

ORDINANCE NO. 2774.9

An ordinance adding Section 15A-4.1 to CHAPTER 15A, "ELECTIONS," of the Dallas City Code, as amended; defining terms; restricting the time in which campaign contributions may be made to city council members by applicants in designated zoning cases and designated public subsidy matters and by bidders and proposers on city contracts; 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 Article I, "Campaign Contributions," of CHAPTER 15A, "ELECTIONS," of the Dallas City Code, as amended, is amended by adding new Section 15A-4.1, "Campaign Contributions by Applicants in Designated Zoning Cases and Designated Public Subsidy Matters and by Bidders and Proposers on City Contracts," to read as follows:

"SEC. 15A-4.1. CAMPAIGN CONTRIBUTIONS BY APPLICANTS IN DESIGNATED ZONING CASES AND DESIGNATED PUBLIC SUBSIDY MATTERS AND BY BIDDERS AND PROPOSERS ON CITY CONTRACTS.

(a) In this section:

(1) AFFILIATED has the meaning given that term in Section 12A-2 of the Dallas City Code.

(2) APPLICANT means any person who:

(A) owns all or part of the property that is the subject of a designated zoning case or designated public subsidy matter.

(B) is a parent, child, spouse, or other family member of the property owner within the first degree of consanguinity or affinity, or the domestic partner of the property owner.

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(C) represents the property owner in connection with the designated zoning case or designated public subsidy matter;

(D) is affiliated with the property owner or the representative of the property owner; or

(E) is an employee of the property owner or the representative of the property owner.

(3) DESIGNATED PUBLIC SUBSIDY MATTER means any of the following:

(A) A tax abatement.

(B) A housing tax credit.

(C) An historic development tax abatement.

(D) Federal grant money administered by the city.

(E) Tax increment financing.

(F) An economic development grant or loan.

(4) DESIGNATED ZONING CASE means a change of zoning on a specific property where:

(A) the property is 25 acres or more;

(B) the proposed floor area for retail or personal service uses is 200,000 square feet or more;

(C) the proposed floor area for industrial uses is one million square feet or more;

(D) the proposed zoning change is to a multifamily district of 10 acres or more;

(E) the proposed zoning change allows 60 dwelling units or more per acre; or

(F) the city staff recommendation and the city plan commission recommendation regarding the proposed change of zoning do not agree.

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(b) An applicant in a designated zoning case shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member during the period between the date the first notices of a public hearing to consider the designated zoning case by the city plan commission are mailed and the later of:

(1) 60 days after the designated zoning case is withdrawn pursuant to Section 51A-4.701(f) of the Dallas City Code;

(2) 60 days after the date a decision of the city plan commission on the designated zoning case becomes final and all opportunities for appeal are exhausted; or

(3) 60 days after the date a final decision on the designated zoning case is made by the city council either granting or denying the request.

(c) Subsection (b) does not apply to a change of zoning for historic districts, conservation districts, or neighborhood stabilization overlays.

(d) An applicant in a designated public subsidy matter shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member from the time the matter is posted on a council committee agenda or a council agenda, whichever occurs first, until 60 days after the date the city council votes on the designated public subsidy matter or the application for the designated public subsidy matter is withdrawn by the applicant.

(e) A person responding to a request for bids or request for proposals on a city contract shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member from the time the advertisement or public notification of the request for bids or request for proposals is made until 60 days after the date the contract is awarded by the city council."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That CHAPTER 15A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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.

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SECTION 5. That this ordinance will take effect on December 1, 2009, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By *Jessie Christopher*
Assistant City Attorney

Passed NOV 09 2009

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