



# GARLAND

## NOTICE OF MEETING CITY OF GARLAND, TEXAS

### CHARTER REVIEW COMMITTEE

Work Session Room of City Hall  
200 N. Fifth Street  
Garland, Texas  
November 28, 2023 at 6:30 p.m.

A meeting of the Charter Review Committee of the City of Garland, Texas will be held at the aforementioned location, date, and time to discuss and consider the following agenda items:

#### AGENDA:

#### 1. APPROVAL OF MINUTES

- a. Approval of the minutes from the November 14, 2023, meeting.

#### 2. PUBLIC COMMENTS

Persons who desire to address the Committee on any item on the agenda are allowed three minutes to speak. Testimony may be held until the item is considered or given at the beginning of any committee meeting. Invited testimony may also occur at any time, subject to a request of the Member of the Committee and with the approval of the Committee Chairperson.

#### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

- a. Consider changes for Council Item 14, Article XI, Section 4, related to revising the powers granted to Council related to Planning and Zoning matters.
- b. Consider changes for composition specifications of Boards and Commissions, including Article XI, Section 1, related to composition of Plan Commission.
- c. Consider changes for Article III, Section 2, related to qualification of City Council members.
- d. Consider changes related to gender neutral language.

**4. FUTURE AGENDA ITEMS**

**5. ADJOURN**

**NOTE:** A quorum of the City Council may be in attendance and may or may not participate in the discussions of the Committee or board.



**GARLAND**

**Charter Review Committee Agenda**

**1. a.**

**Meeting Date:** 11/28/2023

**Item Title:** Approval of the minutes from the November 14, 2023, meeting.

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**Summary:**

Approval of the minutes from the November 14, 2023, meeting.

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## GARLAND

### Charter Review Committee Agenda

3. a.

Meeting Date: 11/28/2023

Item Title: Consider changes for Council Item 14, Article XI, Section 4, related to revising the powers granted to Council related to Planning and Zoning matters

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#### Summary:

Consider changes for Council Item 14, Article XI, Section 4, related to revising the powers granted to Council related to Planning and Zoning matters.

#### Background/Additional Information:

Original Language:

Article XI, Section 4:

§ 4 Zoning.

~~For the purpose of promoting health, safety, morals or the general welfare of the community, the Council is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.~~

~~Such regulations shall be made in accordance with the Comprehensive Plan and be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health or the general welfare.~~

Proposed Language:

The City shall have all authority and power in matters of zoning the City of Garland and to pass any necessary ordinance, rule, or regulation to enforce those powers, including which are all matters conferred by the statutes of the State of Texas and various legislative acts supplementary to or amendatory thereof. Any regulations of the City passed under this authority, including but not limited to the Garland Development Code, as amended, shall be made in accordance with the authority and powers referenced herein.

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## GARLAND

### Charter Review Committee Agenda

3. b.

**Meeting Date:** 11/28/2023

**Item Title:** Consider changes for composition specifications of Boards and Commissions, including Article XI, Section 1, related to composition of Plan Commission

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#### **Summary:**

Consider changes for composition specifications of Boards and Commissions, including Article XI, Section 1, related to composition of Plan Commission.

#### **Background/Additional Information:**

Proposed Language:

Article XI, Section 1:

§ 1 Plan Commission.

(A) There shall be a Plan Commission composed of nine (9) commissioners who reside in the City of Garland. Eight (8) of the commissioners shall reside in the eight (8) Council districts, respectively, while one (1) commissioner may reside anywhere within the corporate limits of the City. Eight of the commissioners shall each be respectively nominated by the Councilmember from the district in which that commissioner resides, and the at-large commissioner shall be nominated by the Mayor. All nominations shall be subject to and continue until confirmation by a majority vote of the Council.

(B) None of such commissioners shall hold any other public office or position in the City while serving on the Plan Commission.

(C) The Plan Commission shall elect its chairman from among its members. Five of the commissioners shall constitute a quorum. The commissioners shall adopt such rules and regulations as they deem best governing actions, proceedings, deliberations, and time and place for meetings.

(D) A commissioner shall serve a term beginning with the date appointed and qualified by the Council and ending when the member of the Council who nominated that commissioner leaves office. The term for the at-large commissioner shall likewise correspond to the term or service in office of the Mayor.

(E) If a vacancy occurs upon the Plan Commission, the Councilmember from the affected

district, or the Mayor, as the case may be, shall nominate a commissioner, subject to confirmation by a majority vote of the Council, to fill the unexpired term.

(F) Each commissioner shall have been a resident in that commissioner's respective district for a period of at least one (1) year prior to appointment and shall consecutively so reside during the commissioner's term. The at-large commissioner shall have been a resident of the City for at least one (1) year prior to appointment and shall consecutively so reside during that commissioner's term.

(G) At the beginning of each commission term, the Plan Commission shall determine its own rules and order of business by a majority vote of five (5) of the commission. These rules may be amended as required at any time during the term by a majority vote of five (5) of the commission.

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## GARLAND

### Charter Review Committee Agenda

3. c.

**Meeting Date:** 11/28/2023

**Item Title:** Consider changes for Article III, Section 2, related to qualification of City Council members

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#### **Summary:**

Consider changes for Article III, Section 2, related to qualification of City Council members.

#### **Background/Additional Information:**

Article III, Section 2

Original Language:

§ 2 Qualifications.

Each member of the Council shall, in addition to the other qualifications prescribed by law, be, at the date of his or her election, a qualified voter of the City and shall not be in arrears in the payment of municipal taxes, municipal utility charges or any other lawful monetary obligation to the City. A member of the Council ceasing to reside in the City or if convicted of a felony or Class A misdemeanor shall immediately forfeit his or her office.

Proposed Language:

§ 2 Qualifications.

Each member of the Council shall, in addition to the other qualifications prescribed by law, be, at the date of his or her election, a qualified voter of the City and shall not ~~be in arrears in the payment of municipal taxes, municipal utility charges or any other lawful monetary obligation to the City~~ **have been previously convicted of a felony**. A member of the Council ceasing to reside in the City or if convicted of a felony ~~or Class A misdemeanor~~ shall immediately forfeit his or her office.

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## GARLAND

### Charter Review Committee Agenda

3. d.

**Meeting Date:** 11/28/2023

**Item Title:** Amending the Charter to provide for gender neutrality, deletion and correction of obsolete incorrect citations, references, titles of city officials, and correction of typographical errors

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#### **Summary:**

Consider changes related to gender neutral language.

#### **Background/Additional Information:**

This was a proposition that was part of the 2017-2018 Charter Review. On the ballot it was Proposition A, which was approved:

“Amending the Charter to provide for gender neutrality, deletion and correction of obsolete incorrect citations, references, titles of city officials, and correction of typographical errors.”

Most grammatical changes were made at that time. Should the committee wish to recommend general language the following is presented for consideration.

Proposed Language:

Article XVII, Section 18

This would be a new section – the last one of the entire charter. Article XVII is “Miscellaneous Provisions,” so I think that would work.

#### **§ 2 Gender.**

Within this Charter, words of any gender shall be held and construed to include any other gender.

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### **Attachments**

Ordinance No. 6991

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ORDINANCE NO. 6991

AN ORDINANCE CANVASSING THE RESULTS OF A SPECIAL ELECTION HELD FOR THE PURPOSE OF ADOPTION OR REJECTION OF THIRTY-SIX PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF GARLAND, TEXAS, SUCH ELECTION HAVING BEEN HELD ON MAY 5, 2018, AND DECLARING RESULTS OF THAT ELECTION.

WHEREAS, on the 15<sup>th</sup> day of May, 2018, at a meeting of the City Council of the City of Garland, Texas, the City Council canvassed the results of a special home-rule election held on the 5<sup>th</sup> day of May, 2018 for the purpose of submitting to the voters, for adoption or rejection, proposed amendments to the Charter of the City of Garland, Texas, such election having been duly ordered by the City Council, acting pursuant to Ordinance No.6953, duly passed by the City Council on the 6<sup>th</sup> day of February, 2018 by the authority of the Constitution and laws of this State; and

WHEREAS, the City Council has determined that the election officials of the several voting districts of the City have, in compliance with the law in such cases made and provided, made returns to the City Council in the time and manner required, and the City Council, having canvassed the vote from each of those districts, does find the total number of votes casts for each proposition is as follows:

**Proposition A.**

FOR	3,991
AGAINST	1,583

"Shall the Charter be amended to provide for gender neutrality, deletion and correction of obsolete and incorrect citations, references, titles of city officials, and correction of typographical errors?"

**Proposition B.**

FOR 4,730

AGAINST 832

"Shall Article II, Section 2, of the Charter be amended to update and clarify the City's authority to purchase electric utility facilities inside or outside the City limits?"

**Proposition C.**

FOR 4,514

AGAINST 1,115

"Shall Article III, Section 1(C), of the Charter be amended by changing the residency requirements for a person running for Councilmember, including Mayor, from a requirement that the candidate reside within the Council district at the time of his or her nomination to a requirement that the candidate reside for a minimum of one year in the Council district at the time of his or her election or appointment?"

**Proposition D.**

FOR 4,870

AGAINST 683

"Shall Article III, Section 1(E), of the Charter be moved in its entirety to subsection (F) and replaced with a provision that prohibits a Councilmember, including the Mayor, who vacates his or her office prior to the end of the scheduled term from serving again in the same capacity until one complete subsequent term has elapsed?"

**Proposition E.**

FOR 3,564

AGAINST 2,039

"Shall Article III, Section 3, of the Charter be amended to increase the compensation for the Mayor and City Council to take into account an inflation adjustment since May of 2000?"

**Proposition F.**

FOR 4,345

AGAINST 1,114

"Shall Section 5, "Vacancies" of Article III, "The Council" of the Charter be amended to be consistent with state law and to further provide that in the event of a vacancy on Council where the member of the vacant seat is unable or unwilling to hold-over until such time as the vacancy may be filled pursuant to a lawful election and the Governor of the State of Texas does not call an election to fill the vacancy after being petitioned by the City, and a special election cannot be held within 120 days of appointment, then the remaining members of the Council may by a three-fourths super-majority vote to appoint a qualified person to fill the vacancy; that a person so appointed by Council shall not be eligible to serve again on Council in the same capacity until one complete subsequent term has elapsed; and that subject to these conditions, an appointment by Council shall be for an interim term until such time as a special election may be called or until the current term expires?"

**Proposition G.**

FOR 4,373

AGAINST 1,206

"Shall Article III, Section 8, of the Charter relating to the location of regular meetings of the Council be amended to allow Council to hold regular meetings at City Hall or other location

designated by Council within the city limits?"

**Proposition H.**

FOR 4,419

AGAINST 946

"Shall Article III, Section 9, of the Charter be amended to clarify that the Council shall adopt its own rules of procedure at the first regular meeting in January of each year, but in the event the Council does not amend the rules at that time, the rules for the prior year shall be deemed to be adopted by the Council.

**Proposition I.**

FOR 4,300

AGAINST 1,101

"Shall Article III, Section 9, of the Charter be amended to increase the time the City Secretary has to enter the minutes of all meetings in the permanent record from 48 hours to 72 hours?"

**Proposition J.**

FOR 4,494

AGAINST 860

"Shall Article III, Section 11, of the Charter be amended to be consistent with state law and the Texas Constitution and clarify that in the event of a vacancy on Council, or any officer appointed by Council, the person vacating their respective office shall remain in office until such time as a successor is sworn into the vacated office?"

**Proposition K.**

FOR 4,428  
AGAINST 899

"Shall Article IV, Section 1, of the Charter be amended to provide that an appointed councilmember may not receive a council appointment as City Manager, City Attorney, City Auditor, or Municipal Judge within two (2) years of the expiration of the term for which he or she was elected?"

**Proposition L.**

FOR 4,294  
AGAINST 898

"Shall Article IV, Section 3, of the Charter be amended to clarify that Council does not have the authority to direct or request the City Manager, the City Attorney, the City Auditor, or Municipal Judge to hire or remove any person from an office directed by the respective Council appointee and provide a penalty for will violations?"

**Proposition M.**

FOR 4,324  
AGAINST 925

"Shall Article IV, Section 5, of the Charter be moved to Article V, Section 3, and amended so that the City Manager has the authority to appoint a City Secretary, upon confirmation of City Council, manage, supervise, and remove the City Secretary, and describe the general duties of the Office of City Secretary?"

**Proposition N.**

FOR 5,071

AGAINST 257

"Shall Article IV, Section 6, of the Charter be amended to set the term of office for the Municipal Judge to be consistent with state law, which sets the term of office as 2 years?"

**Proposition O.**

FOR 4,333

AGAINST 775

"Shall Article IV, Section 9, of the Charter be amended by inserting provisions related to the qualifications, general powers, and duties of the office of City Auditor, which shall be revised and moved from Article VII, Sections 4 and 5?"

**Proposition P.**

FOR 4,502

AGAINST 831

"Shall Article V, Section 2, of the Charter be amended to provide that the City Council may appoint a City Manager for a term not to exceed three years?"

**Proposition Q.**

FOR 4,520

AGAINST 796

"Shall Article VI, Section 1, of the Charter be amended to provide that the City Council may appoint a City Attorney for a term not to exceed three years?"

**Proposition R.**

FOR 5,062

AGAINST 277

"Shall Article VIII, Section 2, of the Charter relating to the submission of the city budget be amended to provide that the City Manager shall file the budget with the City Secretary on or before the date set by state law?"

**Proposition S.**

FOR 4,524

AGAINST 740

"Shall Article VIII, Section 3, of the Charter relating to the form of the city budget by the City Manager be amended to delete the list of the required contents of the City Manager's budget message and provide that the budget be prepared in accordance with, and contain all information required by, state law?"

**Proposition T.**

FOR 5,137

AGAINST 370

"Shall Article VIII, Section 4, of the Charter relating to public access of the proposed budget be amended to accommodate digital and electronic access by the public?"

**Proposition U.**

FOR 5,231

AGAINST 241

"Shall Article VIII, Section 5, of the Charter relating to publication and notice of the public hearing on the proposed budget be amended so that publication and notice of the public

hearing is in accordance with state law?"

**Proposition V.**

FOR 5,098

AGAINST 312

"Shall Article VIII, Section 6, of the Charter relating to scheduling the public hearing and adopting the budget be amended to update terminology, so that the scheduling and adoption of the budget is done in accordance with state law, and setting the 21<sup>st</sup> day of September as the last day on which Council may approve a final budget prior to the proposed budget as submitted by the City Manager being deemed to have been finally adopted by the Council?"

**Proposition W.**

FOR 4,262

AGAINST 1,136

"Shall Article X, Section 1, of the Charter relating to the authority of the City to issue bonds be amended so that the City shall have the authority to borrow money, issue bonds, notes and other evidences of indebtedness permitted by, and in accordance with, state law?"

**Proposition X.**

FOR 5,021

AGAINST 362

"Shall Article X, Section 3, of the Charter relating to bond election procedures be amended so that the Council is required to establish a Bond Study Committee preceding a bond election, any proposition on a ballot to issue bonds payable from ad valorem taxes must first be submitted to a vote of the qualified voters of the City of Garland, and all bond elections and issuance and payments of bonds shall be done in accordance with state law?"

**Proposition Y.**

FOR 5,201

AGAINST 216

"Shall Article X, Section 10, of the Charter relating to bond elections be amended so that each bond proposition must expressly state all information required by state law?"

**Proposition Z.**

FOR 3,569

AGAINST 1,809

"Shall Article XI, Section 1, of the Charter relating to the requirements to be a member of the Plan Commission be amended by deleting the real property ownership requirement to serve as a member and substituting it with a residency requirement?"

**Proposition AA.**

FOR 4,251

AGAINST 1,223

"Shall Article XI, Section 10, of the Charter be amended by replacing the property ownership requirement with a requirement that a person be a resident of the City for a period of not less than one (1) year prior to his or her appointment as a board member or commissioner?"

**Proposition AB.**

FOR 5,126

AGAINST 324

"Shall Article XII, Section 2, of the Charter be amended so that the number of signatures required on a petition of a person desiring to become a candidate for an office on City Council and

the filing deadlines are consistent with state law?"

**Proposition AC.**

FOR 4,612

AGAINST 692

"Shall Article XII, Section 8, of the Charter relating to the recall of the Mayor or Councilmember be amended to update the petition submittal requirements, the petition process and schedule, the form of the petition, the required number of signatures, the duties and obligations of the City Secretary, and clarify and update vacancy and holdover terms?"

**Proposition AD.**

FOR 5,160

AGAINST 279

"Shall Article XIV, Section 5, of the Charter be amended so that publication of proposed ordinances by referendum is electronically published on the City website and consistent with all other publication requirements of the Charter and in accordance with state law?"

**Proposition AE.**

FOR 4,895

AGAINST 434

"Shall Article XV, Section 1, of the Charter relating to the general powers of the City in regard to utility systems be amended to be consistent with state law?"

**Proposition AF.**

FOR 4,930

AGAINST 371

"Shall Article XV, Section 2, of the Charter relating to franchise fees be amended to update terminology and be consistent with state law?"

**Proposition AG.**

FOR 4,787

AGAINST 469

"Shall Article XV, Section 6, of the Charter relating to the terms and conditions of granting franchises to public utilities, and the notification thereof, be amended to be consistent with state law?"

**Proposition AH.**

FOR 4,197

AGAINST 959

"Shall Article XV, Section 7, of the Charter relating to obsolete reporting requirements of public utility franchises be repealed?"

**Proposition AI.**

FOR 4,889

AGAINST 400

"Shall Article XVII, Section 4, of the Charter relating to claims against the City be amended to update terminology and clarify substantive requirements of any written notices of personal injury or death submitted to the City to be consistent with state law?"

**Proposition AJ.**

FOR 3,541

AGAINST 1,717

"Shall Article XVII, Section 14, of the Charter be amended by addition to exclude liability coverage by the City on claims arising out of the criminal conduct of city officials and any claim that is excluded from coverage under a policy of insurance of the City?"

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:**

**Section 1.**

That the proposed amendments adopted and approved by a majority of the voters in the special home-rule election of the City of Garland, Texas held on the 5<sup>th</sup> day of May, 2018, as set forth above, and as more particularly described in Ordinance No. 6953, are hereby made part of the Charter of the City.

**Section 2.**

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

**PASSED AND APPROVED** this 15<sup>th</sup> day of May, 2018.

**CITY OF GARLAND, TEXAS**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Secretary

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS


Before me, a Notary Public in and for Dallas County, this day personally appeared Filiz Onculer, Advertising Representative for The Dallas Morning News, being duly sworn by oath, states the attached advertisement of

City of Garland

was published in The Dallas Morning News

April 10, 2018

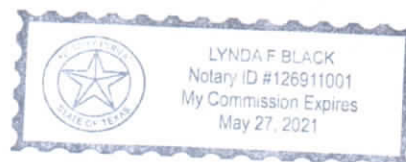
April 17, 2018

  
(Filiz Onculer)

Sworn to and subscribed before me this

April 17, 2018

  
(Notary Public)



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS


Before me, a Notary Public in and for Dallas County, this day personally appeared Filiz Onculer, Advertising Representative for The Dallas Morning News, being duly sworn by oath, states the attached advertisement of

City of Garland

was published in The Dallas Morning News

April 10, 2018

April 17, 2018

  
(Filiz Onculer)

Sworn to and subscribed before me this

April 17, 2018

  
(Notary Public)

