

ORDINANCE NO. _____

An ordinance amending Chapter 2, “Administration”; Chapter 12A, “Code of Ethics” Chapter 13, “Courts, Fines, and Imprisonments”; Chapter 15B, “Equal Employment Opportunity Contract Compliance”; Chapter 34, “Personnel Rules”; Chapter 37, “Police”; Chapter 43, “Streets and Sidewalks”; Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression”; and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 2-121, 2-152.4, 2-163, 2-164, 12A-5, 13-5.1, 13-5.2, 15B-1, 15B-3, 34-35, 37-31, 37-36, 43-172, 46-1, 51A-3.102, and 51A-3.103; providing updated definitions; providing that appointees to boards and commissions must reflect the community served by the city; providing that nominees to the technical resource panel are recommended by the Office of Housing and Community Empowerment; providing for the use of vehicle fees and ride fees under the shared dockless vehicle program; providing an updated declaration of policy relating to unlawful discriminatory practices; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

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

SECTION 1. That Subsection (b) of Section 2-121, “Technical Resource Panel,” of Article XII, “Environmental Commission,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(b) Each member of the technical resource panel must have at least four years of experience in one of the eight sectors of the CECAP, causing each sector to be represented on the panel. Additionally, appointments to the panel must, to the extent possible, be representative of the community served by [~~ethnic diversity of~~] the city.”

SECTION 2. That Subsection (a) of Section 2-152.4, “Technical Resource Panel,” of Article XXI-a, “Commission on Disabilities,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(a) There is hereby created a technical resource panel to be comprised of eight members appointed by the city council to serve as non-voting technical members of the commission on disabilities.

(1) The technical resource panel is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.

(2) The city manager may nominate members of the first technical resource panel, as recommended by the Office of Housing and Community Empowerment [~~Equity and Inclusion~~] for approval by the full council.

(3) Following the initial appointments, future technical resource panel members may be nominated by the city manager, as recommended by the Office of Housing and Community Empowerment [~~Equity and Inclusion~~], through consultation with the commission on disabilities, for approval by the full council.”

SECTION 3. That Subsection (b) of Section 2-152.4, “Technical Resource Panel,” of Article XXI-a, “Commission on Disabilities,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(b) Each member of the technical resource panel shall be an individual with at least four years of experience in disability matters and shall share a commitment to the goals of the commission on disabilities. Additionally, appointments to the panel must, to the extent possible, be representative of the community served by [~~ethnic diversity of~~] the city.”

SECTION 4. That Subsection (c) of Section 2-163, “Special Qualifications for Adjunct Members of the Civil Service Board,” of Article XXVIII, “Civil Service Board; Adjunct Members; Administrative Law Judges,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(c) The city council shall, as nearly as may be practicable, appoint adjunct members of the civil service board that reflect the community served by the city [~~are representative of the racial, ethnic, and gender makeup of the city’s population~~].”

SECTION 5. That Subsection (b) of Section 2-164, “Administrative Law Judges: Appointment; Qualifications; Termination of Contract,” of Article XXVIII, “Civil Service Board; Adjunct Members; Administrative Law Judges,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(b) The judicial nominating commission shall recommend as administrative law judges persons selected from applicants responding to an open, public request for proposals for professional services. The judicial nominating commission shall review the applications and resumes, research applicant qualifications, and interview the applicants. If a vacancy occurs within 120 days after the appointment of any administrative law judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any administrative law judge position that was filled within the preceding 120 days. The judicial nominating commission shall, as nearly as may be practicable, recruit and recommend as administrative law judges persons who reflect the community served by the city [~~are representative of the racial, ethnic, and gender makeup of the city’s population~~].”

SECTION 6. That Section 12A-5, “Anti-Discrimination,” of Division 1, “Code of Conduct,” of Article II, “Code of Conduct; Actions of Others; and Ethics Commitments,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“SEC. 12A-5. ANTI-DISCRIMINATION.

Excluding anyone from our community based on their race, ethnicity, color, age, religion, marital or parental status, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions or affiliations, or any other legally protected characteristic or status diminishes us and compromises our ability to fulfill our mission. Discrimination against others based on [~~any of these factors, or any other~~] legally protected classifications[;] is prohibited. Discriminatory harassment and other offensive acts include any conduct, whether verbal, visual, or physical, that creates an abusive and hostile work environment, or that has the purpose or effect of interfering with an employee's work performance or development.”

SECTION 7. That Subsection (d) of Section 13-5.1, “Judicial Nominating Commission Created,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code is amended to read as follows:

“(d) The commission must reflect, as nearly as practicable, the community served by the city [~~racial, ethnic, and gender makeup of the city’s population~~].”

SECTION 8. That Subsection (b) of Section 13-5.2, “Judicial Nominating Commission Duties and Responsibilities; Selection of Municipal Judges,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code is amended to read as follows:

“(b) The ad hoc judicial nominations committee of the city council shall provide to the judicial nominating commission minimum qualifications and evaluation guidelines for assessing applicants for a vacancy in the office of municipal judge and a time schedule for recommending nominees. The guidelines must include appropriate goals for achieving a reflection of the community served by the city [~~sufficient racial, ethnic, and gender diversity~~] within the municipal court of record. Each associate and full-time municipal judge, including the administrative municipal judge, shall reside in the city of Dallas within four months after the date of appointment and throughout his or her term as a municipal judge for the city of Dallas.”

SECTION 9. That Section 15B-1, “Definitions,” of Chapter 15B, “Equal Employment Opportunity Compliance,” of the Dallas City Code is amended to read as follows:

“SEC. 15B-1. DEFINITIONS.

In this chapter:

(1) [~~AFFIRMATIVE ACTION means the positive steps taken to ensure compliance with the equal employment opportunity clause described in Section 15B-3 of this chapter.~~

(~~2~~) BIDDER means any person, partnership, corporation, association, or joint venture seeking to be awarded a contract.

(~~2~~[3]) CITY MANAGER means the city manager of the city of Dallas or the city manager's designated representative.

(~~3~~[4]) CONSTRUCTION CONTRACT means any public contract for the construction, rehabilitation, alteration, conversion, extension, or repair of city facilities.

(~~4~~[5]) CONTRACTOR means any person, partnership, corporation, association, or joint venture that has been awarded a contract by the city.

(~~5~~[6]) DISCRIMINATE, DISCRIMINATES, OR DISCRIMINATION means to distinguish, differentiate, separate, or segregate solely on the basis of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations in a manner inconsistent with federal law.

(6[7]) SEXUAL ORIENTATION has the meaning assigned to it in Chapter 34 of the Dallas City Code, as amended.”

SECTION 10. That Section 15B-3, “Equal Employment Opportunity Clause,” of Chapter 15B, “Equal Employment Opportunity Compliance,” of the Dallas City Code is amended to read as follows:

“SEC. 15B-3. EQUAL EMPLOYMENT OPPORTUNITY CLAUSE.

(a) All construction contracts entered into by the city involving the expenditure of more than \$10,000 of city funds and all competitively bid contracts for the procurement of goods and services involving an expenditure of more than \$50,000 of city funds must incorporate an equal employment opportunity clause, which reads as follows:

(4) The contractor shall not discriminate against any employee or applicant for employment because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliation, consistent with applicable laws. The contractor shall prohibit discrimination regarding, ~~[take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, age, color, religion, sex, sexual orientation, or national origin. This action shall include,]~~ but not ~~[be]~~ limited to, the following:

- (1[A]) employment, upgrading, demotion, or transfer;
- (2[B]) recruitment or recruitment advertising;
- (3[C]) layoff or termination;
- (4[D]) rates of pay or other forms of compensation; and
- (5[E]) selection for training, including apprenticeship.

(b[2]) The contractor agrees to post in conspicuous places, available to employees and applicants, notices to be provided by the city setting forth the provisions of the nondiscrimination clause described in Subsection (a[1]) of this section. The city will provide notices setting forth the provisions of the nondiscrimination clause described in Subsection (a) for contractors to post in conspicuous places.

(c[3]) The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractor state that every qualified applicant will receive consideration for employment without regard to race, age, color, religion, sex, sexual orientation, or national origin.

(d[4]) The contractor shall furnish all information and reports required by the city manager and shall permit the city manager to investigate the contractor's payrolls and personnel records that pertain to current contracts with the city for purposes of ascertaining compliance with this equal employment opportunity clause.

(e[5]) The contractor shall file compliance reports with the city as may be required by the city manager. Compliance reports must:

(1[A]) be filed within the required time period;

(2[B]) contain information as to the employment practices, policies, programs, and statistics of the contractor; and

(3[C]) be in the form that the city manager prescribes.

(f[6]) If the contractor fails to comply with this equal employment opportunity clause, it is agreed that the city, at its option, may do either or both of the following:

(1[A]) Cancel, terminate, or suspend the contract in whole or in part.

(2[B]) Declare the contractor ineligible for further city contracts until the contractor is determined to be in compliance.

(g[7]) Nothing in the [~~this~~] equal opportunity clause requires that employee benefits be provided to an employee for the benefit of the employee's domestic partner."

SECTION 11. That Section 34-35, "Fair Employment Practices," of Article V, "Rules of Conduct," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"SEC. 34-35. FAIR EMPLOYMENT PRACTICES.

(a) City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations, nor shall city management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories, consistent with applicable laws. Nothing in this subsection extends any employee benefits, including but not limited to paid or unpaid leave, medical benefits, or pension benefits, to any individual who is ineligible for those benefits under any other provision of this chapter, the city's master health plan, the employees' retirement fund program, or the police and fire pension system or under any other city ordinance or resolution or state or federal law.

(b) City management may not limit, segregate, or classify employees or applicants for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an employee's status because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations consistent with applicable laws."

SECTION 12. That Subsection (a) of Section 37-31, "Board Created; Appointment; Term; Meetings," of Article III, "Community Police Oversight Board," of Chapter 37, "Police," of the Dallas City Code is amended to read as follows:

"(a) There is hereby created the community police oversight board (the "board") to be composed of 15 members. Each city council member shall appoint one member to the board. It is the intent of the city council that the membership of the board be representative of the community served by [~~diversity of~~] the city."

SECTION 13. That Subsection (b) of Section 37-36, "Technical Resource Panel," of Article III, "Community Police Oversight Board," of Chapter 37, "Police," of the Dallas City Code is amended to read as follows:

"(b) Each member of the technical resource panel shall be an individual with at least 10 years of law enforcement experience in a recognized local, county, state, or federal law enforcement agency and, to the extent possible, appointments to the technical resource panel will be representative of the community served by [~~ethnic diversity of~~] the city and will include individuals with substantial patrol officer experience."

SECTION 14. That Section 43-172, "Vehicle Fee and Ride Fee," of Article X, "Shared Dockless Vehicle Operating Permit," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"SEC. 43-172. VEHICLE FEE AND RIDE FEE.

(a) An operator shall pay an annual vehicle fee of \$35 for each permitted shared dockless vehicle [~~with \$5 from the annual vehicle fee dedicated to equity programs~~].

(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a shared dockless vehicle.

(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage [~~equity in the~~] distribution of shared dockless vehicles throughout the city.

(d) City council must review the fees in this article by June 22, 2024."

SECTION 15. That Section 46-1, “Declaration of Policy,” of Article I, “General,” of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression,” of the Dallas City Code is amended to read as follows:

“SEC. 46-1. DECLARATION OF POLICY.

(a) It is the policy of the city of Dallas to bring about through fair, orderly, and lawful procedures the opportunity for every person to obtain employment, access to all places of public accommodation, and housing, without regard to sexual orientation or gender identity and expression, consistent with all applicable laws. The city of Dallas is proud of the diversity of its employees, as reflected in Section 34-35 of this Code, and is proud of the diversity of its citizens. The city strongly encourages all entities within the city, including those who are excepted from the requirements of this chapter, to recognize the rights of every individual to work and earn wages through gainful employment, to obtain and enjoy goods, services, facilities, privileges, advantages, and accommodations in all places of public accommodation, and to obtain housing.

(b) The denial or deprivation of these rights because of a person's actual or perceived sexual orientation or gender identity and expression is detrimental to the health, safety, and welfare of the citizens of Dallas and is within the power and responsibility of the city to prevent consistent with all applicable laws.”

SECTION 16. That Subsection (a), “Creation; Membership; Appointment,” of Section 51A-3.102, “Board of Adjustment,” of Article III, “Administrative and Decisionmaking Bodies,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) Creation; membership; appointment. There is hereby created the board of adjustment which shall consist of 15 members who are residents of the city. Each city council member shall appoint one member to the board. The chair and two vice-chairs shall be appointed by the mayor from among the board members. The city secretary shall divide the board into panels of five members each. A board member may serve only on the panel to which he or she is assigned. To the greatest extent practicable, the panels must reflect the community served by [~~geographic and ethnic diversity of~~] the city. The chair and vice-chairs shall act as presiding officers of the panels. Members serve for two-year terms beginning on October 1 of odd-numbered years and shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. The city council may appoint six alternate members to the board who serve in the absence of one or more regular members when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as in the regular membership.

SECTION 17. That Paragraph (2) of Subsection (a), “Creation; Membership; Appointment,” of Section 51A-3.103, “Landmark Commission,” of Article III, “Administrative and Decisionmaking Bodies,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) The city council shall solicit for consideration nominees for appointment to the landmark commission from, but not limited to: the Dallas County Historical Commission; the Dallas County Heritage Society; the Dallas chapter of the American Institute of Architects; the Dallas Historical Society; the Dallas chapter of the American Planning Association; the Dallas chapter of the American Society of Landscape Architects; the Dallas Bar Association; the North Texas Chapter of the Appraisal Institute; the city plan commission; Preservation Dallas; Black Dallas Remembered; the African-American Museum; ACAL de Mexico; the Dallas Black Chamber of Commerce; the Dallas Hispanic Chamber of Commerce; the Greater Dallas Asian American Chamber of Commerce; the local Urban Land Institute Section; the Dallas Real Estate Council; the CCIM Commercial Real Estate Network; the Board of Realtors; and such other individuals and organizations experienced in historic preservation. The membership of the landmark commission must, as nearly as may be practicable, reflect the community served by ~~[racial and ethnic makeup of]~~ the city~~’s population~~.”

SECTION 18. That Chapters 2, 12A, 13, 15B, 34, 37, 43, 46, and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 19. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 20. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 21. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By _____
Assistant City Attorney

Passed _____