

Cause No. _____

THE STATE OF TEXAS, §
Plaintiff, §
 §
 v. §
 §
 CITY OF DALLAS; ERIC JOHNSON, §
 Mayor of Dallas; TENNELL ATKINS, §
 Mayor Pro Tem of Dallas; CHAD WEST, §
 JESSE MORENO, ZARIN D. GRACEY, §
 CAROLYN KING ARNOLD, JAIME §
 RESENDEZ, OMAR NARVAEZ, ADAM §
 BAZALDUA, PAULA BLACKMON, §
 KATHY STEWART, JAYNIE §
 SCHULTZ, CARA MENDELSON, §
 GAY DONNELL WILLIS, and PAUL E. §
 RIDLEY, Members of the City Council of §
 Dallas; KIMBERLY BIZOL TOLBERT, §
 Interim City Manager of Dallas; and §
 MICHAEL T. IGO, Interim Chief of §
 Police of Dallas; in their official capacities, §
Defendants. §

In the District Court of
 Dallas County, Texas
 _____ Judicial District

**PLAINTIFF’S ORIGINAL VERIFIED PETITION,
 APPLICATION FOR TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

The City of Dallas (“Dallas”), a home-rule city, passed a ballot measure (“Proposition R”) to amend their charter to eliminate the Dallas Police Department’s ability to enforce marijuana-related offenses. Proposition R “prohibits the Dallas Police Department from making arrests or issuing citations for marijuana possession or considering the odor of marijuana as probably cause [sic] for search or seizure,” with a few minor exceptions. Ex. 1 at 39–40 (City of Dallas November 5, 2024, Election Charter Propositions, available at <http://citysecretary2.dallascityhall.com/pdf/Elections/2024/110524SE/PCL.pdf>). Proposition R violates and is preempted by Section 481.121 of the Texas Health and Safety Code, which criminalizes possession of marijuana in any amount. Proposition R also violates and is preempted by Section 370.003 of the Texas Local Government Code, which expressly forbids “[t]he governing body of a municipality [or a] municipal police

department ... may not adopt a policy under which the entity will not fully enforce laws relating to drugs, including Chapters 481 and 483, Health and Safety Code, and federal law.” Tex. Loc. Gov’t Code § 370.003. As a result, Proposition R is unconstitutional. “[N]o charter or any ordinance passed under [Dallas’s] charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State.” TEX. CONST. art. XI, § 5.

Consequently, the State of Texas files this Original Petition and Application for Temporary and Permanent Injunction asking the Court to (1) declare the charter amendment enacted under Proposition R null and void and (2) order Defendants to (a) fully enforce the drug laws in Chapter 481, (b) not discipline any employee of the City of Dallas for enforcing the drug laws in Chapter 481, (c) refrain from implementing Dallas Police Department document 24-001 and (d) refrain from implementing Proposition R, including any Charter Amendments or policies adopted pursuant to it.

DISCOVERY CONTROL PLAN

1. If discovery were needed, it would be intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.3.

CLAIMS FOR RELIEF

2. Plaintiff seeks injunctive relief. Therefore, this suit is not governed by the expedited actions process in Tex. R. Civ. P. 169.

VENUE

3. Venue is proper in Dallas County under section 15.002(a)(1) and (a)(3) of the Texas Civil Practices and Remedies Code.

SOVEREIGN IMMUNITY INAPPLICABLE

4. Neither sovereign immunity nor governmental immunity applies to the State of Texas's *ultra vires* claim. "The basic justification for th[e] *ultra vires* exception to sovereign immunity is that *ultra vires* acts—or those acts without authority—should not be considered acts of the state at all." *Hall v. McRaven*, 508 SW.3d 232, 238 (Tex. 2017) (internal quotation marks and citations omitted). As a result, "*ultra vires* suits do not attempt to exert control over the state—they attempt to reassert the control of the state over one of its agents." *Id.*

5. Further, Texas Civil Practice and Remedies Code Sec. 37.006(b) states "In any proceeding that involves the validity of a municipal ordinance or franchise, the municipality must be made a party and is entitled to be heard." This has been consistently construed as a legislative waiver of governmental immunity in situations like the one at issue here. *Tex. Educ. Agency v. Leeper*, 893 S.W.2d 432, 446 (Tex. 1994); *Tex. Lottery Comm'n v. First State Bank of DeQueen*, 325 S.W.3d 628 (Tex. 2010).

PARTIES

6. Plaintiff is the State of Texas. *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (citing *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015) ("As a sovereign entity, the State has an intrinsic right to enact, interpret, and enforce its own laws."); *Yett v. Cook*, 115 Tex. 205, 221, 281 S.W. 837, 842 (1926) ("That the state has a justiciable 'interest' in its sovereign capacity in the maintenance and operation of its municipal corporations in accordance with law does not admit of serious doubt.")).

7. Defendant City of Dallas is a home-rule municipality.

8. Defendant Eric Johnson is the Mayor of Dallas.

9. Defendant Tennell Atkins is the Mayor Pro Tem of Dallas and Councilmember for District #8.

10. Defendant Chad West is Councilmember for District #1.

11. Defendant Jesse Moreno is Councilmember for District #2.

12. Defendant Zarin D. Gracey is Councilmember for District #3.
13. Defendant Carolyn King Arnold is Councilmember for District #4.
14. Defendant Jaime Resendez is Councilmember for District #5.
15. Defendant Omar Narvaez is Councilmember for District #6.
16. Defendant Adam Bazaldua is Councilmember for District #7.
17. Defendant Paula Blackmon is Councilmember for District #9.
18. Defendant Kathy Stewart is Councilmember for District #10.
19. Defendant Jaymie Schultz is Councilmember for District #11.
20. Defendant Cara Mendelsohn is Councilmember for District #12.
21. Defendant Gay Donnell Willis is Councilmember for District #13.
22. Defendant Paul E. Ridley is Councilmember for District #14.
23. Defendant Kimberly Bizer Tolbert is Interim City Manager of Dallas. As interim City Manager, she is tasked with seeing that all laws and ordinances are enforced.
24. Defendant Michael T. Igo is Interim Chief of Police of Dallas. As interim Police Chief, Igo has “immediate direction and control of the police department[.]”
25. All Defendants are sued in their official capacities.
26. All Defendants may be served with process at Dallas City Hall, 1500 Marilla St., Dallas, Texas 75201.

FACTS

27. The City of Dallas placed a number of “Charter Propositions” on the ballot for a November 5, 2024, Special Election. One such proposition was Proposition R, also known as the “Dallas Freedom Act”, which read as follows:

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?

28. Proposition R sought to amend the Dallas City Charter by adding Chapter XXIV, Section 22 which reads:

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.

29. Voters in the November 5, 2024, Special Election approved Proposition R.

30. On November 19, 2024, the Dallas City Council held a Special Session and approved the results of the November 5, 2024, Special Election and, in doing so, adopted Proposition R. *See* Ex. 2 at 48–49 (City of Dallas Special Called City Council Meeting Voting

Agenda for Nov. 19, 2024, available at <http://citysecretary2.dallascityhall.com/pdf/CC2024/111924AN.pdf>). That same day, Dallas Interim Police Chief Michael Igo issued a “Chief’s Update” stating that, as a result of the passage of Proposition R, “effective immediately, Dallas Police Officers will not enforce the possession of marijuana, four ounces or less, or consider the odor of marijuana as probable cause for search and seizure[.]” Ex. 3 at 51 (Dallas Police Department Doc. No. 24-0021).

LEGAL ANALYSIS

31. Because Dallas is a home-rule municipality, it may adopt and amend its charter “subject to such limitations as may be prescribed by the Legislature[.]” TEX. CONST. ART. XI, § 5. But “no...ordinance passed under [Dallas’s] charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State.” *Id.*

32. Under State law, “The governing body of a municipality ... [or] a municipal police department ... may not adopt a policy under which the entity will not fully enforce laws relating to drugs, including Chapters 481 and 483, Health and Safety Code, and federal law.” Tex. Local Gov’t Code § 370.003.

33. Chapter 481 of the Health and Safety Code makes possession of marijuana and drug paraphernalia offenses. Tex. Health & Safety Code §§ 481.121, .125. Possession of marijuana in quantities of more than 2 ounces and up to and including 4 ounces is a Class A misdemeanor while possession of 2 ounces or less is a Class B misdemeanor. *Id.* at § 481.121.

34. Proposition R’s operative provisions decriminalize what the Texas Legislature has made a crime by prohibiting enforcement of misdemeanor marijuana possession. Proposition R conflicts with Chapter 481.121 Health and Safety Code and additionally conflicts with Section 370.003 of the Local Government Code.

35. More specifically, Proposition R amends the Dallas City Charter by adding Chapter XXIV, Section 22, which prohibits Dallas police officers from, *inter alia*, making “any arrest or

issu[ing] any citation for Class A or Class B misdemeanor marijuana possession, except in the limited cases[.]” Ex. 1 at 39. Proposition R also prohibits Dallas police from considering “the odor of marijuana or hemp to constitute probable cause for any search or seizure, except in the limited circumstances [.]” Ex. 1 at 40. Thus, it is a policy under which Dallas will not “fully enforce ... Chapter 481.”

36. Proposition R also prohibits Dallas police officers from issuing Class C misdemeanor citations for “possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.” Ex. 1 at 40. Thus, it is a policy under which Dallas will not “fully enforce ... Chapter 481.”

37. Proposition R also prohibits city funds and personnel “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 in certain circumstances. Ex. 1 at 40. This is a policy under which Dallas will not “fully enforce ... Chapter 481.” Therefore, this portion of Proposition R violates § 370.003.

38. Proposition R threatens Dallas City police officers who continue enforcing Chapter 481.121 and related state drug laws with discipline. Ex. 1 at 40. This is a policy under which Dallas will not “fully enforce ... Chapter 481.”

39. Dallas Police Department document 24-0021 instructs City police officers to implement Proposition R, including by discontinuing enforcement of misdemeanor possession, Ex. 3 at 51, is also a policy under which Dallas will not “fully enforce ... Chapter 481.” Therefore, Dallas Police Department document 24-0021 violates § 370.003.

40. Because both Proposition R and Dallas Police Department document 24-0021 violate section 370.003 of the Local Government Code, Defendants “may not adopt” them. Tex. Loc. Gov’t Code § 370.003. In doing so, and in threatening to enforce Proposition R, Defendants have acted *ultra vires*.

41. City charter provisions are presumed to be valid. *In re Sanchez*, 81 S.W.3d 794, 796 (Tex. 2002), *as supplemented on denial of reh'g* (Aug. 29, 2002). But a court can invalidate a city charter provision if it is “it is unreasonable and arbitrary, amounting to a clear abuse of municipal discretion.” *Id.* (citing *City of Brookside Village v. Comeau*, 633 S.W.2d 790, 792 (Tex. 1982); *City of Houston v. Todd*, 41 S.W.3d 289, 295 (Tex. App–Houston [1st Dist.] 2001, pet. denied)). A city charter provision that attempts to regulate a subject matter that a **state** statute preempts is unenforceable to the extent it conflicts with the **state** statute. *Sanchez*, 81 S.W.3d at 796.

42. Proposition R directly conflicts with state statute; thus it is unenforceable. *See id.* (citing *City of Brookside Vill.*, 633 S.W.2d at 796.

43. This conflict renders Proposition R unconstitutional. “[N]o charter or any ordinance passed under [Dallas’s] charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State.” TEX. CONST. art. XI, § 5.

44. In an *ultra vires* case, a plaintiff must allege, and ultimately prove, that an officer acted without legal authority or failed to perform a ministerial act. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

45. Defendants lack legal authority to adopt both Proposition R and any other policy thereunder, including Dallas Police Department document 24-0021. TEX. CONST. art. XI, § 5; Tex. Loc. Gov’t Code § 370.003.

REQUEST FOR DECLARATORY JUDGMENT

46. The State of Texas requests that the Court issue a declaratory judgment that Defendants acted *ultra vires* in adopting Proposition R and issuing Dallas Police Department document 24-0021 and that such policies are void.

APPLICATION FOR TEMPORARY INJUNCTION

47. The State is entitled to a temporary injunction. To obtain a temporary injunction, the State must prove (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

48. The State has a cause of action against Defendants for *ultra vires* acts. *Hollins*, 620 S.W.3d at 405.

49. The State has a probable right of recovery. The City of Dallas has no authority to adopt and implement Proposition R and the Dallas Police Department has no authority to issue Dallas Police Department document 24-001. Tex. Loc. Gov't Code § 370.003; TEX. CONST. art. XI, § 5.

50. “When the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction.” *Hollins*, 620 S.W.3d at 410.

51. Further, “An injury is irreparable if the injured party cannot be adequately compensated in damages, or if the damages cannot be measured by any certain pecuniary standard.” *Butnaru*, 84 S.W.3d at 204; *City of Dallas v. Brown*, 373 S.W.3d 204, 208 (Tex. App.—Dallas 2012, pet. denied).

52. Consequently, the State is entitled to a temporary injunction.

53. The Court should issue a temporary injunction enjoining Defendants from enforcing Proposition R and Dallas Police Department document 24-001 and ordering Defendants to (a) cancel Dallas Police Department document 24-001, (b) fully enforce the drug laws in Chapter 481, (c) not discipline any employee of the City of Dallas for enforcing the drug laws in Chapter 481, and (d) modify city policies and internal operating procedures to the extent that they have been updated in response to Proposition R or Dallas Police Department document 24-001.

APPLICATION FOR PERMANENT INJUNCTION

54. The State of Texas requests trial on the merits, where it will seek a permanent injunction enjoining Defendants from implementing Proposition R and any other policy thereunder, including Dallas Police Department document 24-001, and ordering Defendants to (a) fully enforce the drug laws in Chapter 481, (b) not discipline any employee of the City of Dallas for enforcing the drug laws in Chapter 481 (c) refrain from implementing Dallas Police Department document 24-001, and (d) refrain from implementing Proposition R, including any Charter Amendments or policies adopted pursuant to it.

PRAYER

Based on the foregoing, the State of Texas seeks the following relief:

- a. A temporary and permanent injunction enjoining Defendants from enforcing Proposition R and any other policy adopted thereunder, including Dallas Police Department document 24-001;
- b. A temporary and permanent injunction ordering Defendants to fully enforce the drug laws in Chapter 481 of the Texas Health and Safety Code.
- c. A temporary and permanent injunction ordering Defendants not to discipline any City of Dallas employee for enforcing the drug laws in Chapter 481 of the Texas Health and Safety Code.
- d. A temporary and permanent injunction ordering Defendants to refrain from implementing Proposition R, including any Charter Amendments or policies adopted pursuant to it.
- e. A declaratory judgment that Proposition R is 1) preempted by Tex. Health and Safety Code § 481.121 and Tex. Local Govt. Code § 370.003 and consequently 2) is null and void and of no legal effect.
- f. Any other relief as the Court deems equitable and just.

Date: November 20, 2024

Respectfully submitted.

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EXHIBIT 1

CITY OF DALLAS
NOVEMBER 5, 2024, ELECTION – CHARTER PROPOSITIONS

This document contains each of the charter-related ballot propositions for the November 5, 2024, general election in the City of Dallas. The proposition language as it will appear on the ballot is listed, followed by the charter language change (in blue) that will occur should the proposition pass. Language being added to the charter is underlined; language being deleted from the charter is struck through.

PROPOSITION B

Adding a Preamble to the City Charter

Shall the Dallas City Charter be amended by adding a preamble that declares the city to be an equitable democracy, comprised of representatives that act to make the city fair, equitable, just, and safe for all residents?

PREAMBLE

We, the people of the City of Dallas, under the constitution and laws of the state of Texas, establish this preamble in order to secure the benefits of local self-government and set forth the guiding principles for our city. We affirm the values of our city as an equitable democracy, comprised of representatives that act to make our city fair, equitable, just, and safe for all those who reside within it.

PROPOSITION C

Increasing Salaries for the Mayor and Councilmembers

Shall Chapter III, Section 4(a) of the Dallas City Charter be amended to increase the annual salary for the mayor to \$110,000 and the annual salaries for councilmembers to \$90,000 with salaries subject to a yearly adjustment equal to the year-over-year percentage increase in the local consumer price index, effective January 1, 2025?

CHAPTER III. CITY COUNCIL

SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) ~~[Effective October 1, 2001, e]~~ Each member of the city council, other than the mayor, shall receive a salary in ~~[as compensation for services]~~ the sum of \$60,000 ~~[\$37,500]~~ for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive a salary in ~~[as compensation for services]~~ the sum of \$80,000 ~~[\$60,000]~~ for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective until January 1, 2025 ~~[the swearing in of city council members in June 2015].~~]*

(a) Effective January 1, 2025 ~~[upon the swearing in of city council members in June 2015]~~, each member of the city council, other than the mayor, shall receive a salary in ~~[as compensation for services]~~ the sum of \$90,000 ~~[\$60,000]~~ for each year (prorated for a partial year[s]) that the member serves on the city council. The mayor shall receive a salary in ~~[as compensation for services]~~ the sum of \$110,000 ~~[\$60,000]~~ for each year (prorated for a partial year[s]) served as mayor on the city council. The annual salary for the mayor and members of the city council shall thereafter be subject to a yearly adjustment equal to the year-over-year percentage increase in the local consumer price index. *[Note: This version of Subsection (a) is effective January 1, 2025 ~~[upon the swearing in of city council members in June 2015 and until the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014].~~]*

~~[(a) Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. Effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014, the mayor shall receive as compensation for services the sum of \$80,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of Subsection (a) is effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.]*~~

PROPOSITION D

Removing Election Date from the Charter

Shall Chapter IV, Section 3 of the Dallas City Charter be amended by deleting the requirement that elections for members of the city council be held in May and instead be held according to state law and as designated by city resolution or ordinance?

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held according to state law [~~on the first authorized election date after March 1 of each odd-numbered year~~]. If state law does not restrict election dates, the city council shall by resolution or ordinance establish an election date on a uniform election date in [~~May of~~] odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

PROPOSITION E

Eliminating the Ability for Councilmembers and Mayor to Run Again After Serving the Limit of Terms

Shall Chapter III, Section 3A of the Dallas City Charter be amended to eliminate the ability for members of the city council to run for city council again after serving the maximum four two-year terms and to eliminate the ability for the mayor to run for mayor again after serving the maximum two four-year terms?

CHAPTER III. CITY COUNCIL

SEC. 3A. LIMITATION OF TERMS.

(a) A person who has served as a member of the city council other than Place 15 for four [~~consecutive~~] two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 [~~until at least one term has elapsed~~].

(b) A person who has served two [~~consecutive~~] terms as a member of the city council, Place 15, shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council [~~until at least one term for Place 15 has elapsed~~].

(c) A “term” as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of one year, including a term from which the member resigned.

(d) For the purpose of limiting terms under Subsection (b), a term includes a period of time less than four years when the period of service by a mayor during a term is in excess of 731 days.

PROPOSITION F

Providing the City Secretary and City Auditor with Employees

Shall Chapter IIIA, Section 2 and Chapter IX, Section 2 of the Dallas City Charter, which requires the city council to provide assistants to the city secretary and city auditor, be amended to also require the city council to provide employees to the city secretary and city auditor?

CHAPTER IIIA. CITY SECRETARY

SEC. 2. ASSISTANTS AND EMPLOYEES.

The city council shall provide the city secretary with such assistants and employees as it may deem necessary, and they shall receive such compensation as may be fixed by the council. Any such assistant or employee may be discharged at any time by the city secretary. All powers and duties imposed on the city secretary may be exercised and performed by any assistant or employee under the city secretary's direction.

CHAPTER IX. CITY AUDITOR

SEC. 2. ASSISTANTS AND EMPLOYEES.

The council shall provide the city auditor with such assistants and employees as it may deem necessary, and those assistants and employees shall receive such compensation as may be fixed by the council. Any such assistant or employee may be discharged at any time by the city auditor. All powers and duties imposed on the city auditor may be exercised and performed by any assistant and employee under the city auditor's direction.

PROPOSITION G

Adding Eligibility Criteria for Serving on the Redistricting Commission

Shall Chapter IV, Section 5(b)(2) of the Dallas City Charter, which establishes the redistricting commission, be amended by adding eligibility criteria for serving on the redistricting commission?

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 5. DISTRICTS AND REDISTRICTING.

(b) Redistricting commission.

(2) Persons appointed to the redistricting commission must ~~[be registered to vote and]~~ meet the qualifications for service on a city commission. ~~[A member of the city council is not eligible for appointment to the redistricting commission.]~~ A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission. The following persons are not eligible to serve on the redistricting commission:

(A) a current member of the city council or the spouse of a current member of the city council or any family member within the third degree of consanguinity or affinity;

(B) a person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the appointment date;

(C) the campaign manager, treasurer, or staff member of any candidate for federal, state, county, or city elected office during the five years before the appointment date;

(D) a registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government;

(E) a person or spouse of a person who works for the city or who works with or for any current member of the city council;

(F) a person or spouse of a person who has a contractual relationship with the city, has had a contractual relationship with the city within three years before the date of appointment, has a contractual relationship with any current member of the city council or the spouse of a current city council member; or has had a contractual relationship with any current member of the city council or the spouse of a current city council member within three years before the date of appointment (this paragraph does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the person or spouse on the same terms that they are made available to the general public); or

(G) a person who, in accordance with this charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

Updated 9-11-24

PROPOSITION H

Eliminating the Requirement that Members of Boards and Commissions Created by Charter be Registered to Vote, Qualified Voters, or Qualified Taxpaying Citizens

Shall Chapter IV, Section 5; Chapter XV, Section 3; Chapter XVI, Section 1; and Chapter XVII, Section 2 of the Dallas City Charter be amended by eliminating the requirement that members of the redistricting commission, city plan commission, civil service board, and park and recreation board be registered to vote, qualified voters, or qualified taxpaying citizens?

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 5. DISTRICTS AND REDISTRICTING.

(b) Redistricting commission.

(2) Persons appointed to the redistricting commission must ~~[be registered to vote and]~~ meet the qualifications for service on a city commission. ~~[A member of the city council is not eligible for appointment to the redistricting commission.]~~ A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.

CHAPTER XV. PLANNING AND ZONING

SEC. 3. ZONING COMMISSION.

The city council shall appoint 15 residents ~~[qualified voters]~~ of the City of Dallas who shall constitute the zoning commission of the City of Dallas^[5] and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. Except for the qualified voter requirement, ~~t[he]~~ the members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. The mayor ~~[city council]~~ shall designate ~~[name]~~ one ~~[of the]~~ member^[s] as ~~[to be the]~~ chair, subject to confirmation by the city council ~~[and one to be the vice chair].~~

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 1. ORGANIZATION OF CIVIL SERVICE.

There is hereby created and established a civil service board to be composed of seven members who shall be residents ~~[qualified taxpaying citizens]~~ of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in September of each odd-numbered year, the city council shall appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified, and the mayor shall designate one member as chair subject to

Updated 9-11-24

confirmation by a majority of the city council. The adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board. Any vacancies on the board must be filled by the city council for the unexpired term.

CHAPTER XVII. PARK AND RECREATION DEPARTMENT

SEC. 2. ORGANIZATION OF BOARD AND TERMS OF OFFICE OF MEMBERS.

(a) The city council shall appoint a number of residents of the City of Dallas [~~qualified voters of the city~~] equal to the number of members on the city council who shall constitute the park and recreation board of the city. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or by general laws of the State of Texas, except that a member is not required to be a qualified voter of the city, and shall serve without compensation.

PROPOSITION NO. I

Amending Initiative and Referendum Petition Procedure by Extending Deadline for Petition Signature Collection from 60 Days to 120 Days and Reducing Number of Signatures Required on a Petition to Initiate a Referendum

Shall Chapter XVIII, Section 11 of the Dallas City Charter, which establishes procedures for initiative and referendum of ordinances, be amended to extend the deadline petitioners must meet to collect required signatures from 60 days to 120 days and reduce the number of signatures required on a petition from 10 percent of the qualified voters of the City of Dallas to five percent?

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS

SEC. 11. INITIATIVE AND REFERENDUM OF ORDINANCES.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the ordinance to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five registered voters of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 120 [~~60~~] days from this date, it will not be received for any purpose.

(2) The petition must contain the names of a number of qualified voters in the city equal to five [~~10~~] percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

PROPOSITION J

Allowing City Council to Replace City Board and Commission Members Before Completion of Board and Commission Terms

Shall Chapter XXIV, Section 17(b) of the Dallas City Charter be amended to allow city council's appointments to city boards and commissions to be replaced by city council prior to completion of a member's two-year term?

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

SEC. 17. BOARD AND COMMISSION MEMBERS.

(b) Upon initiation of the councilmember who occupies the city council place of the nominating councilmember, the city council may, by a majority vote, replace a board or commission member prior to completion of the member's two-year term. [A member of any commission or board appointed by the city council may be removed from office for any cause deemed by the city council sufficient for removal in the interest of the public, but only after a public hearing before the city council on charges publicly made, if demanded by such member within 10 days.]

PROPOSITION L

Adding the Office of the Inspector General to the Charter

Shall Chapter XI, Section 2 be amended and a new chapter be added to the Dallas City Charter that establishes the Office of the Inspector General with the Inspector General being appointed by city council and lists the duties of the Inspector General?

CHAPTER IXA. OFFICE OF THE INSPECTOR GENERAL

SEC. 1. CREATION OF OFFICE OF THE INSPECTOR GENERAL; APPOINTMENT OF INSPECTOR GENERAL.

(a) There is hereby created an office to be known as the office of the inspector general. The head of this department shall be a competent practicing attorney of recognized ability, a certified inspector general, and shall be known as the inspector general. The inspector general shall serve as an independent investigative authority regarding misconduct involving fraud, corruption, ethics, waste, and abuse. The Code of Ethics and other ordinances should include the provisions necessary to ensure independence of the office of the inspector general.

(b) The inspector general shall be a resident of the City of Dallas. If at the time of appointment, the inspector general resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The inspector general shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two years from the date of appointment and thereafter until a successor is appointed, unless sooner discharged by the council, and the inspector general shall not be discharged during the inspector general's term of office except upon a 2/3 vote of all members of the city council. The inspector general shall receive such compensation as shall be fixed by the council.

SEC. 2. ASSISTANTS AND EMPLOYEES OF THE OFFICE OF THE INSPECTOR GENERAL.

The inspector general shall have such assistants and employees as shall be provided by ordinance, and they shall receive such compensation as may be fixed by the city council. Any assistant or employee may be discharged at any time by the inspector general. The inspector general and any assistant inspector general shall devote their entire time to the service of the city. All powers and duties imposed on the inspector general may be exercised and performed by any assistant under the direction of the inspector general.

SEC. 3. DUTIES OF THE INSPECTOR GENERAL.

The inspector general shall have the following powers and duties:

- (1) Supervising and controlling the structure of the office of the inspector general.
- (2) Initiating investigations and receiving and investigating complaints and tips regarding misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

Updated 9-11-24

(3) Examining the books, accounts, reports, vouchers, financial records, records of the city, documents, and tangible things relevant to the subject matter of an investigation regardless of their form.

(4) Submitting reports summarizing the findings of investigations and reviews completed by the inspector general.

(5) Acting, on behalf of the city, as liaison to law enforcement agencies regarding fraud and corruption investigations initiated by the office of the inspector general.

(6) Presenting ethics complaints regarding alleged or suspected violations of the city's code of ethics before a commission created to make findings concerning the ethical nature of actions and conduct and recommending appropriate sanction.

(7) Doing all things necessary to carry out the functions set forth in this chapter.

CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

SEC. 2. BUDGET ESTIMATES TO BE FURNISHED TO CITY MANAGER BY DEPARTMENTS NOT UNDER CITY MANAGER'S IMMEDIATE DIRECTION.

Every department of the city government not under the direct control of the city manager, except the city auditor and the inspector general, shall furnish to the city manager, for use in the preparation of recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year. The city auditor and the inspector general shall furnish a detailed budget estimate of the needs and requirements of the city auditor's office and the inspector general's office, respectively, for the coming year directly to the city council, to be approved by the city council, and then consolidated with the city manager's annual budget estimate.

PROPOSITION O

Amending the Appointment Procedure and Qualifications of Associate Municipal Judges

Shall Chapter VIII, Section 6 of the Dallas City Charter be amended to clarify the terms of associate municipal judges and state that associate municipal judges are appointed by city council, receive assignments from the administrative judge or the administrative judge's designee, and must be residents of Dallas within four months of the date of appointment and practicing attorneys in good standing?

CHAPTER VIII. MUNICIPAL COURTS

SEC. 6. ASSOCIATE MUNICIPAL JUDGES.

In May of each fourth year, associate municipal judges shall be appointed by city council. Associate municipal judges will receive their assignment from the administrative judge or the administrative judge's designee. Each associate municipal judge shall be a practicing attorney of good standing. Each associate municipal judge must be a resident of the City of Dallas within four months of appointment. Each associate municipal judge shall hold office for a term that is equal to the length of terms for members of the city council, Places 1 through 14, from the date of appointment or until a successor is appointed and qualified, unless sooner removed by the council. In the event of any vacancy in the office of associate municipal judge by death, resignation, or otherwise, the city council may appoint a qualified attorney to fill the unexpired term as an associate municipal judge. The associate municipal judge is considered a part-time judge and is called upon as needed. [If, for any cause, any of the municipal judges shall temporarily fail to act, then and in such case the council is hereby authorized to appoint some qualified attorney who shall act in the place and stead of such municipal judge, and who shall have powers and discharge all the duties of said office and shall receive the compensation therefor accruing while so acting. Such temporary judges shall be known as associate municipal judges. Associate municipal judges, during their appointments, shall not represent clients on matters pending in the municipal courts. The appointment of an associate municipal judge shall be by resolution of the city council, filed in the office of the city secretary. In the event of civil emergency, such appointment may be made by the mayor; provided, however, no compensation shall be paid to such judges so appointed unless confirmed by the city council.]

PROPOSITION P

Deleting the Requirement to Pay One-Half the Costs of Administrative Law Judge

Shall Chapter XVI, Section 12.1 of the Dallas City Charter be amended by deleting the requirement that a city employee who appeals his or her discharge or reduction in grade to an administrative law judge pay one-half of the costs attributed to having the administrative law judge conduct the appeal hearing?

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 12.1. ADMINISTRATIVE LAW JUDGE.

~~[(a)]~~ Instead of appealing to a trial board as provided in Section 12 of this chapter, an officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade may appeal to an administrative law judge in accordance with procedures established by ordinance.

~~[(b)] A person who appeals to an administrative law judge shall pay one half of the costs attributed to having the administrative law judge conduct the appeal hearing.~~

PROPOSITION Q

Technical Amendments to Conform to State Law, City Code, and Actual Practices; to Correct Terms; and to Clarify Language

Shall Chapter III, Section 3; Chapter III, Section 4; Chapter III, Section 8(b); Chapter III, Section 13(a); Chapter III, Section 19; Chapter IV, Section 6(a); Chapter IV, Section 6(c)(2); Chapter IV, Section 13; Chapter XI, Section 1; Chapter XI, Section 3; Chapter XII, Section 4; Chapter XIII, Section 2(2); Chapter XIII, Section 9; Chapter XIV, Section 8; Chapter XV, Section 3; Chapter XV, Section 4; Chapter XVI, Section 3(b)(1); Chapter XVI, Section 7; Chapter XVI, Section 10(a); Chapter XVI, Section 11(b); Chapter XVIII, Section 7; Chapter XVIII, Section 11(1); Chapter XVIII, Section 15; Chapter XIX, Section 7; Chapter XXII, Section 2; Chapter XXII, Section 3; Chapter XXII, Section 4(1); Chapter XXII, Section 10; and Chapter XXIV of the Dallas City Charter be amended to conform to state law, conform to the city code, match actual practices, correct terms, clarify language, and other technical amendments?

CHAPTER III. CITY COUNCIL

SEC. 3. COUNCIL QUALIFICATIONS.

Each member of the city council shall, in addition to the other qualifications prescribed by law, be at the date of election a qualified voter of the city, and shall not be in arrears in the payment of [~~any taxes or other~~] liabilities due the city related to holding office.

SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive a salary in [~~as compensation for services~~] the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive a salary in [~~as compensation for services~~] the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective until the swearing in of city council members in June 2015.]*

(b) Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive a salary in [~~as compensation for services~~] the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive a salary in [~~as compensation for services~~] the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective upon the swearing in of city council members in June 2015 and until the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.]*

(c) For purposes of this section, a “year” means a 12-consecutive-month period.

(d) The salary [~~compensation~~] provided for in Subsection (a) will be paid on a biweekly basis.

(e) In addition to receiving the salary [~~compensation~~] provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council. The mayor and each member of the city council may also receive benefits for elected officials as permitted by state and federal law and adopted by city council through resolution or ordinance.

(f) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any salary [~~compensation~~] year, then the city council member's salary [~~compensation~~] provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which salary [~~compensation~~] reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.

SEC. 8. OPEN MEETINGS; SPEAKERS.

(b) The city council shall adopt rules of procedure that provide reasonable opportunity for people [~~citizens~~] to be heard by the city council.

SEC. 13. POLICY-MAKING PROCEDURES AND OVERSIGHT RESPONSIBILITIES.

(a) In the performance of the powers of government, it is the duty of the mayor and the city council to make suitable provision for the assurance of adequate and appropriate prior review and consideration of official actions to be taken by the city council, and to assure that a high performance level of services to the residents [~~citizens~~] is maintained, responsiveness to the people is provided, and accountability in municipal government is assured. To this end, the city council shall:

(1) adopt rules of procedure governing the conduct of city council meetings and the introduction, consideration, and method of review of actions to be considered by the city council, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda;

(2) create a standing finance committee of the city council charged with the responsibility for financial and audit oversight of the operations of city government;

(3) establish such additional standing committees and their duties as the city council determines is appropriate; and

(4) establish the process by which the committees shall conduct their business and review matters for city council consideration, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda.

(b) The mayor shall appoint the members and chairs of all city council committees, and it shall be the duty of each member of the city council to serve and to participate on each committee to which the member is appointed. The mayor shall have the power to remove and reassign members to and from the various city council committees.

SEC. 19. INDEPENDENT AUDIT.

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. The auditor shall be selected by the city council^[5] and shall be responsible to the council. The report of such auditor and the financial statements and related audit opinion for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any person ~~[citizen]~~ upon request. ~~[A summary of the annual financial statements and the audit report shall also be published once in a newspaper of general circulation in the city.]~~ The original report of the auditor or auditors shall be kept among the permanent records of the city.

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 6. CANDIDATE'S RESIDENCE.

(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, has resided continuously in Texas for 12 months, and has resided within the district in which the person is a candidate for a period of at least six months prior to the date of the regular filing deadline for a candidate's application for a place on the ballot ~~[election]~~. Any person elected to a place representing a district must continuously reside in the district during that person's term of office. A candidate for member of council, Place 15, may be a resident of any portion of the city, must have resided continuously in the city for a period of at least six months and continuously in Texas for 12 months prior to the date of the regular filing deadline for a candidate's application for a place on the ballot ~~[election]~~, and must continuously reside within the city during the person's term of office.

(b) If the district in which a person will have resided for at least six months prior to the date of an election will change because of the relocation of a district boundary, the person is eligible to become a candidate:

(1) for the new district assigned to the person's residence; or

(2) for the previous district of the person's residence if the person moves to a residence within the revised boundaries of that district prior to becoming a candidate for election.

(c) No person may appear on the official ballot as a candidate for a place on the city council unless^[3]:

(1)] that person files with the city secretary a signed, sworn, and dated affidavit certifying compliance with the residency requirements of this section, except that a sworn application for a place on the ballot filed with the city secretary in accordance with the Texas Election Code will satisfy the requirements of this paragraph[; and

(2) ~~the city secretary is reasonably able to verify the truth of the affidavit of residency].~~

~~SEC. 13. DISCLOSURE OF CANDIDATE CONTRIBUTIONS.~~

(a) ~~The city secretary shall cause to be published, in a newspaper of general circulation or on the city's website, on at least two separate dates (20 and two days, respectively) prior to each election or recall election, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council that have been reported to the city secretary prior to the dates of publication.~~

(b) ~~The city secretary shall also cause to be published in a newspaper of general circulation or on the city's website, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council reported to the city secretary following any election or recall election.~~

(c) ~~The city council shall provide sufficient resources to the city secretary to implement the mandate of this section.]~~

CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

SEC. 1. ANNUAL BUDGET ESTIMATE.

The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. ~~By~~ [On] the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.

SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

(a) Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance [~~and shall cause it to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate~~

~~that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication].~~ Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year.

(b) Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.

CHAPTER XII. POLICE DEPARTMENT

SEC. 4. DISCIPLINE OF POLICE; HEARING.

The chief of police shall have the right to discipline any of the officers or employees who may be under the chief's jurisdiction and control for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief of police. The chief of police may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of police shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have 10 [~~five~~] days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.

CHAPTER XIII. FIRE-RESCUE DEPARTMENT

SEC. 2. DUTIES.

The chief of the fire-rescue department shall:

(2) take all necessary measures to protect the city and the property of its residents [~~citizens~~] from destruction by fire or conflagration;

SEC. 9. DISCIPLINE OF FIREFIGHTERS AND OTHER FIRE-RESCUE DEPARTMENT PERSONNEL; HEARING.

The chief of the fire-rescue department shall have the right to discipline any officers or employees who may be under the chief's control and management for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. The chief of the fire-rescue department may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of the fire-rescue department shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have 10 [~~five~~] days from receipt of notice of a suspension, demotion, or discharge within which to demand a

Updated 9-11-24

hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.

CHAPTER XIV. FRANCHISES

SEC. 8. ACQUISITION BY EMINENT DOMAIN.

The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the residents [~~citizens~~] of Dallas. The procedure to be used in the acquisition of such property shall be that as set forth in Chapter 21 of the Texas Property Code, as amended, and other applicable state law. In valuing the property, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system. This power shall be in addition to and cumulative of any other powers of acquisition granted to or reserved by the city in a franchise ordinance.

CHAPTER XV. PLANNING AND ZONING

SEC. 3. ZONING COMMISSION.

The city council shall appoint 15 qualified voters of the City of Dallas who shall constitute the zoning commission of the City of Dallas^[5] and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. The mayor [~~city council~~] shall designate [~~name~~] one [~~of the~~] member[s] as to be the chair, subject to confirmation by the city council [~~and one to be the vice chair~~].

SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

(3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after [~~advertisement of and~~] a public hearing held thereon. [~~Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.~~]

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.

Updated 9-11-24

(b) The unclassified service shall include:

- (1) the directors of departments, assistant directors of departments, and other managerial personnel as designated by city council [~~rules of the board~~];
- (2) the municipal court clerk and the secretary of the civil service board; and
- (3) the labor class, which shall include all ordinary unskilled labor.

SEC. 6. BOARD TO PROVIDE FOR PROMOTIONS AND REASSIGNMENT IN THE CLASSIFIED SERVICE.

(a) The board shall provide for promotion to all positions in the classified service on the basis of merit and fitness demonstrated by examination or other appropriate evidences of competition and by records of merit, efficiency, character, conduct, and seniority.

(b) [~~The board shall also provide for incumbents of ranks or grades that have been eliminated by departmental reorganization:~~

- (1) ~~to be reassigned to other positions; and~~
- (2) ~~to receive no reduction in compensation for a period not to exceed two years.~~

(~~e~~) The board may, but is not required to, provide for reassignment in the case of:

- (1) reduction in force; [~~or~~]
- (2) removal or reduction for cause under standard civil service hearing and appeal procedures; or
- (3) departmental reorganization.

(~~d~~) ~~Subsection (b)(2) does not apply to a reassignment made under Subsection (e).~~

SEC. 7. HUMAN RESOURCES DEPARTMENT [~~BOARD~~] TO RECOMMEND [~~ESTABLISH~~] RULES GOVERNING CONDUCT.

It shall be the duty of the human resources department [~~board, in the code of rules and regulations approved by the council,~~] to recommend personnel [~~establish~~] rules to be adopted by city council that govern [~~governing~~] evaluation of conduct and performance and require [~~requiring~~] remedies for nonperformance for positions in the civil service.

SEC. 10. PROBATIONARY PERIOD.

(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A

Updated 9-11-24

probationer may be discharged, suspended or reduced within said period by the city manager, or the head of the department in which said probationer is employed without right of appeal. A probationary period served as a civilian employee will not satisfy the probationary period for a position in the sworn service with the police department or the fire-rescue department.

SEC. 11. EMPLOYEE ACTIONS AFTER PROBATION PERIOD.

(b) An officer or employee who has been disciplined by the head of any department under the city manager shall have 10 [~~five~~] days from receipt of notice of such action within which to demand, in writing, a hearing before the city manager. At the hearing, the city manager shall inquire into the cause of the disciplinary action and render a decision either affirming the action of the department head, setting aside the action of the department head, or directing the department head to enter a new order that the city manager determines is just and equitable. Notwithstanding any other provision of this Charter, the city manager is not limited in determining the extent of any discipline ordered. The decision of the city manager is final unless the disciplined officer or employee exercises any right to a public hearing before the trial board as provided by this Charter. This right of appeal does not apply to department directors, assistant department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service.

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS

SEC. 7. RESERVED. ~~PUBLICATION OF ORDINANCES.~~

~~The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city, unless otherwise provided by state law or this Charter, in which event the specific provisions shall be followed.]~~

SEC. 11. INITIATIVE AND REFERENDUM OF ORDINANCES.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the ordinance to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five residents [~~registered voters~~] of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 120 [~~60~~] days from this date, it will not be received for any purpose.

(2) The petition must contain the names of a number of qualified voters in the city equal to five [~~10~~] percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

SEC. 15. RESERVED. [~~PROMULGATION OF ORDINANCES BEFORE ELECTION.~~

~~Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in a newspaper of general circulation in the city and published once at least 10 days prior to election.]~~

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

SEC. 7. TAX LIEN; LIABILITY FOR TAXES.

A lien is hereby created on all property, personal and real, in favor of the City of Dallas, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from the earlier of 30 days after the tax is due or January 1 of [in] each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the tax assessor and collector may pursue such property, and whenever found may seize and sell enough thereof to satisfy such taxes.

In the event that personal property of the taxpayer is delivered into the actual or constructive possession of a receiver, trustee, or other person because of insolvency, bankruptcy, receivership or otherwise, before [between January 1 and the date that] the taxes are actually levied, then and in that event the amount of the taxes due shall be the same as was previously levied [~~for the prior year~~] for the same property and shall be secured by a lien in that amount.

All persons or corporations owning or holding personal property or real estate in the city from the date the lien exists [on the first day of January of each year] shall be liable for all municipal taxes levied thereon [~~for such year~~].

The personal property of all persons owing any taxes to the city is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

CHAPTER XXII. PUBLIC CONTRACTS

SEC. 2. CONTRACT LETTING.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. [~~Notice of the time and place when and where such contract shall be let shall be published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract.~~] Such contract shall be let to the lowest responsible bidder.

SEC. 3. RESERVED. [~~PUBLIC INSPECTION OF BIDS.~~

~~All bids submitted shall be sealed and shall be opened in a public place as directed by the city council, and in the presence of persons that may be designated by the city council, and shall remain open to public inspection for at least 48 hours before any award of said work is made to any competitive bidder. The provisions of this section regarding the retaining of bids 48 hours before awarding the work shall not apply to bids for the purchase of bonds.]~~

SEC. 4. EMERGENCY SPENDING, ETC.

The provisions regarding competitive bidding shall not apply in the following instances:

(1) In case of a public calamity where it becomes necessary to act at once to relieve the necessity of the residents [~~citizens~~] or to preserve the property of the city.

(2) Where it is necessary to preserve or protect the public health of the residents [~~citizens~~] of the city.

SEC. 10. RESIDENTS [~~CITIZENS~~] GIVEN PREFERENCE IN LETTING OF CONTRACTS.

Qualifications, prices and quality of material being equal, residents [~~citizens~~] and business firms of Dallas shall be given preference in the awarding of all contracts over which the city has jurisdiction, direct or indirect. This section shall not be construed so as to conflict with any provision of the Charter requiring competitive bidding.

CHAPTER XXIV. MISCELLANEOUS PROVISION

SEC. 22. PERFORMANCE DEADLINES.

If the last day for performance of an act is a Saturday, Sunday, or national, state, or local holiday, the act is timely if performed on the next regular business day.”

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?

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

Updated 9-11-24

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.

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?

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.

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?

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.

Updated 9-11-24

(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.

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?

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

Updated 9-11-24

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.

EXHIBIT 2

City of Dallas

*1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201*



ANNOTATED SPECIAL CALLED CITY COUNCIL MEETING

REVISED

November 19, 2024

9:22 A.M. – 12:07 P.M.

[24-1690; HELD]

VOTING AGENDA**City Secretary's Office**

1. Receive the report of the Ad Hoc City Council Canvassing Committee and adopt a resolution and order accepting the canvassing committee's report declaring the results of the November 5, 2024 special election held within the City of Dallas - Financing: No cost consideration to the City
[24-1691; APPROVED]

Mayor and City Council Office

2. Adoption of a resolution appointing ____ as Interim Inspector General, effective at the close of business on November 19, 2024, to serve until the City Council selects and appoints the Inspector General - Not to exceed \$____.00 - Financing: General Fund
[24-1692; APPROVED]

Adjournment

EXHIBIT 3

CHIEF'S UPDATE

DALLAS POLICE DEPARTMENT

November 19, 2024
Document: 24-0021

Departmental Personnel:

A Dallas City Council Special Session was held today regarding Charter Proposition R. This amendment prohibits 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 a part of a violent felony or felony narcotics investigation.

As a result of a full City Council majority vote, Charter Proposition R passed. Therefore, effective immediately, Dallas Police Officers will not enforce possession of marijuana, four ounces or less, or consider the odor of marijuana as probable cause for search and seizure, except as a part of a violent felony or felony narcotics arrest.

The current policy regarding possession of marijuana, two ounces or less, is now obsolete.

This Chief's Update serves as formal notification until the upcoming Roll Call Training Bulletin and General Order Update is released.

Regardless of your thoughts and/or opinions regarding the passing of this amendment, we must remain focused on our duties and obligations to the Dallas Police Department and the residents of the City of Dallas. It is crucial to maintain professionalism and composure, as you always represent this exceptional Police Department.

See the attached memorandum from Interim City Manager Tolbert and Charter Proposition R for a full description of the referenced amendment.

Issued by: Michael T. Igo
Interim Chief of Police