

8-14-24

ORDINANCE NO. 32800

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; granting standing to residents to bring an action against the city to require the city to comply with provisions of the city charter, city ordinances, and state law, entitling claimants to seek declaratory injunctive relief and recover costs and reasonable attorney's fees, and waiving the city's governmental immunity from suit and liability; compelling the city to conduct an annual community survey to be completed by a minimum of 1,400 Dallas residents that rates the performance of the city manager; compelling city council to appropriate no less than 50 percent of annual revenue that exceeds the total annual revenue of the previous year to fund the Dallas Police and Fire Pension; 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 18, 2024, the city secretary, in accordance with Section 9.004(a) of the Texas Local Government Code, received three separate petitions proposing amendments to the Dallas City Charter;

WHEREAS, on July 19, 2024, the city secretary found that the three petitions are 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

Ordinance Ordering HERO Petition Election 2024 - Page 1

signatures on all three petitions 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 sections listed below and will read as set forth below (the new portions being underlined, and the repealed portions being crossed through):

**“CHAPTER VI. THE CITY MANAGER**

**SEC. 3. ANNUAL COMMUNITY SURVEY AND CITY MANAGER PERFORMANCE COMPENSATION.**

(a) City Council shall provide the city manager an opportunity to receive potential “performance compensation” of up to 100 percent of the city manager’s annual base salary for the preceding fiscal year, and which shall be paid based upon the results of an annual survey of residents described in this section. Such “performance compensation” shall be included in the city budget and funded each fiscal year as part of the city manager’s overall compensation, but performance compensation funds will be separate and distinct from the city manager’s salary and any other compensation included in the city manager’s employment agreement.

(b) City council shall annually conduct a community survey to be completed and published between January 1 and March 15.

(1) The annual community survey shall minimally contain the same questions asked and utilize the same methodology used in the “City of Dallas 2023 Community Survey” performed by the ETC Institute.

(2) A minimum of 1,400 completed surveys should be returned with at least 100 from every city council district.

(3) The following question shall be included in the annual community survey, “Please indicate the extent to which you think each of the following are an issue in the City of Dallas by circling the corresponding number below, where a rating of 4 is “Not a Problem,” a rating of 3 is “a Minor Problem,” a rating of 2 is “a Moderate Problem,” a rating of 1 is “a Major Problem” and a rating of “Don’t Know.”

(A) The issues surveyed shall be:

- (i) Crime.
- (ii) Homelessness.
- (iii) Litter.
- (iv) Aggressive Solicitation/Panhandling.
- (v) Infrastructure /Streets.

(B) After each of the above issues there will be the opportunity to mark “4 - Not a Problem,” “3 - Minor Problem,” “2 - Moderate Problem,” “1 - Major Problem,” or “Don’t Know.”

(4) Additional questions may be included in the annual community survey, as long as the entity conducting the survey, in its reasonable belief, indicates that the additional questions will not affect the answers to the questions required by this section and provides written certification of such reasonable belief to city council.

(5) The entity conducting the survey shall conduct itself with complete impartiality to the outcome and shall provide written certification thereof to city council.

(6) Upon conclusion of the annual survey, the entity conducting the survey shall provide written certification to city council that, to their knowledge, no one has attempted to influence the conduct or outcome of the survey, or if such knowledge exists shall disclose the name and nature of the influence.

(7) The use of “push polling” language or techniques, or any other method that attempts to steer or influence responses, may not be employed. The entity conducting the survey shall provide written certification to city council that no such “push pulling” language or techniques were employed in the annual survey.

(c) If the city manager has been on the job for at least 18 months as of January 1 of the current year, then based upon the published results of the survey in Subsection (b)(3) above:

(1) If on all five issues no more than 30 percent of all responses are “Moderate Problem” or “Major Problem,” then the City Manager will be paid 100 percent of the performance compensation.

(2) If on four of the five issues no more than 30 percent of all responses are “Moderate Problem” or “Major Problem,” then the city manager will be paid 50 percent of the performance compensation.

(3) If on three of the five issues no more than 30 percent of all responses are “Moderate Problem” or “Major Problem,” then the city manager will not be paid the performance compensation.

(4) If on two or fewer issues no more than 30 percent of all responses are “Moderate Problem” or “Major Problem,” then the city manager will be terminated within 30 days by city council and shall be ineligible for reappointment as city manager for a period of 10 years.

(d) If any section, paragraph, clause, or provision of this section is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this section, and to this end, the provisions of this section are declared to be severable. This section shall supersede the Dallas City Code to the extent there are any conflicts.

## **CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO.**

### **SEC. 15. PRIORITY OF EXCESS REVENUE.**

(a) If at any time the total actual, accruing or estimated annual revenue of the city exceeds the total actual annual revenue of the prior fiscal year, city council shall appropriate no less than 50 percent of such excess amount, in compliance with Section 1 of Chapter XI of the Charter, to fund the Dallas Police and Fire Pension System – Combined Plan, in the amount directed by the State Pension Review Board and/or city council, whichever is higher. Any monies remaining shall be appropriated to the public safety objectives described below in Subsection (b).

(b) Public safety objectives.

(1) The starting combined salary and non-pension benefits, excluding sign-on bonuses, of the police officers of the Dallas Police Department are within the top five of all city police departments (as compared to the starting combined salary and non-pension benefits) in Dallas, Collin, Tarrant, Denton, and Rockwall Counties with a population over 50,000, on a per officer basis; and

(2) The total number of full-time sworn police officers of the police department of the City of Dallas is increased to at least 4,000 and the ratio established of 4,000 officers to Dallas city residents as of the date of the passage of this charter amendment is maintained or increased going forward.

(A) Any monies appropriated to this public safety objective but not spent within the fiscal year shall be transferred to a sinking fund to fund this Public Safety Objective in the subsequent fiscal year.

(c) Any monies remaining after all public safety objectives defined in this section have been met may be reappropriated by city council.

(d) The city, on an annual basis, shall hire a third-party firm to conduct a survey to calculate the starting combined salary and non-pension benefits, excluding sign-on bonuses, of the full-time police officers of all cities in Dallas, Collin, Tarrant, Denton, and Rockwall Counties with a population

over 50,000, on a per officer basis, and report the findings to city council. The third-party firm will be required to certify in writing to the city that it used its best efforts to include responses from each city in Dallas, Collin, Tarrant, Denton, and Rockwall Counties in the annual survey, and the failure or unwillingness of any city to participate in the survey shall have no impact on either:

(1) the city's and the third-party firm's obligations to complete and deliver the survey required by this Section on an annual basis; or

(2) the city's obligations under this chapter.

(e) As used in this section, "revenue" shall mean all revenue collected by the city that's use is not restricted to a limited purpose under state or federal law, including, but not limited to ad valorem property tax, sales tax, beverage taxes, asset forfeiture funds, bingo fees, cemetery taxes, impact fees, interlocal agreements, internet payment and access fees, investments, court fees, open records fees, municipal development corporation sales taxes, municipal development district taxes, pro rata fees, public improvement district assessments, right-of-way fees, special improvement district fund taxes, street assessments, time warrants, user fees, venue taxes, donations, coin-operated machine taxes, drainage fees, hotel taxes, parking fees, franchise fees, enterprise funds, charges for services, admission fees, fines and forfeitures, operating transfers from municipally controlled entities, municipal enterprises, municipally owned utilities, municipally controlled districts, licenses and permits, and interest, but shall not include any debt proceeds taken on by the city, or any grants, appropriations or other revenue received from other governmental or non-profit entities (that weren't directly or indirectly initially provided to such other governmental or non-profit entities by the city).

(f) If any section, paragraph, clause, or provision of this section is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this section, and to this end, the provisions of this section are declared to be severable. This section shall supersede the Dallas City Code to the extent there are any conflicts.

## **CHAPTER XXV. CITIZEN ENFORCEMENT**

### **SEC. 1. RESIDENT ENFORCEMENT.**

(a) Any resident of Dallas has standing and may bring an action against the City of Dallas to require the city to comply with any of the provisions of the charter, any city ordinance or any law of the State of Texas.

(b) A claimant is entitled to recover in an action brought under this chapter:

(1) declaratory and injunctive relief against the city; and

(2) costs and reasonable attorney's fees, if the court orders injunctive or declaratory relief.

(c) The city's governmental immunity to suit and from liability is waived to the extent of liability created by the charter, city ordinance and/or Texas state law.

(d) Claimants shall notify the city of their claim not later than sixty days before the date such claimant files an action under this chapter. The notice must reasonably describe the charter provision, ordinance, or state law that the claimant believes has been or may be violated.

(e) "Resident" shall mean any person who resides in the City of Dallas, and any firm, corporation, limited liability company, joint venture, trust, estate, nonprofit, or association which is physically located in or otherwise conducts business in the City of Dallas.

(f) If any section, paragraph, clause, or provision of this section is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this section, and to this end, the provisions of this section are declared to be severable. This section shall supersede the Dallas City Code to the extent there are any conflicts."

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 S**

#### **Granting Standing to Residents and Waiving Governmental Immunity**

Shall the Dallas City Charter be amended by adding a new chapter that grants standing to any resident of Dallas to bring a lawsuit against the city to require the city to comply with provisions of the city charter, city ordinances, and state law; entitles claimants to seek declaratory and injunctive relief against the city and recover costs and reasonable attorney's fees; and waives the city's governmental immunity from suit and liability in claims brought under this amendment?

### **PROPOSICIÓN S**

#### **Concesión de legitimación a los residentes y renuncia a la inmunidad gubernamental**

¿Debería modificarse el Acta Constitutiva de la Ciudad de Dallas añadiendo un nuevo capítulo que otorgue legitimidad a cualquier residente de Dallas para presentar una demanda contra la ciudad para exigir que la ciudad cumpla con las disposiciones del acta constitutiva de la ciudad, las ordenanzas de la ciudad y la ley estatal; autorice a los demandantes a buscar medidas cautelares y declaratorias contra la ciudad y recuperar costos y honorarios razonables de abogados; y renuncie a la inmunidad gubernamental de la ciudad frente a demandas y responsabilidad en reclamos presentados bajo esta enmienda?

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**ĐỀ XUẤT SỐ S**

**Cấp quyền cho Cư dân và Tì bỏ Quyền miễn trừ của Chính quyền**

Hiến chương Thành phố Dallas có nên được sửa đổi bằng việc thêm một chương mới cấp quyền cho bất kỳ cư dân nào của Dallas được khởi kiện thành phố để yêu cầu thành phố tuân thủ các điều khoản của hiến chương thành phố, các sắc lệnh của thành phố và luật tiểu bang; cho phép người yêu cầu bồi thường tìm kiếm biện pháp cứu trợ tuyên bố và lệnh cấm đối với thành phố và thu hồi chi phí cùng phí luật sư hợp lý; và tì bỏ quyền miễn trừ của chính quyền thành phố khỏi các vụ kiện và trách nhiệm pháp lý trong các khiếu nại được đưa ra theo sửa đổi này không?

**PROPOSITION T**

**Annual Community Survey**

Shall Chapter VI of the Dallas City Charter be amended by adding a new section compelling the city to conduct the city-commissioned Community Survey on an annual basis, to be completed by a minimum of 1,400 Dallas residents on their satisfaction on quality of life issues, the results of which will result in the city manager earning additional performance compensation (between 0 percent and 100 percent of the city manager's annual base salary) or the termination of the city manager?

**PROPOSICIÓN T**

**Encuesta comunitaria anual**

¿Se debería modificar el Capítulo VI del Acta Constitutiva de la Ciudad de Dallas agregando una nueva sección que obligue a la ciudad a realizar anualmente la Encuesta Comunitaria encargada por la ciudad, que deberá ser completada por un mínimo de 1,400 residentes de Dallas sobre su satisfacción en cuestiones de calidad de vida, cuyos resultados darán como resultado que el administrador de la ciudad obtenga una compensación por desempeño adicional (entre el 0 por ciento y el 100 por ciento del salario base anual del administrador de la ciudad) o la terminación del contrato del administrador de la ciudad?

**ĐỀ XUẤT SỐ T**

**Khảo sát Cộng đồng Hàng năm**

Chương VI của Hiến chương Thành phố Dallas có nên được sửa đổi bằng việc thêm một phần mới yêu cầu thành phố tiến hành Khảo sát Cộng đồng do thành phố ủy quyền hàng năm, do tối thiểu 1,400 cư dân Dallas hoàn thành về mức độ hài lòng của họ đối với các vấn đề về chất lượng cuộc sống, kết quả của cuộc khảo sát sẽ dẫn đến việc quản đốc thành phố được hưởng thêm tiền thưởng hiệu suất (từ 0 đến 100 phần trăm mức lương cơ bản hàng năm của quản đốc thành phố) hoặc quản đốc thành phố sẽ bị sa thải?



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**PROPOSITION U**

**Police and Fire Funding Appropriation**

Shall Chapter XI of the Dallas City Charter be amended by adding a new section compelling city council to appropriate no less than 50 percent of annual revenue that exceeds the total annual revenue of the previous year to fund the Dallas Police and Fire Pension, with any monies remaining of that 50% to be appropriated to increasing the starting compensation of officers of the Dallas Police Department and to increase the number of police officers to a minimum of 4,000, and to maintain that ratio of officers to the City of Dallas population as of the date of passage of this amendment?

**PROPOSICIÓN U**

**Asignación de fondos para policías y bomberos**

¿Se debería enmendar el Capítulo XI del Acta Constitutiva de la Ciudad de Dallas agregando una nueva sección que obligue al consejo municipal a asignar no menos del 50 por ciento de los ingresos anuales que excedan los ingresos anuales totales del año anterior para financiar la Pensión de la Policía y los Bomberos de Dallas, y que el dinero restante de ese 50 por ciento se destine a aumentar la compensación inicial de los oficiales del Departamento de Policía de Dallas y a aumentar el número de oficiales de policía a un mínimo de 4000, y a mantener esa proporción de oficiales con respecto a la población de la Ciudad de Dallas a la fecha de aprobación de esta enmienda?

**ĐỀ XUẤT SỐ U**

**Phân bổ Kinh phí cho Cảnh sát và Cứu hỏa**

Chương XI của Hiến chương Thành phố Dallas có nên được sửa đổi bằng việc thêm một phần mới yêu cầu hội đồng thành phố phải dành ít nhất 50 phần trăm doanh thu hàng năm vượt quá tổng doanh thu hàng năm của năm trước để tài trợ cho Quỹ hưu trí Cảnh sát và Cứu hỏa Dallas, trong đó bất kỳ khoản tiền nào còn lại trong 50% đó sẽ được dành để tăng mức lương khởi điểm cho các sĩ quan của Sở Cảnh sát Dallas và tăng số lượng cảnh sát lên tối thiểu 4,000 người, và duy trì tỷ lệ sĩ quan đó so với dân số Thành phố Dallas kể từ ngày thông qua sửa đổi này hay không?

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

Ordinance Ordering HERO Petition Election 2024 - Page 9

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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](mailto:evapplications@dallascounty.org)
- For Collin County: [absenteemailballoting@collincountytx.gov](mailto:absenteemailballoting@collincountytx.gov)
- For Denton County: [elections@dentoncounty.gov](mailto: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 32800

DATE PUBLISHED AUG 17 2024

ATTESTED BY:



Agenda Information Sheet

File #: 24-2532

Item #: 90.

**STRATEGIC PRIORITY:** Government Performance & Financial Management

**AGENDA DATE:** August 14, 2024

**COUNCIL DISTRICT(S):** NA

**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 three proposed amendments to the Dallas City Charter, submitted by Dallas HERO Initiative in accordance with Section 9.004(a) of the Texas Local Government Code (Dallas HERO Initiative amendments) - Financing: No cost consideration to the City (See Fiscal Information)

**BACKGROUND**

On June 19, 2024, the City of Dallas received three separate petitions, submitted by Dallas HERO Initiative 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.