

PROPOSED ORDINANCE SUBMITTED BY COUNCILMEMBER TENNELL ATKINS

[Date]

ORDINANCE NO. _____

An ordinance amending Chapter 8, “Boards and Commissions,” of the Dallas City Code by amending Section 8-1.4; deleting disqualification for a person convicted of two or more felony offenses; providing that the city secretary shall inform the city council, based on resources available to the city, if any person nominated for appointment has been convicted of any misdemeanor or felony offense; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (a) of Section 8-1.4, “Qualification Considerations in Appointments to Boards,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

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

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

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

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

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

(5) not be an employee or a business associate of either an adversary party or a representative of an adversary party, nor have a pecuniary interest, in any pending litigation or claim, other than an eminent domain proceeding, against the city relating to the board on which

the appointee will serve or the department providing support services to that board or against any individual officer or employee of the support department (unless unrelated to such individual's office or employment); disqualification of an appointee under this subparagraph may not be waived;

(6) not be in arrears on any city taxes, water service charges, or other obligations owed the city; and

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

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

SECTION 2. That Subsection (f) of Section 8-1.4, “Qualification Considerations in Appointments to Boards,” of Article I, “In General,” of Chapter 8, “Boards and Commissions,” of the Dallas City Code is amended to read as follows:

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

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 Chapter 8 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 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 _____

DRAFT