

8-14-24

ORDINANCE NO. 32799

An ordinance ordering a special election to be held in the city of Dallas on November 5, 2024, on the question of adopting amendments to the Charter of the City of Dallas; reforming marijuana enforcement by prohibiting the Dallas Police Department from making arrests or issuing citations for marijuana possession, except as part of a narcotics felony or violent felony investigation; making enforcement of misdemeanor marijuana possession the Dallas Police Department's lowest enforcement priority; and prohibiting city funds or personnel from being used to test cannabis-related substances to determine whether a substance meets the legal definition of marijuana, except in limited circumstances; prescribing the form and wording of the ballot propositions; designating polling places; providing that only resident qualified voters are entitled to vote; providing for the use of an electronic voting system for early voting by personal appearance and a computerized voting system for voting on election day and for early voting by mail; providing for early voting locations; providing for an early voting ballot board to process early voting; providing for notice of the special election; and providing an effective date.

WHEREAS, on June 24, 2024, the city secretary, in accordance with Section 9.004(a) of the Texas Local Government Code, received a petition proposing an amendment to the Dallas City Charter;

WHEREAS, on July 19, 2024, the city secretary found that the petition is supported by the required number of qualified voters of the City of Dallas in accordance with Section 9.004(a) of the Texas Local Government Code using the statistical sample method for verifying signatures on the petition as allowed by Section 277.003 of the Texas Election Code; Now, Therefore,

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

SECTION 1. That a special election is ordered to be held in the city of Dallas on Tuesday, November 5, 2024, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city several propositions on whether the Charter of the City of Dallas should be amended. The proposed amendments will only affect the section listed below and will read as set forth below (the new portions being underlined, and the repealed portions being crossed through):

“CHAPTER XXIV. MISCELLANEOUS PROVISIONS

Sec. 22. DALLAS FREEDOM ACT.

(a) This policy in this section shall be known as the Dallas Freedom Act.

(b) Pursuant to the home rule authority of the Texas Constitution, to promote the health, safety, and general welfare of the people of Dallas, Texas, the voters of Dallas hereby enact the Dallas Freedom Act, a policy to reform marijuana enforcement by city personnel, with the specific goals of carefully allocating scarce city resources, reducing the risk of discriminatory enforcement practices, and focusing city resources on the highest priority public safety concerns.

(c) Unless and until a binding act of a state or federal court requires otherwise, the Dallas Police Department shall not make any arrest or issue any citation for Class A or Class B misdemeanor marijuana possession, except in the limited cases described by this policy.

(d) In the event of a binding act of a state or federal court which would prevent the City of Dallas’s fulfillment of Subsection (c), the city’s policy shall be to make enforcement of Class A and Class B misdemeanor marijuana possession its lowest enforcement priority. In particular, the city shall update its annual budget, police department manual, and relevant policies and procedures to ensure that public safety resources are not wasted on misdemeanor marijuana enforcement, and are instead targeted at other programs that best promote the health, safety, and general welfare of the people of Dallas.

(e) This policy shall not limit enforcement of misdemeanor marijuana possession offenses if an offense is: (1) revealed as part of a felony narcotics investigation that has been designated as “high priority” by a commander, assistant chief of police, or chief of police; and/or (2) revealed as part of the investigation of a violent felony. Dallas police officers shall not issue any charge for misdemeanor possession of marijuana unless it meets one or more of these exceptions.

(f) In any instance governed by this policy, if a Dallas police officer has probable cause to believe that a substance is illegal marijuana, the officer may seize the substance. If the officer

seizes the substance, they must write a report explaining the grounds for seizure and release any detained person if possession of marijuana is the sole charge.

(g) A Class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

(h) No city funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state or federal law, except: (1) for purposes of toxicology testing to ensure public safety; or (2) the investigation of a violent felony offense.

(i) Dallas police shall not consider the odor of marijuana or hemp to constitute probable cause for any search or seizure, except in the limited circumstances of a police investigation pursuant to Subsection (e).

(j) The city manager and chief of police shall ensure that: (1) city policies and internal operating procedures are updated in accord with this policy; and (2) Dallas police officers receive adequate training concerning each of the provisions of this policy.

(k) Any violation of this policy may subject a Dallas police officer to discipline as provided by the Texas Local Government Code or as provided by city policy.

(l) The city manager, in consultation with the chief of police and other relevant city personnel, shall prepare quarterly reports concerning the implementation of this policy, to be presented to city council at a public meeting subject to the Texas Open Meetings Act, and with the first report due no later than 120 days following the effective date of this policy. Each report shall include a summary of the city's implementation of this policy and shall include specific information concerning enforcement of misdemeanor marijuana possession offenses, including total arrests made, total citations issued, estimated personnel hours used in conducting enforcement activities, and demographic information for each person charged with an offense, including age, gender, race, and ethnicity. Each quarterly report shall also be submitted to the Chair of the Community Police Oversight Board at the same time it is made available to city council.

(m) In the event that any court finds any subsection of the Dallas Freedom Act to be unlawful or unenforceable, that subsection shall be severed from this policy and the rest shall continue in force."

SECTION 2. That electronic and computerized voting systems must be used for voting at and on the date of the special election in compliance with the provisions of the Texas Election Code, as amended, and the vote must be upon an official ballot prepared in such a manner as will permit the voters to vote "For" or "Against" the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION R**Reform Marijuana Enforcement**

Shall the Dallas City Charter be amended by adding a new section in Chapter XXIV that reforms marijuana possession enforcement by prohibiting the Dallas Police Department from making arrests or issuing citations for marijuana possession or considering the odor of marijuana as probable cause for search or seizure, except as part of a violent felony or high priority narcotics felony investigation; making enforcement of Class A (currently, two to four ounces) and Class B (currently, up to two ounces) misdemeanor marijuana possession the Dallas Police Department's lowest enforcement priority; and prohibiting city funds or personnel from being used to test cannabis-related substances to determine whether a substance meets the legal definition of marijuana, except in limited circumstances?

PROPOSICIÓN R**Reformar la aplicación de la ley sobre la marihuana**

¿Se revisará la Acta Constitutiva de la Ciudad de Dallas agregando una nueva sección en el Capítulo XXIV que reforma la aplicación de la posesión de marihuana que prohíbe al Departamento de Policía de Dallas hacer arrestos o emitir citaciones por posesión de marihuana o considerar el olor de la marihuana como causa probable de registro o incautación, excepto como parte de un delito violento o investigación de delitos graves de narcóticos de alta prioridad; lo que hará que la aplicación de la posesión de marihuana por delitos menores de Clase A (actualmente, de dos a cuatro onzas) y Clase B (actualmente, hasta dos onzas) sea la prioridad más baja del Departamento de Policía de Dallas; y la cual prohibirá que fondos o personal de la ciudad se usen para analizar sustancias relacionadas con el cannabis para determinar si una sustancia cumple con la definición legal de marihuana, excepto en circunstancias limitadas?

ĐỀ XUẤT SỐ R**Cải cách Đảm bảo Thực thi về Cần sa**

Hiến chương thành phố Dallas có nên được sửa đổi bằng cách thêm một Mục mới vào Chương XXIV nhằm cải cách việc đảm bảo thực thi liên quan đến việc tàng trữ cần sa bằng cách cấm Sở cảnh sát Dallas bắt giữ hoặc ghi vé phạt vì tàng trữ cần sa hoặc coi mùi cần sa là nguyên nhân hợp lý để khám xét hoặc tịch thu, trừ khi việc đó là một phần của một cuộc điều tra trọng tội bạo lực hoặc trọng tội về ma túy có mức độ ưu tiên cao; coi việc đảm bảo thực thi về tàng trữ cần sa ở mức độ nhẹ Loại A (hiện là hai đến bốn ounce) và Loại B (hiện là tối đa hai ounce) là mức độ ưu tiên đảm bảo thực thi thấp nhất của Sở cảnh sát Dallas; và cấm sử dụng ngân quỹ hoặc nhân sự của thành phố để thử nghiệm các chất liên quan đến cần sa nhằm xác định xem một chất có đáp ứng định nghĩa pháp lý về cần sa hay không, ngoại trừ trong một số trường hợp hạn chế?

SECTION 3. That the election must be held and conducted in the manner provided by law governing the holding of city charter elections by home rule cities of the State of Texas. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, must be printed in the English, Spanish, and Vietnamese languages and must contain such provisions, markings, and language as may be required by law.

SECTION 4. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375. Locations of the polling places in the election precincts are listed in the attached Exhibit A, attached to this ordinance, but which locations may be changed by Dallas County, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Dallas County webpage: <<https://www.dallascountyvotes.org/voters/>> or by contacting:

Dallas County Elections Department
1520 Round Table Drive
Dallas, Texas 75247
Tel: (214) 819-6389

SECTION 5. That each voter must vote in the precinct in which the voter resides, and only resident qualified voters are entitled to vote.

SECTION 6. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375 may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the special election even though the person may own property subject to taxation in the city.

SECTION 7. That early voting by personal appearance will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. That tallying of early voting by mail will be by the use of a computerized voting system in accordance with the Texas Election Code, as amended. Early voting will be conducted at the following main locations and at the other locations during the dates and times designated in Exhibit B, attached to this ordinance, but which locations may be changed by Dallas County, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Dallas County webpage: <<https://www.dallascountyvotes.org/voters/>> or by contacting:

Dallas County Elections Department
1520 Round Table Drive
Dallas, Texas 75247
Tel: (214) 819-6389

SECTION 8. That applications for early voting ballots to be voted by mail must be mailed to the following:

- For Dallas County: Early Voting Clerk
Dallas County Elections Department
1520 Round Table Drive
Dallas, Texas 75247
- For Collin County: Early Voting
Collin County Elections Administration Office
2010 Redbud Boulevard, Suite 102
McKinney, Texas 75069
- For Denton County: Early Voting Clerk
Denton County Elections Administration Office
P. O. Box 1720
Denton, Texas 76202

Applications for ballots by mail must be received no later than the close of business on Friday, October 25, 2024.

SECTION 9. That applications for early voting ballots to be voted by mail may, pursuant to Section 84.007 of the Texas Election Code, be sent to the following email addresses:

- For Dallas County: evapplications@dallascounty.org
- For Collin County: absenteemailballoting@collincountytx.gov
- For Denton County: elections@dentoncounty.gov

SECTION 10. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

SECTION 11. That the mayor, or in the mayor’s absence, or inability to act, the mayor pro tem, shall give notice of the special election by causing the notice to be published in a newspaper within the city and posted on the city’s public meeting bulletin board in accordance with applicable state law governing notice of charter elections.

SECTION 12. That this ordinance will 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:

TAMMY L. PALOMINO, City Attorney

By 
Assistant City Attorney

Passed **AUG 14 2024**



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL AUG 14 2024

ORDINANCE NUMBER 32799

DATE PUBLISHED AUG 17 2024

ATTESTED BY:



Agenda Information Sheet

File #: 24-2531

Item #: 89.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: August 14, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 5, 2024, for the purpose of submitting to the qualified voters of the City a proposed amendment to the Dallas City Charter, submitted by Ground Game Texas in accordance with Section 9.004(a) of the Texas Local Government Code (Dallas Freedom Act) - Financing: No cost consideration to the City (See Fiscal Information)

BACKGROUND

On June 24, 2024, the City of Dallas received a petition entitled the Dallas Freedom Act, submitted by Ground Game Texas in accordance with Section 9.004(a) of the Texas Local Government Code.

Texas Local Government Code, Section 9.004(a) and (b), states in part: "The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller. The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance is adopted."

Section 3.005(c) of the Texas Election Code states, in part, that "for an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day." Tuesday, November 5, 2024, is the date of the next general election in the State of Texas. The 78th day before election day is Monday, August 19, 2024.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

There is no cost consideration to the City. A future agenda item will outline costs to the City.