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AD HOC JUDICIAL NOMINATIONS COMMITTEE
DALLAS CITY COUNCIL COMMITTEE AGENDA

2015 SEP 10 PM 4:16

CITY OF DALLAS
DALLAS, TEXAS

MONDAY, SEPTEMBER 14, 2015
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA
DALLAS, TEXAS 75201
3:30 P.M. – 5:00 P.M.

Chair, Councilmember Philip T. Kingston
Vice-Chair, Councilmember Tiffinni A. Young
Mayor Pro Tem Monica R. Alonzo
Councilmember Rickey D. Callahan
Councilmember B. Adam McGough
Councilmember Casey Thomas, II

Call to Order

1. Approval of Minutes

BRIEFINGS

2. Policy/Budget Discussion Related to the Municipal Court

Gloria Carter, Director
Ryan, Rogers, Assistant Director
Court & Detention Services

Adjourn



Philip T. Kingston, Chair *cls*
Ad Hoc Judicial Nominations Committee

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

A quorum of the City Council may attend this Council Committee meeting

DRAFT

Ad Hoc Judicial Nominations Committee Meeting Record

The Ad Hoc Judicial Nominations Committee meetings are recorded. Agenda materials are available online at www.dallascityhall.com. Recordings may be reviewed/copied by contacting the AdHoc Judicial Nominations Committee Coordinator at 214-670-3246.

Special Call Meeting: Monday, August 4, 2014 **Convened:** 3:02 p.m. **Adjourned:** 3:54 p.m.

Committee Members Present:

Councilmember Scott Griggs, **Chair**
Councilmember Philip Kingston, **Vice-Chair**
Councilmember Jerry Allen
Deputy Mayor Pro Tem Monica Alonzo
Councilmember Vonciel Jones Hill

Executive Staff Present:

Joey Zapata, Assistant City Manager
Warren Ernst, City Attorney
Melissa Miles, Executive Assistant City Attorney

Committee Member Absent:

Councilmember Dwaine Caraway

Guest Present:

J. Reid Porter, President, Advocates for Community Transformation (ACT)

PUBLIC SAFETY COMMITTEE AGENDA:

1. **Call to Order**

Presenter: Scott Griggs, Chair

Action Taken/Committee Recommendation(s):

Committee Chair Griggs called an open session of the Ad Hoc Judicial Nominations Committee Meeting to order at 3:02 p.m., Monday, August 4, 2014 at Dallas City Hall, 1500 Marilla, 6ES, Dallas, TX, 75201. A quorum was present.

2. **Approval of Meeting Record for April 29, 2014 meeting minutes**

Presenter: Scott Griggs, Chair

Action Taken/Committee Recommendation(s):

Motion made by: **Councilmember Hill**

Item passed unanimously: X

Item failed unanimously:

Seconded by: **Councilmember Kingston**

Item passed on a divided vote:

Item failed on a divided vote:

3. **Improving Quality of Life through City Attorney's Office and Advocates for Community Transformation (ACT) Collaborative Effort**

Presenter(s): J. Reid Porter, President, ACT

Melissa A. Miles, Executive Assistant City Attorney, Chief, Code Compliance Litigation

The City Attorney's Office and Advocates for Community Transformation (ACT) have jointly authored a Memorandum of Understanding (MOU) to collaboratively use litigation strategies and community involvement to work to eliminate blighted structures and drug houses from residential neighborhoods.

The mission of ACT:

Advocates for Community Transformation uses the justice system to shut down drug houses while also intentionally caring for the residents who have been hurt by them. We empower residents to take back their communities from the drug dealers and encourage them spiritually throughout the process.

The vision of ACT:

Our vision is for inner-city residents to live in communities free of crime and urban blight. We utilize ACT staff and volunteer attorneys from private law firms to work alongside willing residents to file lawsuits in civil courts to eliminate the nuisance properties.

The committee had the following areas of concern:

- Number of house demolished
- Program expansion
- Guest Litigator Program
- Municipal Court prosecutors
- Revenue
- Memorandum of Understanding
- Partnership with National Guard
- Funding

Motion made by Councilmember Allen that the proposed code amendment to provide the guest litigator provision move forward to full city council with the recommendation for approval. Councilmember Kingston seconded the motion and it passed by unanimous vote.

4. **Consideration of Proposed Amendments to City Code Section 13-5.2**

Presenter(s): Warren Ernst, City Attorney

Action Taken/Commission Recommendation(s):

Mr. Ernst provided the committee with background of a proposed amendment to City Code Section 13-5.2. An ordinance amending Chapter 13 of the Dallas City Code to the following:

- Provided that the City Council and the Ad Hoc Judicial Nominations Committee of the City Council may consider all applicants interviewed by the Judicial Nominating Commission for vacancies in the office of municipal judge; and
- Update the name of the committee responsible for reviewing and making judicial nomination recommendations to City Council

Motion made by Councilmember Hill that the proposed amendment to the ordinance move forward to full city council with the recommendation for approval. Councilmember Kingston seconded the motion and it passed by unanimous vote.

5. **Discuss Recommendations of Candidates for Appointment as Associate Municipal Judge**

Presenter: Scott Griggs, Chair

Action Taken/Commission Recommendation(s):

The Ad Hoc Judicial Nominations Committee went to Closed Executive Session at 3:44 p.m. on Monday, August 4, 2014 pursuant to Section 551.074 of the Texas Open Meetings Act, Texas Government Code, to discuss the recommendations of candidates for appointment as associate municipal judge.

Action Taken/Commission Recommendation(s):

Pursuant to Section 551.074 of the Texas Government Code, the Ad Hoc Judicial Nominations Committee reconvened at 3:52 p.m. on Monday, August 4, 2014 to open session.

In addition to the 13 individuals that were recommended for appointment as Associate Municipal Judge on April 29, 2014 by the Ad Hoc Judicial Nominations Committee, by motion of Councilmember Hill and seconded by Councilmember Kingston, an additional 14 individuals were recommended, subject to approval by the city council of the recommended amendment to City Code Section 13-5.2.

The consolidated list of the 27 the Ad Hoc Judicial Nominations Committee recommended for **Associate Municipal Judge** are listed below:

Cadoc Tim A. Menchu
E.A. (Elizabeth) Srere
Carl Hays
Kristine S. Primrose
Roland C. Anderson
Daniel E. McDonald, Jr.
Esther A. Grossman
Timoteo F. Gonzalez
Aura L. Pleitez
Tonya L. Goffney
Marilyn Y. Davis
Tony L. Martin
Michelle Buendia
Frieda J. Fiske
William Marple
Nina Bujosa
Melodee Armstrong
John McCall
Shereen R. Eldomeiri
Thaddeus Iwuji
Christina Jump
Winifred E. Cannon
Samuel Hawk
Roland Monteros
J. Oliver Lee, Jr.
Bridgett Whitmore
James C. Beggs

The August 4, 2014 Ad Hoc Judicial Nominations Committee meeting adjourned at 3:54 p.m.

APPROVED BY:

ATTEST:

Scott Griggs, Chair
Ad Hoc Judicial Nominations Committee

Shun Session, Coordinator
AdHoc Judicial Nominations Committee

Memorandum



DATE: September 11, 2015

TO: Honorable Members of the Ad Hoc Judicial Nominations Committee:
Philip T. Kingston (Chair), Tiffinni A. Young (Vice Chair), Mayor Pro Tem Monica R. Alonzo,
Rickey D. Callahan, B. Adam McGough, Casey Thomas, II

SUBJECT: **Policy/Budget Discussion Related to the Municipal Court**

On Monday, September 14, 2015, the Ad Hoc Judicial Nominations Committee will be briefed on Policy/Budget Discussion Related to the Municipal Court by Gloria Carter, Director and Ryan Rogers, Assistant Director, Court & Detention Services.

The briefing materials are attached for your review.

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



Eric D. Campbell
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

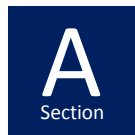
Policy/Budget Discussion Related to the Municipal Court

Ad Hoc Legislative Committee for Judicial
Nominations
September 14th, 2015

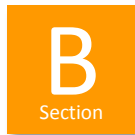


Briefing Purpose

Review Policy and Budget Discussion Related to the Municipal Court



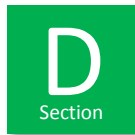
Responsibilities



Expenses/Revenues



Option



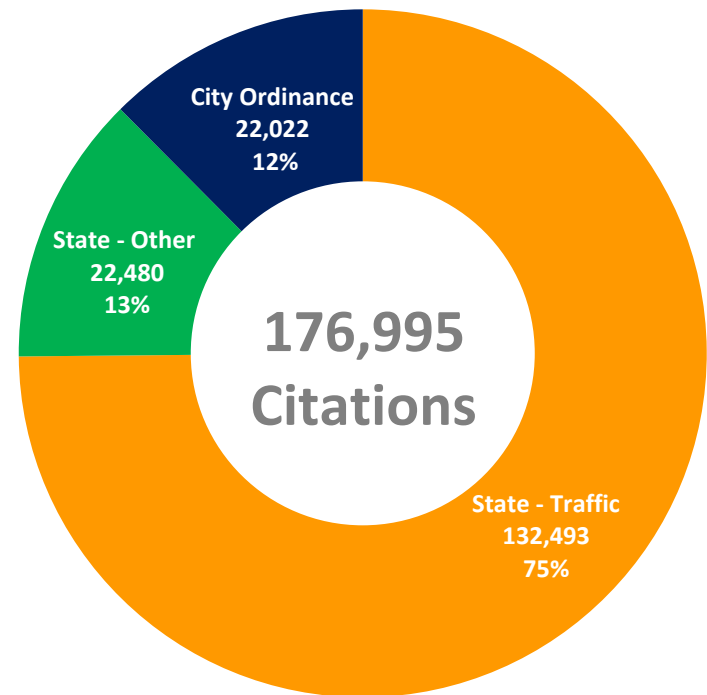
Outstanding Items



Municipal Court Responsibilities




- Administer Class C citations and civil citations
 - Jurisdiction over 1,052 violation types
 - Receive approx. 200,000 citations annually

FY15 YTD Violations



NOTE: Chart includes 2,784 "V" citations for Community Court

Municipal Court Structure

Group	Basic Functions	FTEs	Direct Report
Clerks / Marshals 	Update Cases & Records Collections & Accounting Enforce & Confirm Warrants	138	City Manager
Prosecutors 	Prosecute Cases & Defend Appeals Support Staff	26*	City Attorney
Judiciary / Bailiffs 	Adjudicate Cases Courtroom Security	39**	City Council

NOTES: Uses FY16 Proposed numbers, *Includes 16 municipal court prosecutors and 3 office-wide support staff allocated to this unit, ** Includes 12 full-time Judges and 2.2 FTEs for Associates



Municipal Court General Fund Expenses

	FY15 General Fund	FY16 General Fund Prop
CTS - Clerks	8,525,026	7,207,898
CTS - Marshals	2,221,663	2,851,666
ATT - Prosecution	2,182,517	2,091,144
CTJ - Judicial	3,695,256	3,232,377
Total	\$16,624,462	\$15,383,085

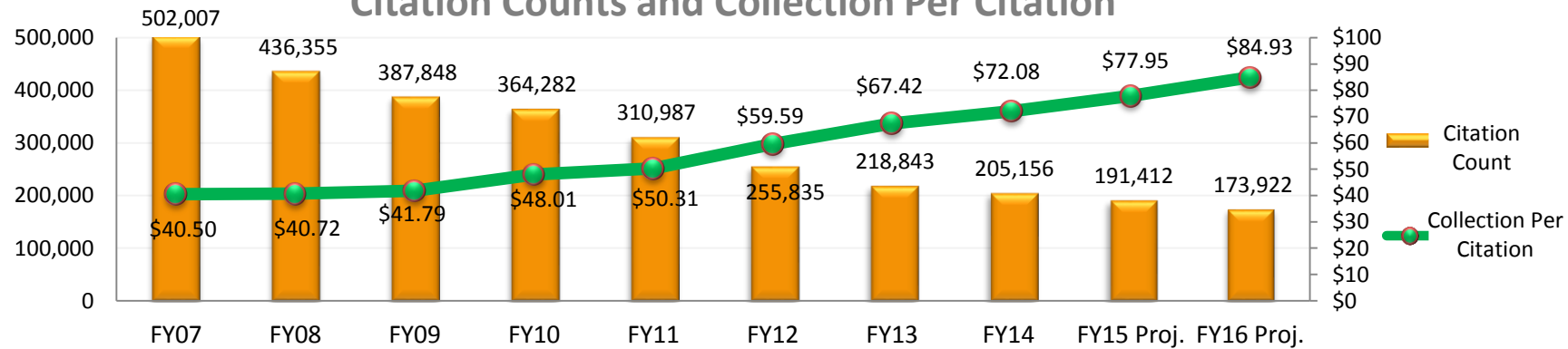


Current Revenues

Municipal Court General Fund Revenue Collections



Citation Counts and Collection Per Citation



Right-Sizing Operations

Clerks & Marshals

Reduction of clerk staffing by 24% since FY14 (from 122 FTEs to 93)

FY16: Reducing 9.5 clerk FTEs and other expenses, but adding 12 Marshals

FY17: Opportunity to make further reductions in clerical staff

Prosecution

FY16: Reducing 2 prosecutor positions

FY17: Plan to reduce prosecutors if number of full-time judges reduced

Judiciary and Bailiffs

FY16: Reducing \$203,000 in associate judge funding & 1 Bailiff

FY17: Plan to reduce 1 bailiff and opportunity to reduce full-time judges



Transferring to the County

- Under State law, a Municipal Court and County's Justice of the Peace (JP) Courts have concurrent jurisdiction of all state law cases
- Municipal Court has exclusive jurisdiction of all City ordinance cases and civil appeals
- The City Council can have police officers file state law cases in JP Courts instead of Municipal Court
- The County may want to retain most or all revenues obtained by the JP Courts from the new state law cases, though the City can negotiate the terms of any transfer of cases

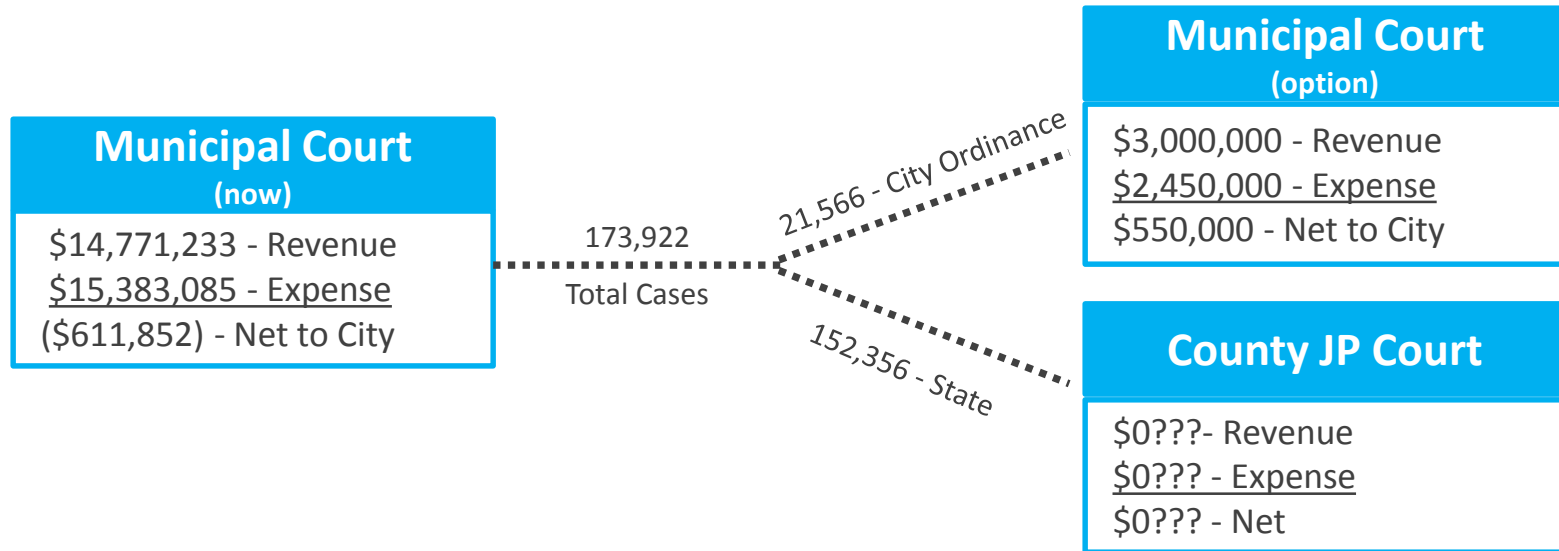


Examples of ordinances where Municipal Court has exclusive jurisdiction

- Alcoholic beverages
- Animals
- Litter
- Convenience stores
- Dance halls
- Burglar alarms
- Emergency wreckers
- Lobbyists
- Food establishments
- Solid wastes
- High weeds
- Junked vehicles
- Swap and buy shops
- Valet parking services
- News racks
- Swimming pools
- Trash collection
- Health and sanitation
- Storm water drainage
- Fair housing
- Massage parlors
- Urban rehab standards
- Some traffic laws
- Parking & parking meters
- Red-light camera
- School bus stop-arm
- Secondary metal recyclers
- Smoking
- Sexually-oriented businesses
- Home solicitations
- Transportation for hire
- Vacant buildings
- Water & wastewater
- Consumer protection
- Motor vehicle repairs
- Payday lenders
- Street vendors
- Tow trucks
- Zoning
- Historic preservation
- Flood plain
- Noise
- Signs
- Platting
- Landscape & trees
- Gas drilling
- Fire Code
- Building Code
- Plumbing Code
- Mechanical Code
- Electrical Code



Operating Margins Overview



Assumptions: •Uses FY16 data for costs comparison •Transition would occur in FY17 after judicial appointments expire •City ordinance cases would only be issued as civil in order to eliminate warrant enforcement costs
 •Overview only addresses direct costs and excludes the following: DPD summons costs, technology costs, one time conversion costs, agreement management costs and other indirect costs •Overview assumes zero dollars in expenses and revenues from the County for citations written by the City of Dallas



Court Activity

Data from August 2014 – July 2015

Court	New Cases	Final Dispositions	Case Clearance Rate	Class C Warrants	Percent Dismissals
Dallas Muni. Court	187,943	169,478	90%	200,554	13.52%
All County JP Courts (10)*	95,898	70,369	73%	38,366	22%
<i>Dallas JPs (4)</i>	<i>72,357</i>	<i>51,151</i>	<i>71%</i>	<i>34,265</i>	<i>23%</i>

*Dallas JP Courts exist in the cities of: Dallas, Lancaster, Garland, Mesquite, Richardson, Grand Prairie, and Irving

Source: JP Stats from OCA reports, Muni. Court Stats from internal reports



Proposed Option Considerations

Pros

- Municipal Court and County's Justice of the Peace (JP) Courts have concurrent jurisdiction of all state law cases
- Possibly financially viable – full cost analysis has yet to be conducted
- Prosecution would occur at a JP court geographically near the DPD substation

Cons

- Enforcement concerns:
 - *Outstanding citations grow*
 - *Dismissal rate increases*
- Streamlined court processes have increased DPD's "time on the street"; switching to JP significantly increases demands on officers' time
- Transfer from Judges who are licensed attorneys with >2 yrs. of experience and accountable to Council, to elected JPs with no legal background required



Outstanding Items

- Full cost analysis needed
- Data transfer for 2.3m cases/11.3m images
- Service level agreements
- What functions are retained/transferred/eliminated, impacts realized savings:
 - Marshals
 - Community Courts
 - Prosecution
 - Regional Confirmation / Jail Dockets / Bonds & Releases

Outstanding Items (cont.)

- Any special cases that would stay?
- Staffing draw down plan
- Current warrant pool (>500,000)
- Technology & material changes
- Juvenile Court Case Manager funding, loss of approx. \$350k
- Require review of School Crossing Guard Contract
- Third party collection contract
- Does County JP need to increase staff considering the volume increases 2.5x under consolidation option?

Source: OCA Data: August 2014 – July 2015



Questions?

