

Memorandum




CITY OF DALLAS

DATE April 1, 2010
TO The Honorable Mayor and Members of the City Council
SUBJECT Charter Amendment Process

Please find enclosed for Wednesday's briefing the materials for the Charter Amendment Process.

Please contact me should you have any questions.



THOMAS P. PERKINS, JR.
City Attorney

c: Mary K. Suhm, City Manager
Ryan S. Evans, First Assistant City Manager
Forest E. Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Deborah A. Watkins, City Secretary
Craig Kinton, City Auditor
The Honorable C. Victor Lander, Administrative Judge
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Helena Stevens-Thompson, Assistant to the City Manager



City Charter Amendment Process

City Council Briefing

April 7, 2010



Purpose

Describe applicable provisions of Texas Constitution, Texas Statutes and City Charter

Texas Constitution

(Art. XI, Sec. 5)

- Charter amendments require a majority vote of the qualified voters of the city, at an election held for that purpose
- Charters and amendments are subject to such limitations as may be prescribed by the legislature
- No charter may contain any provision inconsistent with the Texas Constitution or state law (Any home rule charter or ordinance provisions that conflict with subsequently adopted state laws are invalid)
- No city charter can be altered, amended, or repealed more often than every two years

Texas Statutes

CITY COUNCIL INITIATED ELECTION

- State law (Chapter 9, Local Government Code) authorizes the governing body of a municipality to submit proposed charter amendments to the voters for their approval at an election.
- The manner in which the city council determines which proposed amendments it wishes to consider is discretionary. For example, the Mayor can appoint an ad hoc committee to propose amendments for full council consideration or it can be assigned to an existing council committee.

Texas Statutes

- Recent prior proposed amendments:
 - The November 8, 2005 charter election considered amendments that were the result of joint meetings of the Finance and Audit Committee and Government and Minority Affairs Committee.
 - The charter amendment approved by the voters on May 5, 2001, was the result of the city council acting as a committee of the whole.
 - The Finance and Audit Committee was used to develop the charter amendments in May, 1993, and May, 1997.

Texas Statutes

PETITION INITIATED ELECTION

- A citizen petition procedure is also authorized
- The city council must submit a proposed charter amendment to the voters for their approval if it is supported by a petition signed by a number of qualified voters of the municipality equal to at least 5% of the number of qualified voters or 20,000, whichever is less.
- Under Chapter XVIII, Section 11 of the city charter, petitioners are required to file an intention to circulate a petition with the city secretary. The petitioners have 60 days from the date of filing of intent to collect the required signatures.



Texas Statutes

Applicable Election Law Provisions

- UNIFORM ELECTION DATE

- The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Texas Election Code.
- The uniform election dates are (i) the second Saturday in May, and (ii) the first Tuesday after the first Monday in November.
- The Texas Election Code requires the election to be ordered by the City Council at least 62 days before election day (70 days if election day is in November of an even-numbered year).

Texas Statutes

Applicable Election Law Provisions

- PUBLISH NOTICE OF ELECTION -- Notice of the election shall be published in a newspaper of general circulation published in the municipality, and must:
 - a. include a substantial copy of the proposed amendments; and
 - b. be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

- ONE SUBJECT PER PROPOSITION -- Each charter amendment may not contain more than one subject.

Texas Statutes

Applicable Election Law Provisions

- SEPARATE PROPOSITIONS -- The ballot must be prepared so that a voter may approve or disapprove any one or more amendments, without having to approve or disapprove all of the amendments.
- MAJORITY VOTE FOR ADOPTION -- A proposed amendment is adopted if approved by a majority of the qualified voters who vote at the election held for that purpose.

Texas Statutes

- **EFFECTIVE UPON COUNCIL ENTERING ORDER** -- Amendments take effect when the governing body of the municipality enters an order declaring the amendments adopted, unless subject to Justice Department clearance under the Voting Rights Act.
- **CONCURRENT ELECTIONS** -- An election to amend the charter may occur at the same election for persons to hold office under the amendment.
- **AMENDMENTS FILED WITH SECRETARY OF STATE** -- Following adoption, a certified copy of the charter amendments must be filed with the Secretary of State.
- **RECORD OF CHARTER** -- The city secretary shall record the adopted charter amendments on microfilm or in a book kept for that purpose.

City Charter

Charter Review Process (Ch. II, Sec. 3 adopted 2005)

- At intervals of not more than 10 years (the first to occur within 10 years of adoption of this section), the Charter shall be reviewed by a commission appointed by the City Council.
- Commission shall complete the review and report to the City Council within one year after its appointment.



Questions