

Memorandum



CITY OF DALLAS

DATE October 6, 2017

TO Honorable Members of the Ad Hoc Administrative Affairs Committee

SUBJECT Recommendations Regarding City Council Rules of Procedure, Section 6.2, Five-Signature Memorandum Process

On Monday, September 18, 2017, the Administrative Affairs Ad Hoc Committee met and considered Mayor Mike Rawlings' request to study the five-signature memorandum process. After further conversations with the mayor's office, I believe it is appropriate to continue our deliberations on this topic at our October 11 committee meeting. Specifically, we will discuss the following proposals, which include potential changes to the City Council Rules of Procedure:

- All five-signature memorandums must be on the form approved by the City Manager, which is attached. The memorandum form requesting that an item be placed on an agenda must include (1) an accurate description of the voting item or briefing requested and (2) background information. In addition to the five Councilmembers' signatures, Councilmembers must print their names and provide their district number.
- The memorandum form will identify the lead Councilmember who must work with the City Attorney's Office on the exact wording of the resolution or ordinance before the memorandum form is signed.
- When requesting a voting item, the lead Councilmember must attach a draft resolution or ordinance to the memorandum form, and all five Councilmembers that signed the five-signature memorandum must also date, initial, and provide their district number on the draft resolution or ordinance. The resolution or ordinance must be posted with the agenda item.
- The memorandum form with the attachment must be time-stamped by the City Secretary's Office, submitted to the mayor and copied to the full City Council, the city manager, and the city attorney.
- Any five-signature memorandum that does not use the approved City Manager form will not be placed on the agenda. Any changes to a requested item made after the memo is submitted will require that a new memo be submitted, restarting the 30-day clock.
- Additionally, the Mayor, when placing an item on the agenda, will fill out a similar memorandum form without any additional signatures, and will attach any necessary resolution or ordinance.

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As a reminder, it was also noted during our previous Administrative Affairs Ad Hoc Committee meeting that City Council committee chairs currently retain the right to request a briefing on any voting item that may be requested by five-signature memorandum. Though committees do not have authority to delay a properly requested five-signature memorandum, committee members may wish to weigh in with a recommendation to full council regarding the item.

A copy of the draft five-signature memorandum form, the draft resolution and ordinance forms, and a draft of the proposed changes to the City Council Rules of Procedure are attached.

As always, all members of the City Council are invited to attend our committee meeting.



Sandy Greyson, Chair
Administrative Affairs Ad Hoc Committee

c: Honorable Mayor and Members of the Dallas City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billerae Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

SECTION 6 ORDER OF BUSINESS.

6.1. Agenda.

(a) **Preparation and Distribution.** The order of business of each meeting shall be as contained in the agenda prepared as follows:

(1) The agenda shall be a listing by topic of subjects to be considered by the city council, and shall be delivered to members of the city council in advance of each meeting in accordance with the directives of the city council.

(2) The mayor shall determine the contents of the agenda relating to policy items. The mayor shall transmit these items to the city manager on a form approved by the city manager in time for distribution to the city council at the same time operational items are distributed. The resolution or ordinance being considered must be posted with the agenda item.

(3) The city manager shall present the operational agenda to the city council. [City Charter Chapter III §13(a)(1) and (4)]

(b) Briefing Meetings.

(1) On the first and third Wednesday of each month, the city council will hold a briefing meeting, which shall begin at 9:00 a.m. At a briefing meeting, the city council shall present any proclamations or other recognitions scheduled for the day. At the conclusion of the proclamations, the briefings scheduled for the day will begin. The city manager will present options and recommendations at the end of each policy briefing. A council member may speak no more than two times on any briefing item, and each time will be limited to five minutes.

(2) Voting items will not be scheduled on briefing days except for emergencies, construction contracts, construction change orders, architectural and engineering contracts, and architectural and engineering supplemental agreements. Speakers may sign up to speak on any voting item placed on a briefing agenda. Speakers may also sign up to speak at open microphone periods at the beginning and end of each briefing meeting. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules.

(c) Voting Agenda Meetings.

(1) On the second and fourth Wednesday of each month, the city council will hold a voting agenda meeting, which shall begin at 9:00 a.m. At a voting agenda meeting, the city council shall hear speakers who wish to comment on matters that are scheduled on the city council's voting consent and individual item agenda for that day. The city council shall also hear open microphone speakers. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules. Upon completion of any speakers allowed under Subsection 6.3 to speak at the beginning of the meeting, the city council will consider the minutes, the consent agenda, and individual items for consideration until noon when they shall recess. No earlier than

1:00 p.m. the city council shall reconvene to conduct public hearings. At the completion of the public hearings, the city council shall resume its voting agenda.

(2) A city council member may speak no more than two times on any one voting agenda item, and each time will be limited to three minutes. After 5:00 p.m., the time will be limited to two minutes, unless altered by majority vote. A council member may be recognized to exceed established limits upon passage of a nondebtable motion made by a council member. Responses by the staff or citizens to a council member's questions will not be included in the council member's speaking time. The chair shall take care that responses are brief and to the point. Briefings will not be scheduled for voting days except for emergencies.

(d) **Fifth Wednesdays.** When a fifth Wednesday occurs in a month, the city council meeting may be used for special workshops, planning sessions, or other matters as agreed between the city manager and the city council.

(e) The times specified for speakers and city council activities at the briefing meetings and the voting agenda meetings may be adjusted on days when the city council determines to hold an evening meeting.

6.2. Presentations by Members of Council.

(a) The mayor shall include on an agenda any item requested by five city council members if the item is presented on a memorandum form approved by the city manager, which form includes a draft resolution or ordinance; or ~~[by]~~ a majority of a city council committee to be brought before the city council.

(b) The five-council member memorandum form must include an accurate description of the voting item or briefing request and background information and the five council members signing the memorandum must also print their name and their district number.

(c) The five-council member memorandum form will identify the lead council member who must work with the City Attorney's Office on the substance and wording of the resolution or ordinance before the five-council member memorandum is signed. All five council members signing the memorandum must also date, initial, and print their district number on the draft resolution or ordinance.

(d) The completed five-council member memorandum form must be date-stamped by the city secretary and the date-stamped memorandum form must be submitted to the mayor with copies provided to the city council, city manager, and city attorney.

(e) Unless the request is withdrawn by any of the five city council members or by a majority of the city council committee, whichever applies, the mayor shall place the item ~~[must be placed]~~ on:

(1) the first briefing agenda scheduled at least 30 calendar days after receipt of the request by the mayor on an approved form that is date-stamped by the city secretary ~~[and the city manager]~~, if the item is requested to be placed on a briefing agenda; or

(2) the first voting agenda scheduled at least 30 calendar days after receipt of the request by the mayor on an approved form that is date-stamped by the city secretary, if the item is requested to be placed on a voting agenda.

(f) Any change to a five-council member memorandum form made after the memorandum form is submitted to the mayor will require a new memorandum form, restarting the calendaring of the item.

(g) The resolution or ordinance being considered because of a five-council member memorandum must be posted with the agenda item.

(h) The mayor shall not place on the agenda any five-council member request that is not on a city manager-approved memorandum form or that is not a complete form, including a resolution or ordinance.

(i[~~b~~]) The mayor shall not place on an agenda any item that has been voted on by the city council within the one-year period preceding the date requested for placement of the item on the agenda.

Memorandum



DATE [DATE]
 TO The Honorable Michael S. Rawlings
 FROM [INSERT COUNCIL MEMBER NAME(S)]
 SUBJECT **Request for Placement of Agenda Item – Council Member(s)**

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 6.2 of the City Council Rules of Procedure, please post the following item on the first **VOTING or BRIEFING** agenda scheduled at least 30 calendar days after receipt of this request:

BRIEF BACKGROUND:

[Insert text of background or reason for request]

Submitted for consideration by:

_____ Printed Name, District # _____ Signature

Supporting Council Member Signatures (4 Signatures Only):

_____ Printed Name, District # _____ Signature

_____ Printed Name, District # _____ Signature

_____ Printed Name, District # _____ Signature

_____ Printed Name, District # _____ Signature

Attachment: Draft Resolution or Ordinance

- c: Honorable Council Members
- T.C. Broadnax, City Manager
- Larry Casto, City Attorney
- Craig D. Kinton, City Auditor
- Biliera Johnson, Interim City Secretary
- Scott Goldstein, Chief of Policy and Communications, Office of the Mayor

Memorandum



DATE [DATE]
 TO T.C. Broadnax, City Manager
 FROM Honorable Mayor Michael S. Rawlings
 SUBJECT **Request for Placement of Agenda Item – Mayor**

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 6.1 of the City Council Rules of Procedure, please post the following item on the **[VOTING or BRIEFING]** agenda scheduled for **[INSERT DATE]**:

BRIEF BACKGROUND:

[Insert text of background or reason for request]

Submitted for consideration by:

Printed Name

Signature

Attachment: Draft Resolution or Ordinance

- c: Honorable Council Members
- Larry Casto, City Attorney
- Kimberly Bizer Tolbert, Chief of Staff to the City Manager
- Craig D. Kinton, City Auditor
- Biliera Johnson, Interim City Secretary

COUNCIL CHAMBER

[DATE]

WHEREAS, [TEXT INTRODUCING THE TOPIC/ITEM – FOR EXAMPLE, *the ABC Board was created by the State Legislature*];

WHEREAS, [ADDITIONAL INFORMATION/BACKGROUND ABOUT THE ITEM – FOR EXAMPLE, *Dallas is a participating member and the City Council has appointed three members to the ABC Board*]; and

WHEREAS, [ADDITIONAL INFORMATION/BACKGROUND ABOUT THE ITEM, AS NEEDED – FOR EXAMPLE, *because the City Council appointed Jane Smith to serve at the pleasure of the City of Dallas, the City Council may remove her*]; **Now, Therefore,**

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

Section 1. That [TEXT REGARDING ACTION CITY COUNCIL IS BEING ASKED TO CONSIDER – FOR EXAMPLE, *Jane Smith is hereby removed from the ABC Board.*]

Section 2. That [TEXT OF ADDITIONAL ACTION CITY COUNCIL IS BEING ASKED TO CONSIDER, IF NECESSARY.]

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

Each councilmember signing the five-person request to place an item on the agenda must review and confirm that they have read and agree with the draft resolution by dating, initialing, and placing their district number below.

_____ DATE	_____ DATE	_____ DATE	_____ DATE	_____ DATE
_____ CM INITIALS	_____ CM INITIALS	_____ CM INITIALS	_____ CM INITIALS	_____ CM INITIALS
_____ DIST. NO.	_____ DIST. NO.	_____ DIST. NO.	_____ DIST. NO.	_____ DIST. NO.

[Date]

ORDINANCE NO. _____

An ordinance amending Chapter __, “ _____,” of the Dallas City Code by amending Section __; providing (description of amendment); 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 and have held the required public hearings 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 Subparagraph __ of Paragraph __, “ _____,” of Subsection __, “ _____,” of Section __, “ _____,” of Division __, “ _____” of Article __, “ _____,” of Chapter __, “ _____,” of the Dallas City Code is amended to read as follows:

[Insert text of amendment.]

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

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

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

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

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

Each councilmember signing the five-person request to place an item on the agenda must review and confirm that they have read and agree with the draft ordinance by dating, initialing, and placing their district number below.

_____ DATE	_____ DATE	_____ DATE	_____ DATE	_____ DATE
_____ CM INITIALS	_____ CM INITIALS	_____ CM INITIALS	_____ CM INITIALS	_____ CM INITIALS
_____ DIST. NO.	_____ DIST. NO.	_____ DIST. NO.	_____ DIST. NO.	_____ DIST. NO.