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News

Measure 37 ordinance passed

Local law helps Dallas cope with land-use complaints

By [Erin Zysett](#)

DALLAS -- The Dallas City Council approved the final draft of its Measure 37 ordinance Dec. 20.

Measure 37 is the controversial land use/reimbursement law passed in November.

The ordinance creates guidelines that allow the city to process Measure 37 claims, City Attorney Mark Irick said.

Irick drafted the ordinances for Dallas and Monmouth. He believes Dallas' is unique.

For instance, Dallas requires a free consultation with potential claimants to determine if the claim meets all the legal requirements.

After the consultation, if the claimant decides to proceed, he or she will have to make a \$1,000 deposit.

That deposit will be held until the claim is processed and all the man hours and other costs are figured.

If the total cost of processing the claim is less than \$1,000, the claimant receives the balance.

If the total cost is greater than \$1,000, the city sends a bill to the claimant for the difference.

The reason for this deposit system is to allow the city to protect its financial resources without overcharging claimants for the amount of work being done, City Manager Roger Jordan said.

"We wanted it to be fair and as user friendly as possible, while not overburdening limited resources."

Once a claim is filed, every city staff member (including City Attorney Irick) will track every hour they spend processing the claimant's paperwork.

"We are doing it this way because we don't know how much one of these claims will cost us to process. We've never done one before," Irick said.

City officials said once the city staff processes a few claims, the overall cost would become clearer and they would be able to adjust the deposit system.

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"We didn't want the fees to be a roadblock, but the extra cost has to be made up somewhere. It isn't unusual for the city to charge for that sort of thing," Jordan said.

Some other quirks to the Dallas ordinance. Claimants have to pay for their own appraisal. But Dallas pays for its own if the city council deems it necessary.

However, if there are great discrepancies between the two appraisals and the claim goes to court, the city reserves the right to charge the claimant for additional appraisals if the claimant loses.

If the claimant wins in court, the city reserves the right to revisit the original claim and waive the offending ordinance in lieu of paying the reimbursement.

"In truth, we don't know how any of this is going to play out in court," Irick said. "This is a poorly written measure that we are trying to make work."

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