



GARLAND

NOTICE OF MEETING CITY OF GARLAND, TEXAS

CHARTER REVIEW COMMITTEE

Work Session Room of City Hall
200 N. Fifth Street
Garland, Texas
November 14, 2023, 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 October 24, 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 Article III, Section 1(F), related to gerrymandering.

- b. Consider changes for Council Item 10, Article IV, Section 3, related to Councilmember communications and interactions with City staff Appointees**

- c. Consider changes for Council Item 9, Article IV, Section 2, related to Council removal of appointive officials**

- d. Consider changes for Council Item 11 regarding length of contract for Council Appointees, including Article IV, Section 8; Article V, Section 2; and Article VI, Section 1**

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

- f. Consider change for Article XI, Section 1, related to composition of Plan Commission**

- g. Discuss publication procedure and costs.**

4. 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: 11/14/2023

Item Title: October 24 Minutes

Summary:

Approval of the minutes from the October 24, 2023, meeting.

Background/Additional Information:

Minutes for the October 24, 2023, meeting

Attachments

10-24-23 DRAFT Charter Minutes

DRAFT



GARLAND MINUTES

The Charter Review Committee of the City of Garland convened in regular session at 6:30 p.m. on Tuesday, October 24, 2023, in the Mayor's Conference Room, 217 North Fifth Street, Garland, Texas, with the following members:

Present: Scott Roberts
Robert John Smith
Lori Barnett Dodson
Martin Glenn
Bill Oaks
Gayle Owens
Michael Rose
Steve Sila
Dorothy White

Staff Present: Phillip Urrutia, Assistant City Manager
Trey Lansford, Deputy City Attorney
Tracy Allmendinger, Deputy City Secretary

1. APPROVAL OF MINUTES

Approval of the minutes of the October 17, 2023.

- a. The motion was made by Dorothy White to approve the minutes, seconded by Lori Dodson. The motion carried unanimously.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

a. Consider changes for Council Item 8, Article IV, Section 1(J), related to the Powers of Council to align streets, thoroughfares, and alleys

There was discussion by the Commission to leave this section as is. The motion was made by Mike Rose and seconded by Dorothy White. The motion carried unanimously.

b. Consider changes for Council Item 9, Article IV, Section 2, related to Council removal of appointive officials.

The committee discussed clarifying the language for Council authority to remove either city staff or a board and commission members. Staff will draft language to include internal and external members, boards, commissions, committees, and bring back for consideration at a future meeting.

c. Consider changes for Council Item 10, Article IV, Section 3, related to Councilmember communications and interactions with City staff appointees.

The committee discussed review of the information to determine if the language is clear enough to determine what would be interference. There was discussion about this being addressed in the Council Policies.

The motion was made by Lori Dodson to leave language in place, but change language on enforcement, seconded by Dorothy White. The motion carried unanimously.

Staff was instructed to add the revisions and bring back for consideration at a future meeting.

d. Consider changes for Council Item 11, Article V, Section 2, related to the term limitations of the City Manager's contract.

There was discussion by the Committee to expand the term for the City Manager's contract and VI,1 and IV, 8 for the City Attorney and City Auditor.

The motion was made by Robert John Smith to adopt the five-year term for City Manager, seconded by Martin Glenn. The motion carried unanimously.

The motion was made by Lori Dodson to adopt the five-year term for City Attorney and Auditor, seconded by Bill Owens. The motion carried unanimously.

e. Consider changes for Council Item 13, Article XI, Section 3, related to a vote necessary to override a Plan Commission recommendation.

The commission had discussion on this item with a decision to make no changes.

The motion was made by Mike Rose to make no change(s), seconded by Lori Dodson. The motion carried unanimously.

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

Member Smith requested boilerplate language to review. Mr. Urrutia will obtain language from William Guerin, Director of Planning for the language.

The motion was made by Robert John Smith to obtain language for this item and bring back for discussion, seconded by Dorothy White. The motion carried unanimously.

g. Consider changes for Article III, Section 1(F), related to gerrymandering.

The committee discussed adding a section in the Charter to address the possibility of gerrymandering. Mr. Smith opined on the negative impact(s) of this action and provided some conceptual language.

The motion was made by Robert John Smith to send the language to legal for review, seconded by Mike Rose. The motion carried unanimously.

h. Consider changes to the Charter Review Committee's meeting schedule.

The committee agreed to cancel meetings for the following dates:

- October 31 - Halloween
- November 7 - Election Day
- November 21 - Thanksgiving

3. FUTURE AGENDA ITEMS

4. ADJOURN

CITY OF GARLAND, TEXAS

/s/ Scott Roberts, Chair

/s/ Tracy Allmendinger, Deputy City Secretary



GARLAND

Charter Review Committee Agenda

3. a.

Meeting Date: 11/14/2023

Item Title: Consider changes for Article III, Section 1(F), related to gerrymandering.

Summary:

Consider changes for Article III, Section 1(F), related to gerrymandering.

Background/Additional Information:

Article III, Section 1(F):

§ 1 Number, terms, Council districts, etc.

(F) Within one year after a decennial federal census as mandated by Article I § 2 of the United States Constitution has been performed and finalized, and each five years thereafter, prior to the calling of the regular City election, the Council shall redivide and readjust by ordinance the boundaries of the eight Council districts of the City for the purpose of keeping such districts as nearly equal in population as is practical. Any redivision or readjustment to the district boundaries performed under this section must be in conformance with the following requirements:

- i. **Equal Population:** All districts shall be reasonably equal in population, allowing for minor deviations as needed to achieve other redistricting goals outlined in this Article.
- ii. **Contiguity:** Each district shall be contiguous, meaning all parts of a district are connected to each other without jumping over another district.
- iii. **Compactness:** Districts shall be drawn to encourage compactness. To the extent practicable, districts shall not have irregularly shaped boundaries or elongated configurations which are indicative of gerrymandering.
- iv. **Respect for Political Subdivisions and Communities:** Redistricting shall, to the extent possible, preserve existing neighborhoods, and communities of interest.
- v. **Non-partisanship:** District boundaries shall not be drawn to favor or discriminate against an incumbent, candidate, or political party.

Attachments

Gerrymandering Language

Language from Mr. Smith:

Any redivision or readjustment to the district boundaries performed under this section must be in conformance with the following requirements:

- i. **Equal Population:** All districts shall be reasonably equal in population, allowing for minor deviations as needed to achieve other redistricting goals outlined in this Article.
- ii. **Contiguity:** Each district shall be contiguous, meaning all parts of a district are connected to each other without jumping over another district.
- iii. **Compactness:** Districts shall be drawn to encourage compactness. To the extent practicable, districts shall not have irregularly shaped boundaries or elongated configurations which are indicative of gerrymandering.
- iv. **Respect for Political Subdivisions and Communities:** Redistricting shall, to the extent possible, preserve existing neighborhoods, and communities of interest.
- v. **Non-partisanship:** District boundaries shall not be drawn to favor or discriminate against an incumbent, candidate, or political party.

Dallas Charter: Chapter IV, Section 5(3)

(3) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic, and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

Austin Charter: Article II, Section 3

(E) The commission shall establish the boundaries of the council districts for the City of Austin in a plan using the following criteria as set forth in the following order of priority:

(1) districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or is allowable by law.

(2) districts shall comply with the federal Voting Rights Act (52 U.S.C. Sec. 10101 and following) and any other requirement of federal or state law.

(3) districts shall be geographically contiguous.

(4) the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) to the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

(6) to the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.

(7) to the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.

Carrollton Charter: Article VII, Section 7.04(5)

(5) The city is hereby divided into four places, known as Places 1, 3, 5, and 7. The four places shall be described with particularity by ordinance.

Any territory hereafter annexed to the city shall upon annexation become a part of that place situated adjacent and contiguous to it, as may be determined by the council.

The city council shall review such places not less than every five (5) years and shall by ordinance set the boundaries of any or all to maintain a substantial equality of population between places 1, 3, 5, and 7.

- (a) Place No. 1 shall be generally described as the northeast quadrant of the city.
- (b) Place No. 3 shall be generally described as the southwest quadrant of the city.
- (c) Place No. 5 shall be generally described as the northwest quadrant of the city.
- (d) Place No. 7 shall be generally described as the southeast quadrant of the city.

Denton Charter: Article II, Section 2.01(d)

The council shall from time to time create and describe by ordinance election districts known as districts one (1), two (2), three (3) and four (4). Such districts shall be created so that each will contain, as nearly as possible, a population equivalent to the others, according to the latest available census data.

Likewise citing to equal population are charters for **Arlington, Fort Worth, Irving, Lewisville, Mesquite, Plano, and Richardson.**

Grand Prairie allows districts to be amended by the council “from time to time in accordance with state and federal law... after a public hearing.” (Article IV, Section 4(c).)

McKinney states that the Council is to review districts “to ensure equal voting rights for all citizens under state and federal law” and also states the boundaries should be redefined “to compensate for any significant change in population within a given district.” (Article III, Section 10.)

Frisco has all members elected at large.



GARLAND

Charter Review Committee Agenda

3. b.

Meeting Date: 11/14/2023

Item Title: Consider changes for Council Item 10, Article IV, Section 3, related to Councilmember communications and interactions with City staff Appointees

Summary:

Consider changes for Council Item 10, Article IV, Section 3, related to Councilmember communications and interactions with City staff Appointees

Background/Additional Information:

Consider changes for Council Item 10, Article IV, Section 3, related to Councilmember communications and interactions with City staff Appointees

Article IV, Section 3:

§ 3 Council not to interfere with appointments.

Neither the City Council nor any of its members shall direct or request the hiring or removal of any person from an office directed by the City Manager, the City Attorney, the City Auditor, or a Municipal Judge, or by any subordinate of one of the aforementioned Council appointees. However, the Council may consult and advise with a Council appointee, make inquiry regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under a Council appointee, the Council and its members shall deal solely through the Council appointee and neither the Council nor any member thereof shall give orders to any subordinates of a Council appointee, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute a violation of the City's codified Code of Ethics, Article V of the Code of Ordinances, as may be amended, with enforcement provisions detailed therein ~~official misconduct and shall authorize the Council, by a vote of a majority of its membership, to sanction such offending member by ordering a forfeiture of pay for a period of not to exceed six months if found responsible after a public hearing.~~



GARLAND

Charter Review Committee Agenda

3. c.

Meeting Date: 11/14/2023

Item Title:

Summary:

Consider changes for Council Item 9, Article IV, Section 2, related to Council removal of appointive officials

Background/Additional Information:

Consider changes for Council Item 9, Article IV, Section 2, related to Council removal of appointive officials

Article IV, Section 2:

§ 2 Removal of appointive officials.

Except as otherwise provided by law, the Council may, upon the affirmative vote of five (5) members **at a posted, public meeting, remove ~~its~~any non-contracted appointed ~~officers~~ members of any internal or external board, commission, committee, or other body** without notice or cause.



GARLAND

Charter Review Committee Agenda

3. d.

Meeting Date: 11/14/2023

Item Title:

Summary:

Consider changes for Council Item 11 regarding length of contract for Council Appointees, including Article IV, Section 8; Article V, Section 2; and Article VI, Section 1

Background/Additional Information:

Article IV, Section 8

§ 8 Selection of City Auditor.

The City Auditor shall be chosen by Council.

(A) Qualifications and Term.

The City Auditor shall be a person knowledgeable in generally accepted government auditing standards, principles of municipal accounting, and local government policies, operations, and processes.

The City Council may enter into an employment agreement with the City Auditor for a definite term of ~~two~~five (25) years. The City Council may terminate the employment agreement at its will and pleasure by a vote of not less than five (5) members of the City Council. The action of the City Council in removing the City Auditor shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council.

(B) Powers and duties of the City Auditor.

The City Auditor shall serve the public interest by providing independent and objective audits, investigations, special projects, overseeing internal audit functions, and performing other duties as assigned by the City Council.

The City Auditor shall have access to all records, personnel, and physical properties owned by the City, as authorized by City Council, relevant to the performance of audits, investigations, or special projects.

(C) The City Auditor shall have such assistants as shall be provided for in the budget from time to time, to be appointed by the City Auditor. Any such assistant may be discharged at any time by the City Auditor. All powers and duties imposed on the City Auditor may be exercised and performed by an assistant, upon City Auditor's designation.

Article V, Section 2:

§ 2 Term and salary.

The Council shall appoint a City Manager who shall be the chief administrative officer of the City. The Council may appoint the City Manager for day-to-day without a definite fixed term or may enter into an employment agreement with the City Manager for a term not to exceed ~~of threefive~~ (35) years. In any event, the Council may remove the City Manager at its will and pleasure by a vote of five (5) members of the Council. The action of the Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council. Nothing in the employment agreement entered into with the City Manager shall conflict with or supercede this Charter and, in the event of a conflict, the provisions of the Charter shall control.

Article VI, Section 1:

§ 1 Qualification.

The City Attorney shall be chosen by the City Council on the basis of his or her qualifications as a competent practicing attorney of recognized ability. The City Council may enter into an employment agreement with the City Attorney for a term not to exceed ~~of threefive~~ (35) years. The Council may terminate the employment agreement at its will by a vote of five (5) members of the Council. The action of the City Council in removing the City Attorney shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council.



GARLAND

Charter Review Committee Agenda

3. e.

Meeting Date: 11/14/2023

Item Title: Consider changes for Council Item 14

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:

§ 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.~~

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 Comprehensive Plan, as passed and as may be amended by the City.



GARLAND

Charter Review Committee Agenda

3. f.

Meeting Date: 11/14/2023

Item Title: Plan Commission

Summary:

Consider change for Article XI, Section 1, related to composition of Plan Commission

Background/Additional Information:

Consider change for Article XI, Section 1, related to composition of Plan Commission

§ 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.

Attachments

Commission Alternate Research

City	Alternates?	No. of Alt.	Reg Memb.	By Dist.
Rowlett	Yes	2+2	7	no
Frisco	No			
Prosper	No			
Richardson	Yes	2	7	min 1 each
Rockwall	No			
Irving	No			
Carrollton	No			
McKinney	No			
Southlake	No			
Flower Mound	Yes	2	7	Yes
Allen	No			
Arlington	No			
Grand Prairie	No			
Mesquite	Yes	2	7	Yes

Rowlett - not mentioned in charter.

Mesquite - not mentioned in charter.

Richardson -

Membership and Terms. The commission shall consist of seven (7) members and two (2) alternate members who shall be appointed by the city council for (2) year terms.An alternate member shall, at the request of the chairperson, sit for and in place of an absent regular member and shall, for the duration of the absence, be as a regular member.

Flower Mound

Planning and Zoning Commission. The Town Council shall have the power and authority to appoint a Town Planning and Zoning Commission in accordance with the General Laws of the State of Texas, as provided for in V.T.C.A., Local Government Code § 211.001 et seq., as now or hereafter amended. The Town Council of the Town of Flower Mound shall have all of the rights, privileges, powers and authority; given, permitted and granted under the laws of the State of Texas relative to planning and zoning in, for and of municipalities and their environs.