

# Memorandum



CITY OF DALLAS

DATE October 22, 2021

TO Honorable Chair and Members of the Government Performance and Financial Management Committee

SUBJECT **Responses to Questions– September 27, 2021 GPFM Council Committee Meeting**

On Monday, September 27, the Government Performance and Financial Management (GPFM) Committee was briefed on the recent City Auditor's Boards and Commissions (B&C) Audit, dated August 4, 2021. This memorandum will respond to the various comments shared by the Committee during the briefing.

We agree with the City Auditor's findings that there are opportunities to reduce the splintering of roles so that members of the boards and commissions receive the support and clarity they need to be successful. The September 27, 2021, GPFM Committee discussion underscored what the City Auditor referred to as "fragmentation of roles and responsibilities."

- City Secretary – Receives and processes applications for completeness, places items on Council Agenda for action, notifies appointee of appointment, emails a link to compliance training: Ethics and Open Meetings Act trainings
- City Manager – Ensures appointees meet qualification requirements; receives annual reports and distributes to the Mayor and City Council Office
- City Attorney – Reviews conflicts of interest, prepares bylaws
- Mayor and City Council – Appoints boards and commissions members
- Boards and Commissions – Approves mission, bylaws and annual reports
- Board Coordinators – Within appropriate department, schedules meetings, manages budget, provides board/commission-specific additional orientation/training, may vary across boards and commissions, posts annual reports, bylaws and minutes

The oversight and management of boards and commissions should be housed within one of the following three departments: (1) City Manager's Office; (2) the City Secretary's Office or (3) the Mayor and City Council Office, with appropriate staff to ensure efficiency and compliance. The role of reviewing conflicts of interest and bylaws support would remain with the City Attorney. The single oversight department would oversee the following: application processing, qualifications compliance, budget management, board coordinators, annual report, mission, bylaws and minutes posting, and orientation/training oversight. Training should be robust, and members should be tested on their knowledge of the appropriate ethics codes and compliance. The new structure would look like this:

- Single Department (CMO, CSO or MCC)
  - Receives and processes applications for completeness, places items on Council Agenda for action, notifies appointee of appointment, emails a link

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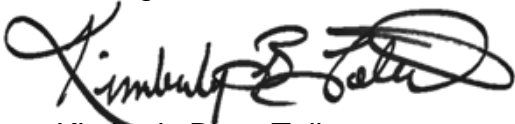
- to compliance training: Ethics and Open Meetings Act trainings, ensures appointees meet qualification requirements; receives annual reports and distributes to Mayor and City Council Office
  - *Board Coordinators* – Within appropriate department and reporting to a single department, schedules meetings, budget management, provides board/commission-specific additional orientation/training, may vary across boards and commissions, posts annual reports, bylaws and minutes
  - *Boards and Commissions* – Approves mission, bylaws and annual reports
- City Attorney – Reviews conflicts of interest, prepares bylaws
- Mayor and City Council – Appoints boards and commissions members

The Mayor and City Council make appointments to the boards and commissions. The City Auditor recommended the Director of the Mayor and City Council Office develop procedures to ensure the racial and ethnic membership of boards and commissions reflect the racial and ethnic make-up of the City's population, as nearly as possible. The Mayor and City Council Office Director does not have a statutory role in the City Charter for Boards and Commissions, and further, 15A Reporting of Gifts and Donation compliance reporting. Staff will defer to the City Council regarding any revisions in the Charter as to how the reporting of gifts and donation process is handled. Please keep in mind that without this role, we are unclear how effective it would be for this role to develop such procedures given the nature of these appointments.

We appreciate the work of the City Auditor and again agree that there are numerous opportunities to reduce fragmentation of roles in order to limit confusion and provide greater support and clarity of roles to the members of the boards and commissions. Included with this memorandum is an appendix section that addresses the questions that were raised at the previous meeting. Staff looks forward to additional feedback during the GPFM Committee meeting on Monday, October 25

Should you have any questions or concerns, please contact me.

Putting Service First,



Kimberly Bizor Tolbert  
Chief of Staff to the Manager

c: T.C. Broadnax, City Manager Chris Caso, City Attorney Mark Swann, City Auditor Biliera Johnson, City Secretary Preston Robinson, Administrative Judge Majed A. Al-Ghafry, Assistant City Manager	Jon Fortune, Assistant City Manager Joey Zapata, Assistant City Manager Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services M. Elizabeth Reich, Chief Financial Officer M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion Directors and Assistant Directors
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Appendix

**1. What department monitors if boards and commissions are staying within their purview?**

The Mayor and City Council make appointments to 52 boards and commissions that provide direction and recommendations for City operations. The chair of each board or commission should be preceding over all meetings and ensuring all members follow the [Dallas City Code Chapter 8](#). In addition, attorneys are present in each meeting and ensure B&C are adhering to the posted agenda items. The City Manager's Office will work in coordination with the councilmember who appointed the chair to ensure compliance from members or address any member that is not following proper procedures that may result in forfeiture of position.

**2. The audit specified the following boards and commissions as not having by-laws: Animal Advisory Commission, Citizen Homelessness Commission, Martin Luther King Jr. Community Center Board, South Dallas/Fair Park Opportunity Fund Board and Youth Commission. Since the meeting, here are our findings:**

By-laws are not required per the charter and do not define the effectiveness of a B&C. As they offer an extra layer of accountability, each coordinator has responded that they will discuss with the chair of their assigned board or commission. Chapter 8 establishes a purpose approved by our policymaking body including duties and privileges of members, attendance, meeting times, quorum, etc.

- Animal Advisory Commission: Bylaws were adopted by the state on August 4, 2016. All animal commissions follow these, they are not separated by city. They also use Chapter 8 as guidance.
- Citizen Homelessness Commission: Chair King will work to develop by-laws with board.
- Martin Luther King Jr. Community Center Board
  - Currently, this board uses Chapter 8 as a guide to the functionality of the Advisory Board and to ensure they are adhering to protocols set forth in the City Charter. The Advisory Board has a mission. They will add a discussion and voting item to the October meeting agenda for the creation of the Vision and By-Laws.
- South Dallas/Fair Park Opportunity Fund Board
  - The SDFPOF was approved by ordinance, which describes board composition, and follows a program statement (approved by City Council) that defines what and where the board can fund projects and programs. (Link to program statement is here, which also has the ordinance reference

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<http://www.dallasecodel.org/DocumentCenter/View/2286/Southern-DallasFair-Park-Opportunity-Fund-Program-Statement-62718-PDF>)

- Youth Commission
  - Mission is posted on the B&C website. In addition, events, updates, and past meeting materials of the commissioners are available through their citywide publication: <https://www.dallasyouthcommission.com/>.

**3. The audit specified the following boards and commissions as not having completed a survey: Community Police Oversight Board, Dallas Central Appraisal District Board, Fire Code Advisory and Appeals Board, Housing Finance Corporation Board and Municipal Library Board. Here are the findings:**

The auditor's office was using an August 28, 2020 City of Dallas Board and Commission Members Report to send emails to the responsible coordinators for each board or commission. Therefore, some current coordinators did not receive a request for the survey until our office inquired. That included: Municipal Library Board, and the Fire Code Advisory and Appeals Board was sent to an incorrect email.

The City Manager's Office updates the current coordinator list and provides to the City Secretary's Office, that list is posted [here](#).

Housing Finance Corporation and the Community Police Oversight Board did not submit the original requests due to staff transition. Since the coordinators were contacted by my office, all surveys have since been submitted.

- Community Police Oversight Board: 10/8/2021
- Dallas Central Appraisal District Board:
  - The Dallas Central Appraisal District is not a board or commission of the City of Dallas. They are a political subdivision of the State of Texas created by the Texas Legislature in 1979. As such, they will not be completing a survey. The auditor's office received this response in September 2020.
- Fire Code Advisory and Appeals Board: submitted 10/7/2021
- Housing Finance Corporation Board: submitted 9/29/2021
- Municipal Library Board: 9/29/2021