

RECEIVED

ADMINISTRATIVE AD HOC COMMITTEE  
DALLAS CITY COUNCIL COMMITTEE AGENDA

2018 FEB -2 AM 11:15

WEDNESDAY, FEBRUARY 7, 2018

DALLAS CITY HALL

CITY SECRETARY  
DALLAS, TEXAS

1500 MARILLA ST, LIEN CONFERENCE ROOM D

DALLAS, TEXAS 75201

Immediately following the Dallas City Council Briefing Meeting  
But no earlier than 2 p.m.

Chair, Councilmember Sandy Greyson  
Vice Chair, Councilmember Jennifer S. Gates  
Councilmember B. Adam McGough  
Councilmember Casey Thomas, II

Call to Order

1. Approval of Minutes:
  - a. November 14, 2016
  - b. February 15, 2017
  - c. April 24, 2017
  - d. May 24, 2017
  - e. June 13, 2017
  - f. August 15, 2017
2. Review of Candidates for City Secretary Position  
- If necessary, Executive Session under Texas Open Meetings Act Section 551.074, Personnel Matters, to Deliberate the Appointment of the City Secretary
3. Councilmember Speaking Time at City Council Briefing and Agenda Meetings (City Council Rules of Procedure)
4. Boards and Commissions
  - a. Member Background Checks (City Secretary Processes)
    1. Obligations
    2. Residency
    3. Criminal History
  - b. Qualification Considerations in Appointments (Dallas City Code Section 8.1-4)
  - c. At-Large Seats – Policies Regarding Multiple Nominations for Same Seat
  - d. Nomination Deadlines

Adjourn



Sandy Greyson, Chair  
Administrative Ad Hoc Committee

**A quorum of the Dallas City Council may be present and attending the Ad Hoc Administrative Committee Meeting**

## 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 pistola 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."

## 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]



**ADMINISTRATIVE AD HOC COMMITTEE  
MEETING MINUTES  
NOVEMBER 14, 2016  
3:30 P.M. – 4:30 P.M.**

**Members Present:** Sandy Greyson, Chair  
Monica R. Alonzo  
Erik Wilson  
Jennifer Gates

**Member(s) Absent:**

**Others Present:** Phillip Kingston, Council Member  
Rosa A. Rios, City Secretary  
Biliera Johnson, Assistant City Secretary  
Tammy Palomino, Chief of General Counsel  
Chhunny Chhean, Senior Assistant City Attorney  
Theresa Pham, Assistant City Attorney  
Ayeh Powers, Senior Assistant City Attorney  
Laura Morrison, Senior Assistant City Attorney  
Craig Kinton, City Auditor  
Molly Carroll, Director of Human Resources  
Dawna Brown, Coordinator, City Secretary's Office  
Damesha Turner, Human Resources  
Vanessa Gray, Human Resources  
Jeanne Chipperfield, City Manager's Office  
Scott Goldstein, Office of the Mayor  
Linda Camin, EAC Commission Member  
John Rogers, EAC Commission Member  
Elsa Cantu, Mayor/City Council Office  
Dallas Morning News

**Call to Order**

Meeting called to order at 3:35 p.m. by Councilmember Greyson.

## **Overview**

Committee chair provided some history regarding today's meeting. After 1 year of review, starting back in November 2014 and input from the Mayor, Councilmembers, city departments/staff, and 20 other big cities best practices the ethics commission met monthly to come up with some recommendations and amendments to the Code of Ethics. The meeting today is to go over the recommendations/amendments to the Code of Ethics made by the Ethics Advisory Commission.

## **Briefing Item – Update to Ethics Code**

John Rogers, Commission Chair provided a thorough and detailed presentation over the recommendations/amendments to the Code of Ethics. Recommendations/Amendments are listed below. (See attached briefing and draft ordinance)

Recommendations/Amendments:

1. Making breach of fiduciary duty and ethics violations
2. Creating standards of civility
3. Amending the gifts provision
4. Creating a gift policy for employees
5. Creating a donation policy
6. Requiring confidentiality for executive sessions
7. Prohibit city officials from endorsing candidates for public office
8. Prohibiting disclosure of draft documents
9. Requiring lawyers who represent clients to register as lobbyist
10. Requiring employee associations to register as lobbyist
11. Prohibiting city councilmembers from meeting with lobbyist regarding pending contracts
12. Prohibiting campaign managers from acting as lobbyist
13. Requiring the Chief Financial Officer and supervisors of department directors to file financial disclosure reports and travel reports
14. Expanding the jurisdiction of the Ethics Advisory Commission
15. Allowing ethics complaints filed on the fraud, waste and abuse hotline to be forwarded to the Ethics Advisory Commission
16. Providing additional sanctions for violations of the code of ethics
17. Cleaning up ambiguous or confusing language
18. Adopting best ethics provisions from other cities
19. Creating rules for city council office holders accounts

The Committee raised the following questions:

- Where are we on the next steps?
- Will this go Budget Finance or full Council briefing for full motion?
- Will this be briefed to full council without an action item?
- Schedule briefing then council approval?

- Ordinance regarding gifts over \$500 vs \$50? (Financial disclosure)
- Will this briefing go to council and then an agenda item?
- Are appointees of an appointee a city official? (Committee reps)

City Secretary Rios suggested to brief full council to start the process of putting the item on the upcoming agenda December 7, 2016, next council day.

Mayor Pro Tem Alonzo moved to send recommendations to full city council. Motion seconded by Councilmember Greyson and unanimously adopted.

### **Adjournment**

The meeting adjourned at 4:42 p.m.

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Chair



**ADMINISTRATIVE AD HOC COMMITTEE  
MEETING MINUTES  
FEBRUARY 15, 2017  
4:30 P.M. – 5:30 P.M.**

**Members Present:** Sandy Greyson, Chair  
Monica R. Alonzo  
Erik Wilson  
Jennifer Gates

**Member(s) Absent:**

**Others Present:** Molly Carroll, Director of Human Resources  
Damesha Turner, Human Resources  
Elsa Cantu, Mayor/City Council Office

**1. Call to Order**

Meeting called to order at 4:32 p.m. by Councilmember Greyson.

- Overview

Committee chair provided some history regarding today's meeting.

**2. Annual performance evaluation process for city council direct reports**

Molly Carroll briefed the committee about the current process for the annual performance evaluation for direct reports and options for new future processes.

Direct Reports  
City Manager  
City Attorney  
City Auditor  
City Secretary

Direct Reports were pleased with the process and feedback from Management Partners

Committee discussed pros and cons of past process and new processes

Committee discussed when the reviews should happen (quarterly or one a year)

Committee discussed steps to acquire a consultant to provide guidelines/template to administer performance evaluation for direct report.

Molly will follow-up with the committee at a later date regarding consultant options

### **3. Executive Session**

A closed session held

### **Adjournment**

The meeting adjourned at 5:30 p.m.

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Chair



**ADMINISTRATIVE AD HOC COMMITTEE  
MEETING MINUTES  
APRIL 24, 2017  
3:30 P.M. – 4:30 P.M.**

**Members Present:** Sandy Greyson, Chair  
Monica R. Alonzo  
Erik Wilson  
Jennifer Gates

**Member(s) Absent:** N/A

**Others Present:** Molly Carroll, Director of Human Resources  
Damesha Turner, Human Resources  
Rosa A. Rios, City Secretary's Office  
Jesus Salazar, City Secretary's Office  
Tammy Palomino, Chief of General Counsel  
Chhunny Chhean, Assistant City Attorney  
Teresa Pham, Assistant City Attorney  
Elsa Cantu, Mayor/City Council Office

**1. Call to Order**

Meeting called to order at 3:30 p.m. by Councilmember Greyson.

**2. City Council Onboarding Process**

Molly Carroll briefed the committee about the City Council Member off boarding process. The briefing addressed the internal audit of the under payment of council members by 3.2 hours. The council members received a prorated pay check for the difference. The difference of hours has been changed to address the hour difference. (2912 vs. 2080 hours)

Jennifer Gates made motion to approve pay change and motion was seconded by Casey Thomas.



### **3. City Secretary's Office**

- Proposed Changes to Chapter 8 (Boards & Commissions)
- Boards & Commissions Background Check Process
- Boards & Commissions Application Program
- Modifications to City Secretary's Office Record Retention Periods for Campaign Finance Reports and Other Records Series

City Secretary Rosa Rios briefed the committee on the Stage 1 changes to the proposed changes to Chapter 8 (Boards & Commissions) (Briefing attached)

Discussion

Question & Answer

### **Adjournment**

The meeting adjourned at 4:45 p.m.

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Chair



**ADMINISTRATIVE AD HOC COMMITTEE  
MEETING MINUTES  
MAY 24, 2017  
4:30 P.M. – 5:30 P.M.**

**Members Present:** Sandy Greyson, Chair  
Monica R. Alonzo  
Erik Wilson  
Jennifer Gates

**Member(s) Absent:**

**Others Present:** Molly Carroll, Director of Human Resources  
Damesha Turner, Human Resources  
Rosa A. Rios, City Secretary's Office  
Jesus Salazar, City Secretary's Office  
Tammy Palomino, Chief of General Counsel  
Chhunny Chhean, Assistant City Attorney  
Teresa Pham, Assistant City Attorney

**1. Call to Order**

Meeting called to order at 4:33 p.m. by Councilmember Greyson.

**2. City Attorney's Office – Designated Zoning Cases and Designated Public Subsidy Cases**

Tammy Palomino briefed on designated zoning cases and designated public subsidies cases.

Rosa will draft a memo of recommendation for the Council for June 14, 2017. Recommendations to apply to all zoning cases. (15A, 12A and Council Rules)

### **3. City Secretary's Office**

- Proposed Changes to Chapter 8 (Boards & Commissions)
- Public Meeting/Speaker Guidelines
- Boards & Commissions Background Check Process
- Boards & Commissions Application Program
- Modifications to City Secretary's Office Record Retention Periods for Campaign Finance Reports and Other Records Series

Rosa Rios gave brief recap of changes for the proposed changes to Chapter 8 (Boards & Commissions)

City Secretary Rosa Rios also briefed on the public meeting/speaker guidelines, Boards & Commissions background check process, Boards & Commissions application program, modifications to the City Secretary's office record retention period for campaign finance reports and other record series.

Question & Answer

### **Adjournment**

The meeting adjourned at 5:45 p.m.

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Chair



**ADMINISTRATIVE AD HOC COMMITTEE  
MEETING MINUTES  
JUNE 13, 2017  
2:00 P.M. – 3:30 P.M.**

**Members Present:** Sandy Greyson, Chair  
Monica R. Alonzo  
Erik Wilson  
Jennifer Gates

**Member(s) Absent:**

**Others Present:** Molly Carroll, Director of Human Resources  
Damesha Turner, Human Resources  
Rosa A. Rios, City Secretary's Office  
Jesus Salazar, City Secretary's Office  
Tammy Palomino, Chief of General Counsel  
Chhunny Chheann, Assistant City Attorney  
Teresa Pham, Assistant City Attorney

**1. Call to Order**

Meeting called to order at 3:05 p.m. by Councilmember Greyson.

**2. City Secretary's Office**

- Boards & Commissions Background Check Process
- Boards & Commissions Application Program

City Secretary Rosa Rios briefed the committee on the Boards & Commissions background check process, Boards & Commissions application program.

Mayor Pro Tem Alonzo moved to move forward with the application program. Motion seconded by Councilmember Gates and unanimously adopted. (Wilson absent when vote taken)

- Modifications to City Secretary's Office Record Retention Periods for Campaign Finance Reports and Other Records Series

City Secretary Rosa Rios briefed the committee on modifications to the City Secretary's office record retention period for campaign finance reports and other record series.

Deputy Mayor Pro Tem Wilson moved to send recommendations to full city council. Motion seconded by Mayor Pro Tem Alonzo and unanimously adopted.

### **Adjournment**

The meeting adjourned at 3:05 p.m.

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Chair



**ADMINISTRATIVE AD HOC COMMITTEE  
MEETING MINUTES  
AUGUST 15, 2017  
1:00 P.M. – 2:00 P.M.**

**Members Present:** Sandy Greyson, Chair  
Monica R. Alonzo  
Erik Wilson  
Jennifer Gates

**Member(s) Absent:**

**Others Present:**

**1. Call to Order**

Meeting called to order at 1:02 p.m. by Councilmember Greyson.

**2. Closed Session / Personnel (Sec. 551.074 T.O.M.A.)**

- Discuss and evaluate performance of appointed officials City Manager T.C. Broadnax, City Attorney Larry Casto, City Auditor Craig D. Kinton, and City Secretary Rosa a. Rios

The closed session was held.

**Adjournment**

The meeting adjourned at 1:55 p.m.

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Chair

# **Member Background Checks (City Secretary Processes) and Qualifications Considerations in Appointments**

**Administrative Ad Hoc Committee Briefing  
February 7, 2018**

**Biliera Johnson,  
Interim City Secretary  
City Secretary's Office**



# Presentation Overview

- Purpose
- Current Process
- Questions





# Purpose

To provide the Committee an overview of Board and Commission background checks:

- Obligations
- Residency
- Criminal History



# Current Process

- Current board application via NEOGOV required for all nominees (currently reviewing different program)
- Nominating memo with application submitted to the City Secretary's Office indicating:
  - board
  - position, if At-Large (Full Council) board
  - special qualification, if required for the b/c
- Conflict/Background checks conducted:
  - City Secretary's Office – ethics/elections/attendance
  - City Attorney's Office – conflicts of interest/pending litigation
  - City Manager's Office – indebtedness (obligations)
  - QuickSearch – criminal background check



# Current Process (continued)

## Obligations

- City Manager's Office – indebtedness
  - Dallas County Tax Office
  - Dallas Water Utilities/Special Collections
  - Department of Transportation
  - Court & Detention Services
  - Dallas Public Library
- Nominee given opportunity to correct issue(s)
- Nominating Councilmember notified of any issue(s)



# Current Process (continued)

## Residency

### SEC. 8-1.4. QUALIFICATION CONSIDERATIONS IN APPOINTMENTS TO BOARDS.

(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;



# Current Process (continued)

## Criminal History

*Sec. 8-1.4 (a)(3) 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: have no criminal record that is considered by the city council to be so serious that it should serve as a disqualification;*

- QuickSearch - Package is “Best Practice” – going back a minimum of 7 yrs.
  - County Criminal searches for both Felony and Misdemeanors
  - Federal District search for all Federal Districts lived in
  - National Criminal Database including Texas DPS search
  - 50-State Sex Offender search
  - Primary names, applicable AKA’s/maiden/previous name search

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# Current Process (continued)

## Criminal History (continued)

- Nominee completes authorization via web (QuickSearch)
  - Nominee enters own profile data
- Verification
  - Nominee's authorization provided to CSO
- Results provided directly to applicant and CSO
  - Applicant deals directly with QuickSearch to address discrepancies
  - Account cleared only by QuickSearch
  - No individual representing the City may clear discrepancies
  - Secondary searches incur additional cost (if contested)

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# Current Process (continued)

## Criminal History (continued)

*Sec. 8-1.4 (a)(8) ) 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: 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.*

*Sec. 8-1.4 (f) The city secretary 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.*

- CSO Notification Process (Criminal History Found)
  - Council member notified within 2 days
  - Council member speak with nominee and obtain details to present in closed session (no QuickSearch representative attending)

# Qualification Considerations in Appointments

Chapter 8 of the Dallas City Code:

- Resident of Dallas for 6 months
- Qualified voter at time of appointment
- Have no criminal record considered by the City Council to be so serious that it should be a disqualification
- Not finally convicted of 2 felonies
- Generally, not be an adversary party to pending litigation against the city
- Not be in arrears on any city taxes, water service charges or other obligations owed the city

***Members must maintain all qualifications required for appointment to the board during the entire period of service***

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# Questions

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**PROPOSED ORDINANCE SUBMITTED BY COUNCILMEMBER SCOTT GRIGGS**

12-19-17

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 8, “Boards and Commissions,” of the Dallas City Code by amending Section 8-1.4; providing a timeframe for disqualification for convictions of two or more felony offenses; providing that the city secretary shall inform the city council if any person nominated for appointment has been convicted of any felony offense in the last seven (7) years; 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 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;

(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 in the last seven (7) years, 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 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 in the last seven (7) years.”

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 \_\_\_\_\_

**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.

**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

# **At-Large Seats (Full Council) Appointments and Nomination Deadlines**

**Administrative Ad Hoc Committee Briefing  
February 7, 2018**

**Biliera Johnson,  
Interim City Secretary  
City Secretary's Office**





# Presentation Overview

- Purpose
- Background/History
- Current Process
- Proposed Process
- Next Steps

2



# Purpose

To provide the Committee an overview and recommendation for At-Large Seats (Full Council):

- Identify/differentiate category of boards
- Discuss nomination/appointment issues
- Nomination Deadlines



# Background/History

- **Identify/differentiate category of boards**
  - At-Large (Full Council) Boards – Boards with less than 15 Dallas appointed members, where council can make one or all nominations to the available seats
  - There are 34 At-Large (Full Council) Boards
  - Composed of 208 seats
  - Category of Boards
    - **Typical** – Boards with term end dates of September 30.
    - **Non-Typical** – Boards with term end dates different than September 30.

4



# Background/History (continued)

Board of Adjustment Alternate Members (BOX)	Reinvestment Zone Six Board (Farmers Market) (RZ06)
Civil Service Board (CSB)	Reinvestment Zone Seven Board (Sports Arena) (RZ07)
Cultural Affairs Commission Alternates (CAX)	Reinvestment Zone Eight Board (Design District) (RZ08)
Cypress Waters Municipal Management District (CYP)	Reinvestment Zone Nine Board (Vickery Meadow) (RZ09)
<b>Dallas Area Rapid Transit Board (DAR)</b>	Reinvestment Zone Ten Board (Southwest Medical) (RZ10)
<b>Dallas Central Appraisal District Board (DCA)</b>	Reinvestment Zone Eleven Board (Downtown) (RZ11)
<b>Dallas/Fort Worth International Airport Board (DFW)</b>	Reinvestment Zone Twelve Board (Deep Ellum) (RZ12)
Ethics Advisory Commission (EAC)	Reinvestment Zone Thirteen Board (Grand Park) (RZ13)
Employees Retirement Fund Board (ERF)	Reinvestment Zone Fourteen Board (Skillman Corridor) (RZ14)
Housing Finance Corporation Board (HFC)	Reinvestment Zone Fifteen Board (Fort Worth Avenue) (RZ15)
Landmark Commission Alternate Members (LMX)	Reinvestment Zone Sixteen Board (Twelve Hills) (RZ16)
North Oak Cliff Municipal Management District (NOC)	Reinvestment Zone Seventeen Board (TOD) (RZ17)
Dallas Police and Fire Pension Board of Trustees (DPF)	Reinvestment Zone Eighteen Board (Maple/Mockingbird) (RZ18)
Reinvestment Zone Three Board (Oak Cliff Gateway) (RZ03)	Reinvestment Zone Nineteen Board (Cypress Waters) (RZ19)
Reinvestment Zone Four Board (Cedars Area) (RZ04)	Reinvestment Zone Twenty Board (Mall Area Redevelopment) (RZ20)
Reinvestment Zone Five Board (City Center) (RZ05)	Trinity River West Municipal Management District (TRW)
	Trinity River Corridor Local Government Corporation (TRL)

# Current Process

- Primary nominee is submitted for a full council position, background checks begin.
- Second or third nomination(s) for same position is submitted before the original nominee's appointment. Background checks will begin on subsequent nominee(s).
- All nominees are held until all have cleared B&C background checks.
- All nominees will go to council by ballot vote.

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# Current Process (continued)

- **Discuss nomination/appointment issues**
  - Holding nominations until all have cleared
  - Delays in background clearances
  - Ballot votes
  - Appointment by merit



# Proposed Process

- Primary nominee is submitted for a full council position, background check begins.
- Second or third nomination(s) for same position is submitted no later than two (2) weeks after the primary nomination. Background check will begin for subsequent nominee(s).
- If original nominee is appointed, secondary nomination(s) will be returned.
- City Council will be informed of nominees status on the Friday B&C Reports.

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# Proposed Process (continued)

- Any issues identified during the typical B&C background checks must be resolved within two weeks of email notification or nomination will be returned (Nominating City Councilmember will be contacted)
  - City Secretary's Office - ethics/elections/attendance
  - City Manger's Office - indebtedness
  - City Attorney's Office - conflicts of interest
  - Quick Search - criminal background





# Nomination Deadlines

- Category of Boards
  - **Typical** Boards – Deadlines do not apply
  - **Non-Typical Boards** – Does apply
    - DFW\*
    - DART
    - CADs (Dallas, Collin, Denton, Rockwall)

\*The City Council approved Resolution No. 11-3106 on November 16, 2011. The resolution outlined the appointment process/schedule for use in selecting candidates to appoint to the DFW Board. Also, the resolution allows the “Transportation” committee to establish the timeline for nomination and appointment of DFW nominees.

The CSO follows the same process for nomination and appointment of DART and CAD nominees.

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# Nomination Deadlines (continued)

COUNCIL CHAMBERS

**11-3106**

November 16, 2011

**WHEREAS**, the Cities of Dallas and Fort Worth by Contract and Agreement dated April 15, 1968 (the "Contract"), provided for the construction and operation of Dallas-Fort Worth Regional Airport, subsequently renamed the Dallas-Fort Worth International Airport (the "Airport"), and continued, confirmed and established the Airport Board as its operating Board of Directors (the "Board"); and

**WHEREAS**, pursuant to City Council Resolution No. 76-1888, the duly elected Mayor of the City of Dallas is automatically appointed to fill Place 10; and

**WHEREAS**, the Dallas City Council is authorized to appoint six members to the Board (Place Nos. 1, 4, 5, 6, 9 and 11), with the terms for Places 1, 5 and 11 expiring on January 31st of odd-numbered years; and the terms for Places 4, 6 and 9 expire on January 31st of even-numbered years; and

**WHEREAS**, the City Council has determined that it is desirable to delineate the nomination, selection and appointment process for those members; **NOW, THEREFORE**

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

**SECTION 1.** That, for each set of Board members to be appointed for terms to commence on February 1 of a particular year, by 5 pm on the third Friday in the preceding November each Councilmember and the Mayor may submit to the City Secretary's Office a memo with the names, supplemented by the 5 pm deadline with the biographical information or resume, of up to three individuals to be nominated for appointment or re-appointment to the D/FW International Airport Board; if a biography or resume is not received for a particular nominee by the 5 pm deadline on the third Friday in the preceding November, the nomination will be considered incomplete and the nominee will not be considered for review.

**SECTION 2.** That the Transportation and Environment Council Committee (TEC) shall select from the complete nominations submitted by Councilmembers and the Mayor six individuals to interview and by December 1 shall direct the City Secretary's Office to conduct background checks on the six selected individuals.

**SECTION 3.** That prior to the first Council agenda meeting in January the TEC shall interview the six individuals (to the extent they have been cleared by the City Secretary's Office) and shall select three of those individuals to recommend to the City Council for appointment to the Board.

**11-3106**

**SECTION 4.** That upon selection of individuals to serve on the Board, the City Secretary's Office shall assign to each of those individuals one of the then-open Board places.

**SECTION 5.** 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.



# Nomination Deadlines (continued)

- DFW Board Terms and Appointment
  - Terms expire January 31
    - 7 City of Dallas positions
      - 3 Expire in odd-numbered years
      - 3 expire in even-numbered years
      - 1 position is the Mayor
- Deadline to receive nominations - set by Resolution 11-3106
- Nomination Timeline Deadline(s) - set by the Chair of the Transportation Committee

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# Nomination Deadlines (continued)

- DART Board Terms and Appointment
  - Terms expire June 30<sup>th</sup>
    - 8 City of Dallas positions
      - 6 Expire in odd-numbered years
      - 2 expire in even-numbered years
- Deadline to receive nominations - set by the Chair of the Transportation Committee
- Nomination Timeline Deadline(s) - set by the Chair of the Transportation Committee

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# Nomination Deadlines (continued)

- CADs Board Term and Appointment
  - Terms expire December 31<sup>st</sup>
    - 1 City of Dallas position
    - Denton, Collin, Rockwall positions
- Mayor grants authority to applicable council member(s) to handle the appointment process/timeline
- Deadline to receive nominations - set by the applicable council member(s)
- Nomination Timeline Deadline(s) - set by the applicable council member(s)

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# Next Steps

- Receive Committee feedback on nominations (including deadlines) and appointments to At-Large Seats (Full Council)

