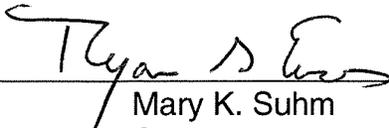


**SEPTEMBER 17, 2008 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated September 17, 2008. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

9-12-08
Date



Edward Scott
City Controller

9/12/08
Date

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2008 SEP 12 PM 6:33
CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

September 17, 2008

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)
(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE
DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on AT&T CityCable Channel 6B. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesia

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, SEPTEMBER 17, 2008
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

 Council Committee Update

VOTING AGENDA 6ES

1. Approval of Minutes of the September 3, 2008 City Council Meeting and the September 15, 2008 Council Budget Briefing
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

3. A resolution adopting policy guidelines for city officials who are board and commission members concerning the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment, and honoraria - Financing: No cost consideration to the City

Briefing 6ES

- A. FY 2008-09 Budget Amendments (if necessary)

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, SEPTEMBER 17, 2008

- Closed Session 6ES
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B
 - Robert Crider v. City of Dallas, Cause No. 07-03885-J
 - Legal issues regarding the maintenance and operation of DWU water pipelines in the City of Irving
 - Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B
 - Supplemental Agreement No. 2 with Moses, Palmer & Howell, L.L.P. in connection with the City's oil and gas leasing activities
 - Legal issues regarding the possession, operation, and management of the Samuell Farm and the W.W. Samuell Permanent Foundation also known as the Samuell Trust

Lunch - Cotton Bowl Improvements Tour

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA ITEM # 3

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 17, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

A resolution adopting policy guidelines for city officials who are board and commission members concerning the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment, and honoraria - Financing: No cost consideration to the City

BACKGROUND

The City Council has adopted a Code of Ethics, Chapter 12A, Dallas City Code, as amended, that provides general rules for the acceptance of gifts by city officials and employees. Section 12A-5(c)(6) at Chapter 12A, "CODE OF ETHICS," of the Dallas City Code, as amended, allows city officials and employees to accept gifts, tickets, meals, travel, lodging, entertainment, and honoraria in accordance with policies established by city council resolution. This policy sets forth guidelines to provide further guidance to city officials who are board and commission members regarding the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment and honoraria.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 17, 2008

WHEREAS, the City Council believes that public office should not be used for personal gain and that City officials should conduct themselves and operate with integrity and in a manner that merits the trust and support of the public;

WHEREAS, the City Council has adopted a Code of Ethics, Chapter 12A, Dallas City Code, as amended, that provides general rules for the solicitation and acceptance of gifts by city officials and employees;

WHEREAS, pursuant to state law, public servants may solicit and accept certain benefits, such as gifts, tickets, meals, travel, entertainment and honoraria, under limited circumstances and conditions; provided the benefit is not being offered, solicited, or accepted in exchange for the public servant's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant;

WHEREAS, in the course of the performance of official city duties, city officials who are members of certain boards and commissions with oversight responsibilities are encouraged to attend events that benefit city sponsored activities and city facilities;

WHEREAS, in the course of performance of city duties, certain board and commission members may receive, from time to time, unsolicited items of nominal value that do not constitute a benefit to the official, or attend functions in their official capacity as guest of the event sponsor, where meals, admissions, travel or entertainment is provided;

WHEREAS, it is necessary to provide practical guidance clarifying the circumstances under which the acceptance of certain benefits by city officials who are board and commission members is permissible in the performance of their city duties; **Now, Therefore,**

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

Section 1. That the attached policy guidelines regarding the solicitation and receipt of gifts, tickets, travel, lodging, entertainment and honoraria by city officials who are members of boards and commissions is hereby adopted.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of the Dallas, and it is accordingly so resolved.

GIFT POLICY FOR BOARD AND COMMISSION MEMBERS

The following outlines a revised and expanded policy governing the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment, and honoraria by city officials who are board and commission members.

GIFTS

The receipt of gifts should be evaluated against perceived conflicts or special considerations which could influence the ability of board and commission members to perform their official duties.

The receipt of certain gifts is allowed and includes:

1. Gifts having a nominal value received from citizens or persons or entities doing business with the city or seeking to do business with the city:
 - Non-cash gifts having a value of less than \$50.00 are acceptable. However, cumulative gifts from a single source in a calendar year may not exceed \$50.
 - Plaques, caps, key rings, mugs, tee shirts, fresh cut flowers given at public appearance, small amounts of perishable food given infrequently are acceptable.
2. Gifts received on behalf of the city, including ceremonial or protocol gifts given by governmental/international trade delegations are allowed. Any gift valued over \$250.00 must be reported and delivered to the city manager in accordance with Section 12A-22 of the Dallas City Code.
3. Gifts from a relative or a person with whom the board and commission member has a personal, professional or business relationship independent of the board and commission member's status with the city are allowed. This should always be used with discretion, realizing that the burden will fall on the city official to ensure that the narrow requirements of this exception are met.

Notwithstanding the above, a city official who is a member of a board or commission that: (1) has regulatory or appellate jurisdiction, (2) conducts inspections, investigations, or hearings in contested cases, or (3) grants or denies permits, licenses, waivers, variances, or zoning requests, may not solicit or accept any gift or benefit from a person the city official knows is interested in a matter before his or her board or commission, is appearing before his or her board or commission in a contested case, or is subject to regulation, inspection, or investigation by his or her board or commission.

A board and commission member may not accept any cash, check, or negotiable instrument from any person or representative of a person or entity who does business with or is seeking to do business with the city.

A board and commission member may not solicit or accept any gift or benefit received in exchange for taking official action or exercise of discretion.

This gift policy does not apply to political contributions received and reported in compliance with the Texas Election Code.

A board and commission member who receives an unsolicited benefit or gift that he or she is not allowed to accept, or does not wish to accept in order to avoid any appearance of impropriety, may donate the item to the city or another governmental entity that has the authority to accept the item or to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

COMPLIMENTARY TICKETS

The receipt of complimentary tickets to events must be evaluated along a number of parameters.

1. Board and commission members may receive tickets to functions where the city board and commission member is performing ceremonial duties or attending as a representative of the city.
2. Board and commission members are encouraged to support activities that benefit city facilities or city sponsored programs associated with and related to their respective board and commission functions and duties. Board and commission members may, in connection with their duties and responsibilities, accept tickets to fundraisers or charity events that benefit city facilities and programs under their jurisdiction. An example would be the acceptance of tickets by a member of the Park Board to the Dallas Zoo's annual fundraiser, "Zoo To Do."
3. The city owns and operates a number of facilities. It also contracts with non-profit entities to manage or operate city facilities or conduct events on behalf of the city. Examples would include, the State Fair, Arboretum, Dallas Museum of Art, Dallas Summer Musicals, South Dallas Cultural Center, and Latino Cultural Center. It is the responsibility of certain boards and commissions to assess the management and operation of city-owned facilities within their jurisdiction and to oversee city sponsored events associated with and related to their respective board and commission duties and functions, and, consequently, board and commission members are encouraged to attend events at the city-owned facilities for which they have oversight responsibilities.

Therefore, board and commission members may receive tickets to events and facilities for which they have oversight responsibilities, subject to availability as determined in the sole discretion of the event sponsor, under the following guidelines:

- No more than 4 tickets per event, and either the board and commission member, his or her spouse, domestic partner, or significant other must be in attendance at the event.
 - Tickets cannot be sold.
 - Tickets cannot be transferred, except that board and commission members may transfer their tickets to another board and commission member with oversight responsibilities related to the event or facility.
 - If the number of available tickets is limited as determined by the event sponsor, the total number of tickets shall be distributed among board and commission members on an equitable basis.
 - Complimentary annual memberships, individual or family, to city owned facilities that are operated or managed by a non-profit organization on behalf of the city may be given to board and commission members who exercise oversight responsibilities with respect to the facility.
 - Board and commission members who have oversight responsibility for an event or a facility at which an event is conducted may accept blocks of promotional complimentary tickets to the event for distribution (in accordance with any requirements set forth by the event sponsor) to the general public, educational or civic organizations, or neighborhood groups; provided the tickets are unsolicited and given by the sponsor to the board and commission member for purpose of encouraging the attendance of the general public at the event. If permitted by the event sponsor, the board and commission member may retain no more than 4 of the promotional complimentary tickets for his or her own personal use.
4. In cases where the city contracts with a for-profit entity over which the city council does not have oversight responsibilities (examples: American Airlines Center, Superpages.com Center), board and commission members may request tickets to events, but board and commission members are required to purchase these tickets at face value. Complimentary tickets to events are not permitted.
 5. Gifts and complimentary tickets having an aggregate value of more than \$250 must be reported or disclosed in accordance with Chapter 176 of the Local Government Code and Chapter 12A of the Dallas City Code, if applicable.

MEALS, TRAVEL, LODGING, OR ENTERTAINMENT

Board and commission members may accept meals, travel, lodging, or entertainment under the following conditions:

1. The board and commission member is a guest.
2. The donor or host must be present at the meal, lodging, travel, or entertainment. Meals, lodging, travel or entertainment from a person who does business or is seeking to do business with the city when the donor or host is not present is not acceptable.

3. Any applicable reporting or disclosure requirements are met.

Notwithstanding the above, a city official who is a member of a board or commission that: (1) has regulatory or appellate jurisdiction, (2) conducts inspections, investigations, or hearings in contested cases, or (3) grants or denies permits, licenses, waivers, variances, or zoning requests, may not accept meals, travel, lodging, or entertainment from a person the city official knows is interested in a matter before his or her board or commission, is appearing before his or her board or commission in a contested case, or is subject to regulation, inspection, or investigation by his or her board or commission.

HONORARIUMS

Any honorarium (cash payment or in-kind gift, except for a plaque) in consideration for services which a city official would not have been requested to provide but for his/her official status is prohibited. Exception: Board and commission members may accept or be reimbursed for travel, lodging and meal expenses in connection with a conference or similar event where the board and commission member is a speaker or presenter because of his or her official position.

Any applicable reporting requirements must be met.