or oversight authority with respect to the board.~~

(h) Nothing in this section prohibits the director or the board acting through the director from seeking additional outside technical expertise and advice as necessary.

SEC. 37-37. ADMINISTRATIVE ASSISTANCE.

The director [city manager] shall designate [an administrative assistant from his] staff to receive and log [citizen] complaints for referral to the office of community police oversight or the [police] department. The log of complaints must be centrally located and accessible by the office of community police oversight and the department. [t] Staff shall monitor external administrative investigations conducted by the internal affairs division; oversee mediations; independently investigate administrative investigations upon the conclusion of an internal affairs investigation (case disposition and discipline); monitor critical incidents investigated by the department, and further aid the board and the technical resource panel [advisory committee] in their work. Additionally, the director shall assist the board with preparing the annual report required under Section 8-1.1 and any other reports as necessary.

SEC. 37-38. FUNDING.

No funding for the board, the office of community police oversight, or the technical resource panel ~~[advisory committee],~~ including expenses of the board, the office of community police oversight, and the committee and of persons appearing before the board, shall be included in the budget for the ~~[police] department,~~ all such funding to be provided by the city from separate sources.

SEC. 37-39. TRANSPARENCY.

The board shall work with the office of community police oversight and the chief to establish metrics for transparency related to the board's activities and performance, including providing an annual report and an engagement calendar.

SEC. 37-40.

CHIEF OF POLICE.

(a) The chief shall provide a report to the board briefly describing all complaints filed by members of the public with the internal affairs division when requested to do so by the board.

(b) The chief of police shall promulgate general orders and standard operating procedures in compliance with this article. The chief has discretion in how and whether to implement changes recommended by the board.

(c) Nothing in this article should be construed as removing or limiting the chief's authority to issue final disciplinary actions or to oversee the administration of the department in accordance with the city charter."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapters 2 and 37 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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 7. That this ordinance shall take effect on October 1, 2019 and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT



Agenda Information Sheet

File #: 19-516

Item #: 24.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance amending Ordinance No. 30991, previously approved on September 18, 2018, as amended by Ordinance No. 31035, previously approved on November 14, 2018, authorizing certain transfers and appropriation adjustments for FY 2018-19 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

BACKGROUND

On September 18, 2018, City Council adopted the Operating, Grants/Trust, and Capital Budgets for FY 2018-19, by Ordinance No. 30991.

On November 14, 2018, City Council adopted Ordinance No. 31035 amending Ordinance No. 30991, to adjust appropriation for Management Services.

City Charter does not allow for expenditure of City funds without sufficient appropriation (City Charter, Chapter XI, Section 6). Management has closely monitored revenues and expenses throughout the fiscal year to ensure compliance with City Charter. The amendments requested reflect: (1) appropriation adjustments previously approved by City Council; (2) adjustments to ensure adequate departmental appropriations in the General Fund; (3) Enterprise, Other, Grant, and Trust funds revenue and expenditure increases; (4) capital appropriation adjustments; and (5) General Fund contingency to fund a portion of the staffing study for the Dallas Police Department and funding to expand youth programs in the Park & Recreation Department.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 18, 2018, City Council adopted the FY 2018-19 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 18-1337; Ordinance No. 30991.

On November 14, 2018, City Council amended Ordinance No. 30991, previously approved on September 18, 2018, to authorize appropriation adjustments to the FY 2018-19 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 18-1613; Ordinance No. 31035.

The Government Performance and Financial Management Committee will be briefed regarding this item on April 15, 2019.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

**AMENDING THE OPERATING AND CAPITAL BUDGETS' APPROPRIATIONS
ORDINANCE**

An ordinance amending Ordinance No. 30991 (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), as amended by Ordinance No. 31035, to make adjustments for the fiscal year 2018-19 for the maintenance and operation of various departments and activities, amending capital budgets; authorizing the city manager to make certain adjustments; appropriating funds for public improvements to be financed from bond funds and other revenues of the city of Dallas for fiscal year 2018-19; providing a saving clause; and providing an effective date.

WHEREAS, on September 18, 2018, the city council passed Ordinance No. 30991, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2018-19; and

WHEREAS, on November 14, 2018, the city council passed Ordinance No. 31035, which amended Ordinance No. 30991 by adding capital funds to fund appropriations for fiscal year 2018-19; and

WHEREAS, shortages and excesses in various departments and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council authorizes in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, Therefore,

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

SECTION 1. That Section 1 of Ordinance No. 30991, as amended, (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), passed by the city council on September 18, 2018, is amended by making adjustments to fund appropriations for fiscal year 2018-19 for maintenance and operation of various departments and activities, to read as follows:

“SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

<u>DEPARTMENTS AND ACTIVITIES</u>	<u>PROPOSED</u> <u>2018-19</u>
Building Services	22,729,907
City Attorney's Office	18,348,876
City Auditor's Office	3,367,314
City Manager's Office	2,787,305
City Secretary's Office	2,873,978
Civil Service	<u>3,316,621</u> [3,241,621]
Code Compliance	31,635,395
City Controller's Office	<u>6,849,599</u> [6,768,899]
Court and Detention Services	<u>23,164,074</u> [23,314,074]
Dallas Animal Services	14,878,667
Elections	<u>*1,631,698</u> [1,476,566]
Fire	294,483,209
Human Resources	7,005,071
Independent Audit	917,892
Jail Contract – Lew Sterrett	8,908,016
Judiciary	3,446,356
Library	<u>34,038,717</u> [34,138,717]
Mayor and Council	4,989,530
Non-Departmental	<u>92,653,775</u> [92,727,295]

Office of Cultural Affairs	** <u>20,453,188</u> [19,973,188]
Office of Budget	3,796,050
Office of Economic Development	4,972,909
Office of Housing and Neighborhood Revitalization	4,213,724
Office of Management Services	<u>31,688,439</u> [31,520,619]
Park and Recreation	<u>99,042,371</u> [98,542,371]
Planning and Urban Design	3,171,871
Police	<u>487,002,691</u> [486,752,691]
Procurement Services	2,443,038
Public Works	75,856,653
Sustainable Development and Construction	2,194,525
Transportation	47,219,419
[Trinity Watershed Management	1,302,754]
Contingency Reserve	2,319,383
Salary and Benefits Reserve	2,200,000
Liability/Claims Fund	2,751,145

* An increase to \$1,631,698 was previously approved by Resolution No. 18-1641.

** An increase to \$20,453,188 was previously approved by Resolution No. 19-0296.

GENERAL FUND TOTAL **\$1,367,351,406 [~~1,365,966,274~~]**

	<u>PROPOSED</u> <u>2018-19</u>
<u>GRANT FUNDS</u>	
<u>Court and Detention Services</u>	
Law Enforcement Officer Standards and Education (S104)	1,685
<u>Management Services</u>	
Fair Housing FHAP Award 14-15 (F439)	6,126
Fair Housing FHAP Award 15-16 (F471)	22,671
GRANT FUNDS TOTAL	\$30,518

	<u>PROPOSED</u> <u>2018-19</u>
<u>TRUST AND OTHER FUNDS</u>	
<u>Communication and Information Services</u>	
Information Technology Equipment Fund (0897)	<u>5,450,000</u> [1,450,000]
<u>Court and Detention Services</u>	
Employee Morale Fund (0902)	11
Technology Fund (0401)	343,587

<u>Dallas Animal Services</u>	
Animal Control Enhancement (0898)	46,597
Animal Control Enhancement 87D (0878)	842
Animal Services Operation Supp (0883)	137
Dallas Animal Services Online Donations (0714)	56
Dallas Animal Welfare Fund (0711)	566 [393]
<u>Fire</u>	
Smoke Detector Program Donation (0230)	19,541
Paramedic Activity (0302)	10,238
<u>Library</u>	
Edmond and Louise Kahn E. Trust (0208)	262,567
Central Library Gift and Donations (0214)	42,668
Hamon Trust (0458)	14,794
Genealogy Fund (0687)	19,550
Donations and Interest Fund (0734)	59,313
<u>Management Services</u>	
Carryout Bag Regulation Fund (0989)	126,953
<u>Office of Budget</u>	
Rate Case Reimbursement Reserve Fund (0007)	4,000,000
Fair Park First Reserve Fund (0444)	***3,500,000
<u>Office of Cultural Affairs</u>	
OCA Hotel Occupancy Tax (0435)	2,670,482
<u>Office of Economic Development</u>	
Economic Development Sales Tax Rebate Program (0680)	467,562
New Market Tax Credit (0065)	114,225
Property Assessed Clean Energy Fund (0750)	4,511
South Dallas/Fair Park Trust Fund (0351)	1,298,031
Dallas Housing Trust Fund (9P16)	****7,000,000
Deep Ellum Public Improvement District (9P01)	628,778
Dallas Downtown Improvement District (9P02)	7,566,520
Klyde Warren Park/ Dallas Arts District Public Improvement District (9P03)	1,273,513
Knox Street Public Improvement District (9P04)	366,712
Lake Highlands Public Improvement District (9P05)	695,989
North Lake Highlands Public Improvement District (9P06)	385,089
Oak Lawn-Hi Line Public Improvement District (9P07)	362,020
Prestonwood Public Improvement District (9P08)	427,621
South Side Public Improvement District (9P10)	260,676
University Crossing Public Improvement District (9P12)	773,814
Uptown Public Improvement District (9P13)	2,723,533
Vickery Meadow Public Improvement District (9P15)	900,464

Office of Housing and Neighborhood Revitalization

Mayfair Gifts and Donation (0471)	2,518
Dallas Tomorrow Fund (0476)	530,705

Park and Recreation

Craddock Park Expense Trust (0340)	6,022
Fair Park Marketing (0G43)	42,626
<u>Fair Park Naming Sponsorship (0426)</u>	<u>1,632,004</u>
Fair Park Special Maintenance (0329)	108,492
Ford Found Innovative Program (0T14)	1,089
Golf Improvement Trust (0332)	1,481,189
Grauwlyer Memorial E Trust (0331)	54
Junior Golf Program (0359)	5,116
Meadows-Fair Park Security 64E (0643)	130
Mowmentum Park Improvement (0T80)	41,752
Outdoor Programs (0469)	82,566
P & R Athletic Field Maintenance (0349)	163,825
Park and Rec Beautification (0641)	199,520
PKR Program Fund Tracking (0395)	2,197,698
Recreation Program (0341)	475,402
Southern Skates (0327)	81,009
White Rock Endowment (0354)	1,996
W.W. Samuell Park Trust (0330)	647,205

Planning and Urban Design

Neighborhood Vitality Project Fund (0297)	70,770
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Police

Confiscated Monies - Federal (0436)	245,896
Confiscated Monies – State (0411)	3,343,712
Law Enforcement Officer Standard Education (0S1N)	<u>595,859</u> [516,536]
Police Gifts and Donations	1,544

Procurement Services

DABD 2003 South Fair Fund (0245)	4,668
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*** An increase to \$3,500,000 was previously approved by Resolution No. 18-1531.

**** An increase of \$4,575,000 was previously approved by Resolution No. 18-1789 on December 12, 2018. An increase of \$424,528 was previously approved by Resolution No. 18-1791 on December 12, 2018. An increase of \$828,129 was previously approved by Resoulution No. 18-1792 on December 12, 2018. An increase of \$523,246 was previously approved by Resolution No. 18-1793 on December 12, 2018. An increase of \$649,097 was previously approved by Resolution No. 18-1795 on December 12, 2018.

TRUST AND OTHER FUNDS TOTAL

\$53,780,327 [~~33,492,451~~]

GRANT, TRUST AND OTHER FUNDS GRAND TOTAL **\$53,810,845 [33,522,969]**

<u>ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS</u>	<u>PROPOSED</u> <u>2018-19</u>
Aviation	
Airport Operations	154,585,549 [143,726,945]
Transportation Regulation	405,874
Communication and Information Services	
Information Technology	77,011,403
Radio Services	8,651,413
Convention and Event Services	108,647,915
Employee Benefits	
Benefits Administration	1,049,538
Wellness Program	358,858
Equipment and Fleet Management	56,162,517 [54,912,850]
Express Business Center	2,137,496
Management Services	6,385,239
****[Office of the Bond Program	10,079,445]
<u>Park and Recreation</u>	<u>3,694,206</u>
Public Works	*****7,167,340
Risk Management	4,579,552
Sanitation Services	114,157,465 [112,653,465]
Storm Water Drainage Management	58,436,837
Sustainable Development and Construction	34,571,119
Water Utilities	665,491,395
WRR - Municipal Radio	2,076,728
911 System Operations	15,176,553

***** A decrease to \$10,079,445 was previously approved by Resolution No. 18-1613.

***** An increase to \$7,167,340 was previously approved by Resolution No. 18-1613.

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL **\$1,320,746,997**
[1,307,134,726]"

SECTION 2. That Section 4 of Ordinance No. 30991, as amended, (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), is amended by making adjustments to fund appropriations for fiscal year 2018-19 for maintenance and operation of various departments and activities, to read as follows:

“SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(2) Transfer funds, not to exceed \$23,484,663, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870, to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219, for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.

(3) Transfer funds, not to exceed \$2,751,145, from the General Fund 0001, Department BMS, Unit 1997, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525, for payment of small and large claims against the city.

(4) Transfer funds, not to exceed \$3,366,284 to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9229, from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690, to support general fund operations.

(5) Transfer funds, not to exceed \$25,313,609, from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690, in the amounts not to exceed \$8,300,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 9201 and \$17,013,609 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(6) Transfer funds, not to exceed \$68,280, from the General Fund 0001, Department PNV, Unit 1581, Object 3690, to the Neighborhood Vitality Project Fund 0297, Department PNV, Unit 1728, Revenue Source 9201, for GrowSouth Neighborhood Challenge grants.

(7) Transfer funds, not to exceed \$1,450,000, from the Information Technology Operating Fund 0198, Department DSV, Unit 1667 and 1622, Object 3690, to the Information Technology Equipment Fund 0897, Department DSV, Unit 3717, 3718, and 3719, Revenue Source 9201, for information technology servers, computers, storage, network and other IT equipment including related software, hardware, and implementation services.

(8) Transfer funds, not to exceed \$2,670,482, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201, for the promotion of cultural arts.

(9) Transfer funds, not to exceed \$467,562, from the General Fund 0001 Department BMS, Unit 1991, Object 3690, to the Economic Development Sales Tax Rebate Program Fund 0680 Department ECO, Unit 6696, Revenue Source 9201, for sales tax rebates in accordance with the terms of the e-commerce sales tax grant agreement pursuant to Chapter 380 of the Texas Local Government Code.

(10) Transfer funds, not to exceed \$635,310, from City of Dallas Regional Center Fund 0067, Department ECO, Unit P682, Object 3090, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(11) Transfer funds, not to exceed \$216,305, from New Markets Tax Credit Fund 0065, Unit P607, Object 3899, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(12) Transfer funds, not to exceed \$800,000, from the General Fund 0001 Unit 1165, Object Code 3690, to South Dallas Fair Park Opportunity Fund 0351, Unit 0448, Revenue Source 9201, for Special Grant/Loan Program for catalyst economic development initiatives.

(13) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.

(14) Transfer funds, not to exceed \$4,000,000, from the Rate Case Reimbursement Reserve Fund 0007, Unit P155, Object 3690, to the Information Technology Equipment Fund 0897, unit 3719, Revenue Source 9201 for information technology servers, computers, storage, network and other IT equipment including related software, hardware, and implementation services.

(15) Transfer funds, not to exceed \$250,000, from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Dept. DPD, Appropriation Unit 0001DPD, Unit 2181, Revenue Source 9229; and a clearing entry, in the same amount, to Fund 0001, Department BMS, Balance Sheet Account 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

(16) Transfer funds, not to exceed \$500,000, from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Dept. PKR, Appropriation Unit 0001PKR, Unit 5071, Revenue Source 9229; and a clearing entry, in the same amount,

to Fund 0001, Department BMS, Balance Sheet Account 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

(17) Transfer funds, not to exceed \$101,480, from the General Fund 0001, Unit 1987, Object 3070, to the Capital Construction Fund 0671, Unit W221, Revenue Source 9201 for maintenance of city facilities.

(18) Transfer positions from Management Services, Fund 0294, Unit 3856 and Unit 3857, to Park and Recreation, Fund 0294, Unit 3856 and Unit 3857, to facilitate implementation of the General Obligation Bond Program.”

SECTION 3. That Section 9 of Ordinance No. 30991, as amended (2018-19 FY Operating and Capital Budgets’ Appropriation Ordinance), is amended by adding capital funds to fund appropriations for fiscal year 2018-19 to read as follows:

“SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for projects listed in the FY 2018-19 capital budget:

CAPITAL FUNDS

From the Aviation Capital Construction Fund (0131)	<u>20,154,155</u> [17,804,155]
From the Aviation Passenger Facility Charge Near Term Projects Fund (A477)	40,350,000
From the Capital Assessment 2003BP Fund (L003)	540,233
From Capital Assessment 2006BP Fund (L006)	169,987
From Capital Assessment 2012BP Fund (L012)	121,487
From Capital Assessment Fund-85 Fund (L085)	90,017

From Capital Assessment Fund-98 Fund(L098)	1,711,842
From Capital Assessment Funds Fund (L095)	59,574
From the Capital Construction Fund for City and Cultural Facilities (0671)	<u>7,101,480</u> [7,000,000]
<u>From the Capital Projects Reimbursement Fund (0556)</u>	<u>*4,989,639</u>
From the Cedars Tax Increment Finance District Fund (0033)	691,440
From the City Center Tax Increment Finance District Fund (0035)	<u>**7,019,640</u> [6,595,112]
From the City Hall, City Service and Maintenance Facilities Fund (6T60)	100,000
From the City Services Facility Fund (3R60)	5,689,200
<u>From the Cityplace Area TIF District Fund (0030)</u>	<u>***2,540,080</u>
From the Convention Center Capital Construction Fund (0082)	13,467,033
From the Cultural Affairs Fund (2017 GO Bonds) (1V49)	9,985,000
From the Cypress Waters Tax Increment Finance District Fund (0066)	<u>3,832,442</u> [1,979,799]
From the Davis Garden Tax Increment Finance District Fund (0060)	1,440,492
From the Deep Ellum Tax Increment Finance District Fund (0056)	2,246,610
From the Design District Tax Increment Finance District Fund (0050)	9,650,000

From the Downtown Connection Tax Increment Finance District Fund (0044)	<u>26,828,371</u> [17,820,617]
From the Dallas Water Utilities Public Art Fund (0121)	82,500
From the Economic & Southern Area of City Transit-Oriented Development Fund (9T52)	6,000
<u>From the Economic Development Fund (2017 GO Bonds) (1V52)</u>	<u>****1,450,000</u>
From the City Facilities Fund (2017 GO Bonds) (1V60)	11,662,600
From the Fair Park Improvement Fund (2017 GO Bonds) (1V02)	18,970,000
From the Farmers Market Tax Increment Finance District Fund (0036)	2,593,126
From the Flood Control Fund (2017 GO Bonds) (1V23)	16,195,600
From the Fort Worth Avenue Tax Increment Finance District Fund (0058)	1,005,594
From the Homeless Assistance Facilities Fund (2017 GO Bonds) (1V43)	1,500,000
From the Library Facilities Fund (2017 GO Bonds) (1V42)	6,589,000
From the Maple/Mockingbird Tax Increment Finance District Fund (0064)	3,358,665
From the Master Lease-Equipment Fund (ML19)	34,000,000
From the Oak Cliff Gateway Tax Increment Finance District Fund (0034)	4,075,556
From the Parks and Recreation Facilities Fund (2017 GO Bonds) (1V00)	84,724,345
From the Public/Private Partnership Fund (0352)	<u>*****17,892,140</u> [11,192,140]

From the Public Safety Facilities Fund (2017 GO Bonds) (1V33)	27,455,000
From the Public Safety Facilities Fund (6T33)	60,000
From the Resurfacing and Reconstruction Improvements Fund (0717)	4,100,000
From the Sanitation Capital Improvement Fund (0593)	<u>*****14,837,495</u> [13,600,000]
From the Sewer Construction Fund (0103)	23,250,000
From the Skillman Corridor Tax Increment Finance District Fund (0052)	<u>4,417,600</u> [1,915,426]
From the Sports Arena Tax Increment Finance District Fund (0038)	12,812,528
<u>From the State Thomas TIF District Fund (0032)</u>	<u>*****1,003,651</u>
From the Street and Alley Improvement Fund (0715)	20,400,373
From the Street and Transportation Fund (2017 GO Bonds) (1V22)	75,055,583
From the Transit Oriented Development Tax Increment Financing Fund (0062)	<u>2,662,865</u> [753,206]
From the Storm Water Drainage Management Capital Construction Fund (0063)	<u>10,708,653</u> [6,024,848]
From the Vickery Meadow Tax Increment Finance District Fund (0048)	<u>*****3,110,097</u> [2,461,000]
From the Water (Drinking Water) TWDB Fund (1150)	44,000,000
From the Wastewater (Clean Water) - TWDB Fund (1151)	22,000,000

From the Water Capital Improvement Series D Fund (2116)	29,817,500
From the Wastewater Capital Improvement Fund (3116)	70,700,000
From the Water Capital Construction Fund (0102)	30,700,000
From the Water Capital Improvement Fund (2115)	29,000,000
From the Water Capital Improvement Fund (3115)	50,450,000

- *An increase of \$1,900,000 was previously approved by Resolution No. 18-1847.
- *An increase of \$21,482 was previously approved by Resolution No. 18-1610.
- *An increase of \$249,000 was previously approved by Resolution No. 18-1590.
- *An increase of \$832,258 was previously approved by Resolution No. 18-0197.
- *An increase of \$1,800,000 was previously approved by Resolution No. 19-0169.
- *An increase of \$165,217 was previously approved by Resolution No. 19-0264.
- *An increase of \$21,681 was previously approved by Resolution No. 19-0236.
- **An increase of \$424,528 was previously approved by Resolution No. 18-1791.
- ***An increase of \$2,540,080 was previously approved by Resolution No. 18-1792.
- ****An increase of \$1,450,000 was previously approved by Resolution No. 18-1556.
- *****An increase of \$6,700,000 was previously approved by Resolution No. 18-1789.
- *****An increase of \$335,722 was previously approved by Resolution No. 18-1614.
- *****An increase of \$345,000 was previously approved by Resolution No. 18-1671.
- *****An increase of \$556,773 was previously approved by Resolution No. 19-0419.
- *****An increase of \$1,003,651 was previously approved by Resolution No. 18-1793.
- *****An increase of \$649,097 was previously approved by Resolution No. 18-1795.

CAPITAL FUNDS TOTAL **\$839,425,193**~~**[798,023,188]**~~

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2018-19 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)	296,200,044
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DEBT SERVICE FUNDS TOTAL **\$296,200,044**

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by the city council upon the recommendation of the city manager.”

SECTION 4. That That Section 11 of Ordinance No. 30991, as amended (2018-19 FY Operating and Capital Budgets’ Appropriation Ordinance), is amended by adding capital funds to fund appropriations for fiscal year 2018-19 to read as follows:

“SECTION 11. That the city manager is authorized to make the following adjustments:

(1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.

(2) Decrease appropriation of any fund described in Section 9 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

(3) Transfer funds, not to exceed \$830,400 to the Debt Service Fund 0981, in the amount not to exceed \$63,000 from Street System Improvements Fund 0522; \$20,000 from Street System Improvements Fund 0E22; \$200 from Central Expressway-Land Acquisition Fund 0HLC; \$14,000 from Major Park, Rec & Community Fund 0N00; \$200 from Neighborhood Park, Play & Rec Fund 0N05; \$24,000 from City Facilities Repair & Imp Fund 0L60; \$22,000 from City Facilities Repairs Fund 0M60; \$26,000 from City Facilities Repairs & Imp Fund 0N60; \$100 from Fire Protection Facilities Fund 0M41; \$15,000 from 01 Park Play Ground Rec Fund 0P00; \$7,000 from 02 Park Play Ground Rec Fund 1P00; \$26,000 from Police Headquarters Fac Fund 0P44; \$20,000 from Fire Protection Facilities Fund 0P41; \$1,600 from Fire Protection Facilities Fund 9P41; \$16,000 from Cultural Arts Facilities Fund 9P49; \$300 from City Animal Control Facilities

Fund 0P46; \$6,000 from City Animal Control Facilities Fund 1P46; \$17,000 from Arts Theater Fund 3R07; \$4,000 Arts Theater Fund 5R07; \$83,000 from 06 Arts Theater Fund 6R07; \$140,000 from City Services Facility Fund 3R60; \$115,000 from Animal Shelter Fund 3R46; \$21,000 from Fire Station Fund 3R41; \$42,000 from Fire Station 04-05 Fund 4R41; \$6,000 from Fire Station Facilities Fund 5R41; \$24,000 from Fire Station Facilities Fund 6R41; \$6,000 from Farmers Market Fund 3R40; \$38,000 from Farmers Market 04-05 Fund 4R40; \$5,000 from Farmers Market Improvement Fund 5R40; and \$68,000 from Homeless Assistance Facilities Fund 6S43 to close-out inactive general obligation bond funds.

(4) Upon written notice to the city controller, to transfer expenses, appropriations, or both between funds in the 1985 General Obligation Bond Program series of funds, the 1998 General Obligation Bond Program series of funds, the 2003 General Obligation Bond Program series of funds, and the 2005 General Obligation Bond Program series of funds, and to transfer residual cash amounts to the General Obligation Debt Service Fund to facilitate the close out of prior bond programs.”

SECTION 5. That it is the intent of the city council, by passage of this ordinance, to appropriate funds for the city departments and activities. No office or position is created by the appropriations.

SECTION 6. That Ordinance Nos. 30991 and 31035 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That this ordinance will take effect immediately from 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