



GARLAND

NOTICE OF MEETING CITY OF GARLAND, TEXAS

CHARTER REVIEW COMMITTEE

Mayors Conference Room of City Hall
200 N. Fifth Street
Garland, Texas
October 17, 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. MINUTES

- a. Approval of minutes of the October 10, 2023 meeting.

2. PUBLIC COMMENTS

Persons who desire to address the Committee on any item related to committee business are allowed three minutes to speak.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- a. Consider changes for Council Item 4, Article III, Section 3, related to Council and Mayor compensation.

- b. Consider changes for Council Item 15, Article XVII, Section 4, related to the addition of a reference to the Risk Management Department for Claims against the City.
- c. Consider changes for Council Item 1, Article III, Section 1(A), related to length of Councilmember terms.
- d. Consider changes for Council Item 2, Article III, Section 1(D), related to the waiting time between service in an elected role and running for another elected City position.
- e. Consider changes for Council Item 3, Article III, Section 1(D), related to the waiting time between service in an elected role and appointment to a City board, committee, or commission.
- f. Consider changes for Council Item 6, Article III, Section 5, related to the waiting period for appointed interim members of Council.
- g. Consider changes for Council Item 7, Article III, Section 11, related the resignation requirement for candidacy to other offices.
- h. Consider changes for Council Item 12, Article XI, Section 1(b), related to the waiting time between service in an elected role and service on the Plan Commission.

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.



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Charter Review Committee Agenda

1. a.

Meeting Date: 10/18/2023

Item Title:

Summary:

Approval of minutes of the October 10, 2023 meeting.



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Charter Review Committee Agenda

3. a.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 4, Article III, Section 3, related to Council and Mayor compensation.

Summary:

Consider changes for Council Item 4, Article III, Section 3, related to Council and Mayor compensation.

Background/Additional Information:

Original Language

§ 3 Compensation.

From and after October 1, 2018, the Mayor shall receive compensation in the base amount of five hundred and seventy five dollars (\$575.00) per month, each Councilmember shall receive compensation in the base amount of two hundred and eighty-eight dollars (\$288.00) per month, and all members of the Council shall receive compensation in the base amount of seventy-two dollars (\$72.00) for each work session attended by the member preceding a regular Council meeting, and for each regular meeting of the Council attended by the member. Each Councilmember shall be entitled to reimbursement of reasonable expenses incurred in the performance of their official duties when approved by the Council.

§ 3 Compensation.

From and after October 1, 2018, the Mayor shall receive compensation in the base amount of ~~five~~**six** hundred and seventy-five dollars (\$~~575~~**675**.00) per month, each Councilmember shall receive compensation in the base amount of ~~two~~**three** hundred and ~~eighty-eight~~**forty** dollars (\$~~288~~**340**.00) per month, and all members of the Council shall receive compensation in the base amount of ~~sev-~~**enty-two**~~eighty-five~~ dollars (\$~~72~~**285**.00) for each work session attended by the member preceding a regular Council meeting, ~~and~~ for each regular meeting of the Council attended by the member, ~~and~~ **for up to four (4) special called meetings or workshops of the Council, up to a maximum of fifty-two (52) Council meetings compensated during any calendar year.** Each Councilmember shall be entitled to reimbursement of reasonable expenses incurred in the performance of their official duties when approved by the Council.



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Charter Review Committee Agenda

3. b.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 15, Article XVII, Section 4, related to the addition of a reference to the Risk Management Department for Claims against the City.

Summary:

Consider changes for Council Item 15, Article XVII, Section 4, related to the addition of a reference to the Risk Management Department for Claims against the City.

Background/Additional Information:

Original Language:

§ 4 Claims against the City.

(A) The City of Garland shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his or her behalf, or in the event the injury results in death, the person or persons who may have cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Manager or City Secretary within six (6) months after the same has been sustained. The written notice must expressly state facts in sufficient detail so a determination can be made as to when, where, and how the death or injury occurred and the full extent thereof, together with the amount of damages claimed or asserted.

(B) The City of Garland shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his or her behalf, shall file a claim in writing with the City Manager or the City Secretary within six (6) months after said damage or injury has occurred. The written notice shall expressly state facts in sufficient detail so a determination can be made as to when, where, and how the injury or damage occurred and the amount of damage claimed.

(C) The City of Garland shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the City of Garland unless the specific defect causing the damage or injury shall have been actually known to the City Manager at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the City Manager shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the City Manager of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the City itself, through its agents, servants or employees, or acts of third parties.

Revised Language:

§ 4 Claims against the City.

(A) The City of Garland shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his or her behalf, or in the event the injury results in death, the person or persons

who may have cause of action under the law by reason of such death or injury, shall file a notice in writing with ~~the Risk Management Department, or, in the absence thereof,~~ the City Manager or ~~City Secretary~~his or her designee, within six (6) months after the same has been sustained. The written notice must expressly state facts in sufficient detail so a determination can be made as to when, where, and how the death or injury occurred and the full extent thereof, together with the amount of damages claimed or asserted.

(B) The City of Garland shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his or her behalf, shall file a claim in writing with ~~the Risk Management Department, or, in the absence thereof,~~ the City Manager or ~~City Secretary~~his or her designee, within six (6) months after said damage or injury has occurred. The written notice shall expressly state facts in sufficient detail so a determination can be made as to when, where, and how the injury or damage occurred and the amount of damage claimed.

(C) The City of Garland shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the City of Garland unless the specific defect causing the damage or injury shall have been actually known to ~~the Risk Management Department, or, in the absence thereof,~~ the City Manager or ~~City Secretary~~his or her designee, at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of ~~the Risk Management Department, or, in the absence thereof,~~ the City Manager or ~~City Secretary~~his or her designee, shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to ~~the Risk Management Department, or, in the absence thereof,~~ the City Manager or ~~City Secretary~~his or her designee, of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the City itself, through its agents, servants or employees, or acts of third parties.



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Charter Review Committee Agenda

3. c.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 1, Article III, Section 1(A), related to length of Councilmember terms.

Summary:

Consider changes for Council Item 1, Article III, Section 1(A), related to length of Councilmember terms.

Background/Additional Information:

The Council shall consist of nine (9) members consisting of a Mayor and eight (8) Councilmembers. The Mayor and the eight Councilmembers shall be elected for terms of two (2) years each. The term lengths provided by this paragraph shall become effective upon and after May 15, 2004.



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3. d.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 2, Article III, Section 1(D), related to the waiting time between service in an elected role and running for another elected City position.

Summary:

Consider changes for Council Item 2, Article III, Section 1(D), related to the waiting time between service in an elected role and running for another elected City position.

Background/Additional Information:

A person may serve as a member of the Council other than Mayor for three (3) consecutive terms but thereafter shall not again be eligible to serve in any district on the Council except Mayor until at least one complete term has elapsed. A person may serve three (3) consecutive terms as Mayor but thereafter shall not again be eligible to serve as Mayor until at least one complete term has elapsed. A person who has served as Mayor may not serve as a member of the City Council until at least one year has elapsed from the end of the term for which that person was elected. A "term" as used in this paragraph, shall include any period of service during a term of office when that period is in excess of one (1) year, and a period of service shall be considered "consecutive" so long as the person affected has served any amount of time within the preceding term.



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3. e.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 3, Article III, Section 1(D), related to the waiting time between service in an elected role and appointment to a City board, committee, or commission.

Summary:

Consider changes for Council Item 3, Article III, Section 1(D), related to the waiting time between service in an elected role and appointment to a City board, committee, or commission.

Background/Additional Information:

A person may serve as a member of the Council other than Mayor for three (3) consecutive terms but thereafter shall not again be eligible to serve in any district on the Council except Mayor until at least one complete term has elapsed. A person may serve three (3) consecutive terms as Mayor but thereafter shall not again be eligible to serve as Mayor until at least one complete term has elapsed. A person who has served as Mayor may not serve as a member of the City Council until at least one year has elapsed from the end of the term for which that person was elected. A "term" as used in this paragraph, shall include any period of service during a term of office when that period is in excess of one (1) year, and a period of service shall be considered "consecutive" so long as the person affected has served any amount of time within the preceding term.



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3. f.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 6, Article III, Section 5, related to the waiting period for appointed interim members of Council.

Summary:

Consider changes for Council Item 6, Article III, Section 5, related to the waiting period for appointed interim members of Council.

Background/Additional Information:

- A. In the event a vacancy in the office of Mayor or City Council occurs, the City Council shall call a special election in accordance with state law and the Texas Constitution. However, where (i) the member vacating his or her office is unable or unwilling to hold-over until such time as the vacancy may be filled pursuant to a lawful election, (ii) the Governor of the State of Texas does not call an election to fill the vacancy after being petitioned by the City, and (iii) a special election cannot be called within 120 days, then the remaining members of the Council may by a three-fourths super-majority vote appoint a qualified person to fill the vacancy.

 - B. In the event the City Council elects to appoint a qualified person to fill a vacant seat, upon expiration of the partial term for which he or she was appointed, that person shall not again be eligible to serve in the same capacity on Council until one complete subsequent term of office has elapsed. An appointment by Council shall be for an interim term until such time as a special election may be called in accordance with state law and the Texas Constitution or until the current term expires. The Mayor or Councilmember vacating an office shall remain in office, if still qualified, until such time as a successor is sworn into the vacated office.
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3. g.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 7, Article III, Section 11, related the resignation requirement for candidacy to other offices.

Summary:

Consider changes for Council Item 7, Article III, Section 11, related the resignation requirement for candidacy to other offices.

Background/Additional Information:

If, at any time, any member of the Council, or any officer, boardmember or commissioner appointed by the Council, files to become a candidate (as defined by State law) in any general, special, or primary election for any office of profit or trust under the laws of this State or the United States other than the office then held, such candidacy shall constitute a resignation of the office then held, and the vacancy thereby created shall be filled pursuant to this Charter in the same manner as other vacancies for such office are filled. The Mayor or other member of the City Council vacating their respective office shall remain in office until such time as a successor is sworn into the vacated office.



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3. h.

Meeting Date: 10/18/2023

Item Title: Consider changes for Council Item 12, Article XI, Section 1(b), related to the waiting time between service in an elected role and service on the Plan Commission.

Summary:

Consider changes for Council Item 12, Article XI, Section 1(b), related to the waiting time between service in an elected role and service on the Plan Commission.

Background/Additional Information:

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