



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

William E. Dollar Municipal Building

200 North Fifth Street

Garland, Texas

January 8, 2018

6:00 p.m.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items the staff is seeking direction from the Council or providing information in a written format.

Verbal Briefing: These items do not require written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items are often accompanied by a formal presentation followed by discussion.

**[Public comment will not be accepted during Work Session
unless Council determines otherwise.]**

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

(1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

(2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.

(3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, Tex. Gov't Code.

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.

(7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:

- generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- risk management information, contracts, and strategies, including fuel hedging and storage;
- plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
- customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

1. Consider the Consent Agenda

A member of the City Council may ask for discussion or further information on an item posted as a consent agenda item on the next Regular Meeting of the City Council. The Council Member may also ask that an item on the posted consent agenda be pulled from the consent agenda and considered for a vote separate from consent agenda items on the regular agenda. All discussions or deliberations on this portion of the work session agenda are limited to posted agenda items and may not include a new or unposted subject matter.

2. Written Briefings:

a. Annual approval of rules of order and Council policies

Council is requested to review the attached rules of order and Council policies and provide direction as to whether revisions will be necessary.

b. Sale of Property - 6498 Beltline Road

Council is requested to approve a resolution providing the Garland Independent School District with consent to proceed with the sale of 6498 Beltline Road. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

c. Sale of Property - 225 Casalita Drive

Council is requested to approve the sale of 225 Casalita Drive to Ryan Z. and Associates, Inc. and provide an executed deed without warranty. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

d. Sale of Property - 119 Lake Drive

Council is requested to consider approving the sale of 119 Lake Drive to Ryan Z. and Associates, Inc. and provide an executed deed without warranty. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

e. Abandonment of Portion of Slope Easement in the Proposed Jefferson Woodlands Subdivision

Council is requested to consider the abandonment of a portion of a variable width Slope Easement in the proposed Jefferson Woodland subdivision. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 9, 2018 Regular Meeting.

f. Redemption of Tax Notes

When Council approved the issuance of \$8,305,000 Tax Notes, Series 2017 on September 5, 2017, it was contemplated that the City would exercise the call provision to redeem the notes on February 15, 2018 prior to the scheduled maturity date of November 15, 2018. Staff requests Council consider approving an Ordinance to redeem the Tax Notes, Series 2017 as contemplated. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

g. Federal Grants Calendar 2018-2019

Council is requested to consider the 2018-2019 Federal Grants Calendar for the Community Development Block Grant (CDBG), HOME Partnership Grant (HOME) and Emergency Solutions Grant (ESG).

h. Retirement Stability Benefit for Civil Service Employees Update

Council will be updated on the status of the Retirement Stability Benefit for Civil Service Employees.

3. Verbal Briefings:

a. Introduction of proposed revisions to the City Charter

Council is requested to consider the proposed amendments, determine whether to concur with, reject, or accept with changes the proposed amendments, and submit the final amendments to the voters for approval or rejection. An ordinance calling a charter amendment election, which will contain the full text of the amendments and the ballot propositions to be submitted to the voters, will be brought forward for Council approval upon completion of the review process.

b. Texas Department of Housing and Community Affairs 9% Tax Credit Competitive Application Local Support Resolution Presentations

Council is requested to review the applications for resolutions of support for the development of affordable housing projects within the City of Garland.

c. Administrative Services Committee Report

At the request of Council Member B.J. Williams and Council Member Robert J. Smith, Council will consider a report from the Administrative Services Committee.

d. Internal Audit Committee Report

Council Member Rich Aubin, chair of the Internal Audit Committee, will provide a committee report on the following items:

- *Sports League Contract Audit*
- *Fire Inventory Management Audit*
- *Kraft Employee Retention Agreement Audit*

4. Announce Future Agenda Items

A member of the City Council, with a second by another member, or the Mayor alone, may ask that an item be placed on a future agenda of the City Council or a committee of the City Council. No substantive discussion of that item will take place at this time.

5. Council will move into Executive Session

**EXECUTIVE SESSION
AGENDA**

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

The City Council will adjourn into executive session under Sec. 551.071, TEX. GOV'T CODE and Sec. 551.087, TEX. GOV'T CODE to discuss economic development incentives relating to a commercial project located generally northeast of the intersection of Campbell Road and State Highway 190 in Garland, Texas.

Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, TEX. GOV'T CODE.

- **Conduct an annual performance review of the City Attorney and City Manager.**
- **Discussion of council appointees (City Manager, City Attorney, City Auditor, Municipal Court Judges).**

6. Adjourn



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

2.a.

Meeting Date: January 8, 2018

Item Title: Annual approval of rules of order and Council policies

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Article III, Section 9 of the City Charter requires the City Council to annually determine rules governing its order of business. Additionally, the City Council adopts policies to govern both its internal operations and the governance of the public business. The attached rules of order and Council policies were those adopted for 2017.

Recommendation/Action Requested and Justification

Review the attached rules of order and Council policies and provide direction as to whether revisions will be necessary. If there are none, then the rules of order and Council policies for 2017 will be brought forward for re-adoption for calendar year 2018. If revisions are desired, the City Council may discuss them as a work session item or send the matter to committee for discussion and recommendations. If only minor revisions are desired and no discussion of the revisions will be needed, the changes could be forwarded to the City Attorney who could be directed to incorporate the revisions into a red-line draft and submit the draft as a regular session item for final approval by the City Council.

Attachments

2017 rules of order

2017
CITY COUNCIL
of the
CITY OF GARLAND, TEXAS

**RULES OF ORDER AND
PROCEDURE
AND
CITY COUNCIL POLICIES**

ARTICLE I.

CITY COUNCIL RULES OF ORDER AND PROCEDURE

Section 1 Authority under the City Charter

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and from year to year until such time as amended, suspended or new rules are adopted in the manner provided.

Section 2 General rules for conducting Council meetings

(A) Regular meetings

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are generally held in the City Council chamber or at another public building within the city limits as designated by the City Council in the meeting notice.

(1) *Other locations.* The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law and the City Charter.

(2) *Location during a local emergency.* If by reason of fire, flood or other

emergency, it is unsafe to meet in the City Council chamber, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

(B) Pre-council meeting work session

Prior to each regular City Council meeting, the City Council may conduct a work session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the work session, unless specified in the posted agenda.

(C) Special meetings and emergency meetings

Pursuant to Article III, Section 7 of the City Charter, special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity (which shall be expressed in the notice of the meeting), an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

(D) Adjourned meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(E) Executive sessions

The City Council may meet in executive session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in executive session. The City Council may exclude from any such executive session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers are prohibited from disclosing the nature of discussion from a closed session unless required by law.

(F) Notice of meetings

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's website and official bulletin board pursuant to the requirements of

the Texas Open Meetings Act. (Texas Government Code, Section 551)

(G) Quorum

Article III, Section 6 of the City Charter provides that five members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

(H) Chair

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council, and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

(1) *Absence of Mayor.* Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

(2) *Absence of Mayor and Mayor Pro Tem.* When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

(I) Attendance by the public

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act, except executive sessions or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

(J) Minutes

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

(1) *City Council approval of minutes.* Minutes of meetings are generally submitted to the City Council within two weeks for approval.

(2) *Recording of meetings.* Audio and/or visual recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Audio recordings of executive session proceedings shall be maintained by the City Attorney.

Section 3 Order of business at meetings of the City Council

(A) General order of proceedings

City Council meetings will be generally conducted in the following order, unless otherwise specified, or determined by the Chair or the City Council. An executive session may be held at any time during a meeting pursuant to applicable State law.

WORK SESSION AGENDA

- ☐ Executive session (if any)
- ☐ Written briefings
- ☐ Verbal briefings
- ☐ Questions regarding regular agenda items
- ☐ Discuss committee reports/assignments
- ☐ Discuss consent agenda
- ☐ Identify future agenda items
- ☐ Adjourn

REGULAR MEETING AGENDA

- ☐ [Pledge of allegiance/invocation]*
- ☐ [Mayoral proclamations, recognitions, and announcements]*
- ☐ Consent agenda/approval of minutes
- ☐ Regular agenda
- ☐ Consider appointments to boards and committees
- ☐ Citizen comments (“open mike”)
- ☐ Executive session (as needed)
- ☐ Adjournment

* These items may be taken up by the City Council prior to the commencement of official business

(B) Numbering and indexing of agenda items

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

(C) Consent agenda

The consent agenda shall contain routine, non-controversial items that require City Council action but typically require little or no City Council deliberation. Any item on the consent agenda may be removed from the consent agenda and thereby be made subject to discussion and deliberation by any member of the City Council, staff or a person in attendance at the meeting. Agenda item(s) removed from the consent agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining consent agenda, or may be postponed to a future meeting in the event the Chair, with the concurrence of the City Council, determines that the item requires extensive deliberation.

Section 4 Rules of procedure for conducting Council business

(A) General procedure

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised, (hereinafter “RONR”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

(B) Authority of the chair

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council meetings, and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City Council as to the advice given by the parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR.

(C) Council deliberation and order of speakers

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question

to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

(D) Limit deliberations to item at hand

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

(E) Obtaining the floor

Except as provided in RONR, any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

(F) Motions

Motions may be made by any member of the City Council, other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

(G) Procedures for motions

The following is the general procedure for making motions:

- (1) Before a motion can be considered or debated, it shall be seconded.
- (2) A Councilmember who wishes to make a motion, except as provided in RONR, shall first obtain the floor.
- (3) A Councilmember who wishes to second a motion shall do so by registering the second electronically. If the electronic voting system is inoperative, members of the City Council shall second a motion through a verbal request to the Chair.
- (4) Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to continue the public hearing shall move to continue the public hearing, and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.

(5) Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

(H) Motions to amend

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

(I) Abstention or recusal

(1) If a Councilmember abstains because of a legal conflict that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present,” unless otherwise required by law.

(2) When a Councilmember has a legal conflict and is required to abstain or be recused from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.

(3) Pursuant to Article III, Section 6 of the Charter, a Councilmember who is present and not required by law to abstain from voting shall vote on every measure for which a vote is called; a refusal to vote constitutes a vote of “no” on the measure.

(J) Special Charter or statutorily-mandated voting requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:

(1) *Charter amendments - Two-thirds vote:* An ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution).

(2) *Changing paving assessment plan - Two-thirds vote:* Changes in plans for paving assessments require a two-thirds vote of the full City Council. (Texas Transportation Code, Section 313.053).

(3) *Protested changes in zoning ordinance - Three-fourths vote:* If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more

of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Development Code; Council Policy, Article II, below.)

Section 5 Public hearings

(A) The City Council procedure for the conduct of public hearings is generally, but not required to be, as follows:

- (1) Staff presents its report.
 - (2) Councilmembers may ask questions of staff.
 - (3) The Chair opens the public hearing.
 - (4) The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of fifteen minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.
 - (5) Councilmembers may ask questions of the applicant/appellant.
 - (6) Members of the public are provided with the opportunity for comments and testimony in accordance with these Rules, including without limitation Sections 7 and 8, below.
 - (7) The appellant or the applicant is given the opportunity for closing comments.
 - (8) The City Council deliberates on the issue.
 - (9) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with these Rules.
 - (10) The City Council deliberates and takes action.
 - (11) The Chair announces the final decision of the City Council.
- (B) Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

Section 6 Public testimony at meetings

(A) Determining whether speakers are present

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall determine if speaker's cards have been submitted by persons who intend to speak or register a position or the Mayor may inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

(B) Public member request to speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker's card to the City Secretary before or as soon as reasonably possible after the close of the vote on the matter. Prior to speaking, the speaker shall complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

(C) Identification of speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

(D) Time limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

(E) Designation of spokesperson

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker's card. With the consent of the City Council, the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given two minutes per speaker up to a maximum of ten minutes provided that each of the persons who have agreed to yield their time to the designated spokesperson have completed a speaker's card and have indicated thereon the person's consent to the designation. The designating person's position on the matter shall be read into the record.

(F) Comments addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be addressed to individual members or to other speakers.

(G) Questions of speakers

Members of the City Council who wish to ask questions of a speaker or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.

(H) Motion to extend a speaker's time to speak

In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a motion is made and approved extending the time for the speaker.

(I) Materials for public record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

(J) Germane comments

No person will be permitted to speak about matters or present evidence which is not

germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

Section 7 Staff presentations

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

Section 8 Appointments to boards and commissions

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council, unless a Councilmember requests that the appointment be deliberated by the City Council.

Section 9 Citizens' comments – "Open Microphone"

(A) A portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

(B) Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered until all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting, but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card.

(C) In compliance with the Texas Open Meetings Act, the City Council may not question, deliberate or vote on any matter raised in citizens' comments. The City Manager may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

Section 10 Rules of decorum

(A) Speakers shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker

shall not present argument on a matter previously considered by the City Council at the same session.

(B) Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.

(C) Visitors attending City Council meetings may not bring food or drink into the City Council chamber.

(D) No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chamber in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.

(E) Only one person at a time may stand at the speaker's podium, unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.

(F) No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber will be enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain unobstructed.

Section 11 Waiver of rules

As referenced in RONR, certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR, certain rules of order can only be suspended by two-thirds vote. Other rules may be waived or suspended by a majority

vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

Section 12 Non-exclusive rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Section 13 Non-observance of rules

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

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ARTICLE II.

CITY COUNCIL POLICIES AND COUNCIL DIRECTIVES

Division 1. COUNCIL OPERATING PROCEDURES

Section 1 Placing items on an agenda

(A) Other than matters nominated for discussion during the “Future Agenda Items” segment of the regular agenda (as provided below), the Mayor, individually, or any two or more members of the City Council may request in writing (which includes email) that an item be placed on an agenda for consideration by the City Council as a whole. The request shall be made to the City Manager. If the request is made by a Councilmember, the member shall provide the City Manager the name or names of the member(s) who seconds the request. Unless otherwise specified by the requestor, the City Manager shall cause the item to be placed on the next available agenda of the type designated by the requestor (that is, a work session or regular agenda). The requestor must provide adequate detail of the request to the City Manager to allow proper posting of the matter under the Open Meetings Act and to provide other members of the City Council with sufficient information about the request to prepare to discuss the matter. Unless the matter is of such urgency as to constitute an emergency within the meaning provided by the Texas Open Meetings Act, or if the item requires the calling of a special meeting, the matter must be submitted not later than the close of business one week before the next meeting of the City Council.

(B) Each work session agenda prepared by the City Manager shall include a segment entitled “Future Agenda Items”. During the future agenda items segment, a member of the City Council may offer a matter for future consideration by the City Council. The suggested topic must obtain a second from one or more members of the City Council in order to be placed on a future agenda. If a second is obtained, the Mayor will direct the City Manager to place the matter on a subsequent agenda or, with the concurrence of the City Council, refer the matter to a committee.

(C) Other than routine matters placed on an agenda by staff (such as bid approvals, zoning requests, and the like) and emergency items, no matter that requires official action by the City Council will be considered without first having been discussed at a work session.

Section 2 Political and other endorsements by members of the City Council

A member of the City Council may endorse a candidate or a cause by using the Councilmember’s name and position, such as the term “Mayor, Garland, Texas”, “Councilmember, District __, Garland, Texas” or similar phrasing. A member of the City Council may not, in an endorsement, imply that the City of Garland - as an entity - has endorsed any such candidate or cause unless the City Council has formally voted as a body to provide that endorsement. In that regard, the City Council is generally constrained by

law from endorsing a candidate or cause in an election. A member of the City Council may not use a City or departmental logo or trademark in providing an endorsement of a candidate or cause in an election, nor may the member use City personnel or supplies to do so. A member of the City Council may use a City or departmental logo or trademark in the conduct of City business unrelated to an election.

Section 3 Council committees and outside boards

(A) Purpose

Due to the complexity and diversity of City government issues, a closer view of some issues is required by the City Council. The City Council also appoints from among its members, representatives to outside boards, councils and groups ("outside boards"), such as the Dallas Regional Mobility Council and the North Central Texas Council of Governments (and its sub-councils, such as the Regional Transportation Council). In order to provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions and to properly manage its representation on outside boards, the City Council adopts this policy regarding the set up and use of Council committees and for appointments to outside boards.

(B) Assignment to committees

Agenda items may be assigned to a committee by the Mayor, with the consent of the City Council, or by the City Council.

(C) Standing committees

The City Council shall have the following standing committees, aligned with the management responsibilities assigned to City staff by the City Manager:

- ☐ Administrative Services Committee
- ☐ Audit Committee
- ☐ Community Services Committee
- ☐ Development Services Committee
- ☐ Public Safety Committee

Each committee, after receiving an assignment from the Council, will consider policy decisions and actions; study issues; evaluate options; and develop recommendations. The committees shall serve in an advisory capacity only, and no committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.

(D) Standing committee responsibilities

The standing committees identified below shall have the following general responsibilities:

Administrative Services Committee

Items that may typically be directed to the Administrative Services Committee include, but are not limited to:

- ☐ Additions/revisions to Council policies.
- ☐ Review of local, state and national legislative changes.
- ☐ Updates on internal procedural modifications.
- ☐ Specific budget items.

Audit Committee

The Audit Committee shall assist the City Council in fulfilling the Council's oversight responsibilities for the Internal Audit Department, reporting practices, internal control, and compliance with laws, regulations and ethics within the limits described in the City Charter. The Internal Audit Department shall have access to all information necessary to perform its functions under the City Charter (to the extent permitted by law), and shall operate independently of management and free of organizational impairments.

The Audit Committee will consist of seven members, three of whom shall be members of the City Council appointed by the Mayor, and three of whom shall be appointed by the City Manager. The Internal Auditor shall serve as a member and provide staff support to the committee. Only Councilmembers may vote.

The Audit Committee shall meet at least quarterly, or more frequently as needed, and shall:

- ☐ Review and approve the Internal Audit Charter
- ☐ Approve the Internal Audit Department Annual Plan
- ☐ Receive and consider special written requests for audits from Councilmembers and the City Manager
- ☐ Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment.
- ☐ Review the results and performance of the Internal Audit Department on a quarterly and annual basis
- ☐ Review proposed Internal Audit budget in light of available resources
- ☐ Review summary of findings and recommendations of audit reports
- ☐ Review the annual external audit results and findings

Community Services Committee

Items that may typically be directed to the Community Services Committee include, but are not limited to:

- ☐ Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- ☐ Reviewing grant program applications
- ☐ Considering incentive programs for neighborhood revitalization

Development Services Committee

Items that may typically be directed to the Development Services Committee include, but are not limited to:

- ☐ Creation of new, or modification to existing codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements

Public Safety Committee

Items that may typically be directed to the Public Safety Committee include, but are not limited to:

- ☐ Additions and revisions to Council policies as they relate to public safety
- ☐ Review of local, state and national legislative changes as they relate to or may affect public safety
- ☐ Updates on policy modifications relating to public safety

(E) Ad hoc committees

Ad hoc committees may be created by the Mayor, with the consent of the City Council, or by the City Council, and its members appointed by the Mayor for a specific purpose, project or issue. The committee shall continue until the project is completed, at which time it will be dissolved, unless earlier dissolved by the Mayor, with the consent of the City Council. To the extent not inconsistent with the nature of ad hoc committees, ad hoc committees shall comply with the rules applicable to standing committees.

(F) Committee recommendation and Council consideration

Each committee shall prepare reports and make recommendations to the City Council at a work session regarding every matter assigned to or considered by the committee.

(G) Composition of committees

Each committee shall be composed of three members of the City Council. The Mayor shall serve as an ex officio member on each committee with the right to discuss any matter that is under consideration, but the Mayor shall have no vote nor serve as chair at the committee level. Any member of the City Council may attend any committee meeting, but only appointed members may participate in deliberations and voting. Testimony from someone not on the committee is permitted at the pleasure of the Chair.

(H) Appointments and vacancies

Within ten business days after the swearing-in of all Councilmembers after a City Council election, a Council Committee Interest Form (see sample attached) shall be completed by each member of the City Council and returned to the Mayor. Within ten business days following the submission of the Council Committee Interest Form, the Mayor shall make his or her nominations to the Council's committees and outside boards and deliver those nominations to the City Manager for distribution to the City Council, which shall be done by posting them as an agenda item in advance of the meeting at which the City Council will vote upon such nominations thereby providing the City Council at least 72 hours advance notice of the Mayor's proposed committee assignments. The City Council may accept or disapprove the Mayor's nominations. The Mayor will make nominations and make new nominations as needed to fill vacancies, in a manner that will assure continuity on the Council's committees and outside boards.

(I) Term of office

The term of office of any member of a standing committee or outside board begins upon confirmation by the City Council. The term continues until the member has resigned from the committee or outside board and a replacement is confirmed, the City Council has voted to remove the member from the committee or outside board, or until the committee member no longer holds a position on the City Council.

(J) Chair

The Chair of each committee shall be selected by the Mayor.

(K) Convening meetings

The committee Chair shall have the responsibility for convening the committee as necessary.

(L) Minutes of meetings

Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those

persons present at committee meetings. When completed, the minutes shall be signed by the Chair and filed with the City Secretary and promptly posted on the City's website.

(M) Agenda postings

Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act. Such notices shall be posted in a manner that contemplates the attendance of a quorum of the City Council.

(N) Recommendation regarding the continuation of committees

The Mayor shall annually review the activity of existing committees to identify inactive committees and provide a report to the Council recommending which committees should be continued and which dissolved.

Section 4 Appointments by the City Council to outside organizations of which the City is a member

(A) Under State law or by reason of contract or other arrangement, the City is represented in the affairs of certain organizations that exist independently of the City. The City appoints, or approves the appointment of, representatives to those organizations who serve as voting members of the governing bodies of those organizations. Those persons are charged with representing the interests of the City. Currently, those organizations consist of the (1) Texas Municipal Power Agency; (2) North Texas Municipal Water District; (3) Dallas Area Rapid Transit Authority; (4) Garland Housing Finance Corporation; (5) Garland Economic Development Authority; (6) Garland Health Facilities Development Corporation; (7) Civil Service Commission; and (8) Dallas Central Appraisal District. If an organization is created subsequent to the adoption of this policy to which the City is entitled to appoint a representative to the governing body of the organization, this policy shall apply until specifically amended to apply to the organization.

(B) It is the intent of the City Council that the term of service is "at will" such that the representative may be removed without cause. If, by law, an appointment is for a definite period and an appointed representative may not be removed at will, controlling law shall prevail.

(C) In order to provide for timely appointments to the organizations, the City Council shall be advised at least sixty days in advance of the expiration of a representative's term of office. At the time of such advice to the City Council, the City Manager shall cause a notice to be placed on the City's website, in the Garland City Press and through other available community-related electronic communication tools such as Neighborhood Chatter and Nextdoor for a minimum of twenty-one days in order to provide citizens the opportunity to apply for the position. Such notice shall include information for the public that explains the purpose and function of the organization and the role of the appointee. At the close of the 21-day period, applications for the position, or recommended appointees

to be approved by the City Council, will be presented to the City Council to allow the City Council to interview candidates for the position. At the close of the interview process, if one is held, the City Council shall make its appointment, or approval, by minute action or resolution, as prescribed by law.

(D) Persons appointed by the City Council shall provide periodic, but not less than annual, updates to the City Council regarding the activities of the organization to which they have been appointed.

Section 5 State and Federal legislation and rule-making proceedings

(A) The City Attorney, with the assistance of the City Manager, shall apprise the City Council of pending matters of legislation or rule-making that may affect the interests of the City. The Mayor or any two members of the City Council may request that a legislative or rule-making initiative be presented to the City Council for a formal determination by the City Council of endorsement or opposition. The City Attorney may, in the exercise of his professional discretion, determine to take action on or intervene in support of or opposition to a legislative or rule-making matter subject always, however, to the prerogatives of the City Council as the policy-making body of the City.

(B) This policy is not intended to prohibit or restrict a member of the City Council acting as a private citizen, and not on behalf of the City, from participating in legislative or rule-making matters provided the Councilmember does not in any way imply that the position of the Councilmember is the official position of the City unless the City Council has so decided. A member of the City Council may accurately represent himself or herself as an elected official and as a member of the City Council, but may not use City resources, staff, letterhead, official email, or any City-approved logo in doing so.

Section 6 Council budget for travel, business expenses, and equipment

(A) In the budget presented to the City Council for its consideration each year, the City Manager shall suggest an amount to be budgeted for the anticipated expenses of the City Council consistent with the provisions of this policy. The City Council shall consider the suggested funding and approve the amount, decrease the amount, or increase the amount as it considers necessary and proper. The funding should be sufficient to provide for City Council travel and other business expenses and City-provided equipment consistent with this policy and Article III, Section 3 of the City Charter, which provides for the reimbursement of necessary expenses incurred in the performance of a councilmember's official duties when approved by the City Council.

(B) The City Council shall provide adequate funds for travel and related expenses so that the Mayor and each member of the City Council has the opportunity to attend at least the following City-related activities:

- ☐ Annual meeting of the Texas Municipal League and affiliates;
- ☐ Texas Municipal League newly-elected officials orientation (for newly-elected members of the City Council);
- ☐ National League of Cities and affiliates annual meeting - Washington, D.C.;
- ☐ National League of Cities annual Congress of Cities (various locations);
- ☐ Attendance at committee or association functions related to the Texas Municipal League or the National League of Cities; and
- ☐ Attendance by the Mayor at meetings of the U.S. Conference of Mayors.

(C) The City Council shall provide adequate funds for travel and related expenses to enable the Mayor or other members of the City Council to attend meetings, events, and functions relating to and advancing the City's interests in addition to those described in subsection (B) if such expenses are approved by the City Council in accordance with subsection (D).

(D) The expenses budgeted and authorized under subsection (C) must be approved by the City Council in advance unless the attendance of the Mayor or another member of the City Council is of such an urgent, unforeseen, and important nature that advance approval of expenses by the City Council cannot reasonably be obtained in a timely manner. Examples of urgent and unforeseen circumstances include attendance at legislative proceedings (federal/state/local), expenses made necessary by natural disasters, appearances at official business as compelled by law, and the like. Such unforeseen expenses may be approved by the Mayor (or by the Mayor Pro Tem in the event the Mayor will incur or has incurred such expenses). The City Council retains the authority to approve any travel that has been disapproved by the Mayor (or Mayor Pro Tem, as the case may be).

(E) A Councilmember shall provide a brief report on any meeting attended at the expense of the City at the next regular meeting of the Council. If multiple Councilmembers attended the same event, a joint report may be made. The City Manager will provide the City Council with an annual written briefing on Council travel and related expenses.

(F) The following general rules apply to travel (in town and out-of-town) and other City-related expenses incurred by the Mayor and the City Council:

- ☐ *Registration and necessary membership fees for the organizations described in subsection (B).* Membership and registration should be completed through the office of the City Manager in advance, when possible.
- ☐ *Transportation for City-related business.* Councilmembers may select the appropriate mode of transportation. Payment or reimbursement of transportation expenses, however, will be based upon the most economical mode of transportation

that is reasonable under the circumstances.

- o If a Councilmember drives a personal vehicle on City business, reimbursement will be made at the lower of either the current mileage reimbursement rate published by the United States Internal Revenue Service or the most economical airline rate to and from the destination. A mileage accounting shall be filed using the City's standard personal mileage trip sheet form and shall have attached thereto a calculation of mileage as determined by an on-line trip mileage calculator.
 - o Airline reservations should be made well in advance of the trip in order to take advantage of any discounted fares.
 - o Rental vehicles are authorized for out of town trips where the Councilmember does not have use of a personal vehicle, but only when the amount of travel while at the destination will make a rental vehicle more economical than a shared ride, complimentary shuttle or taxi service. If a rental vehicle is used, all supplemental car rental insurance and damage waivers should be declined. Car rental reservations must be made through the office of the City Manager.
- *Meals for City-related travel.* The City will pay a per diem for meals based on the current published U.S. General Services Administration (GSA) allowance. GSA allowance rates are available on-line at www.gsa.gov and will be based on the location at which the meal purchase is made. If the location is not listed in the GSA tables, the standard rate will be used. For less than complete days spent on authorized travel, the GSA allowance will be prorated as follows: Breakfast - 20% of GSA allowance; Lunch - 30% of GSA allowance; Dinner - 50% of GSA allowance. The GSA allowance will also be reduced pro-rata for any meal for which the City will otherwise pay or the expense for which is otherwise avoided. Examples include, without limitation, a luncheon provided to attendees at a conference, a dinner provided as part of a social event related to the City business, or breakfast provided as part of the airfare to or from an event.
- *Out-of-town lodging accommodations.* The City will pay for lodging accommodations through the duration of the meeting, seminar or City-related business travel event. If accompanied by a family member or others, the Councilmember will pay any difference between the single and double- or multiple-occupancy rates, if any, for the accommodation.
- *Miscellaneous travel-related expenses allowed.* Reasonable baggage handling, parking (including valet parking fees if reasonable and necessary) tolls, service and similar gratuities and expenses are allowed while on authorized travel. Receipts are not required but the amount must be reflected on the expense report.

- ☐ *City-related equipment, office products, and supplies.* The City will provide each member of the City Council with:
 - o A laptop computer or tablet with Wi-Fi or other remote access capabilities;
 - o Business cards
 - o A cell phone or a cell phone stipend, payable monthly
 - o Official City-branded shirts and nametags

Ordering and delivery of equipment, especially computer or City-network connected equipment, must be coordinated with the Office of the City Manager in order to insure consistency of equipment capabilities and cost control. Equipment problems shall be referred to the Office of the City Manager. Each member of the City Council is responsible for promptly returning all City-provided equipment, access/ID cards, and keys (if any) to City facilities upon completion of the member's term of office. A Councilmember may, on completion of the member's term of office, purchase the laptop computer or tablet provided to that member for not less than fair market value if the device is considered obsolete and will be replaced by an upgraded device. Fair market value for the device will be determined by the City's IT department.

(G) The following expenses are categorically disallowed and will not be paid or reimbursed by the City and may not be charged to City-issued credit or debit cards or otherwise:

- ☐ Trip or travel insurance
- ☐ The personal portion of any trip, including without limitation the expenses attributable to family or companions
- ☐ Premium or first-class lodging, transportation or meals
- ☐ Alcoholic beverages
- ☐ In-room movies, games or other entertainment
- ☐ In-room meal service fees (the meal is reimbursable if otherwise allowed under this policy)
- ☐ Valet service (with the exception of required valet parking)
- ☐ Laundry service or garment rental (with the exception of laundry service for out-of-town stays of more than seven days)
- ☐ Gratuities in excess of 20%
- ☐ Entertainment costs, including theater, movie, or sporting event tickets, recreational expenses (such as greens or cart rental fees for golf) or the like
- ☐ Political contributions or attendance at political or charitable events
- ☐ Non-mileage personal driving expenses such as repairs, traffic citations, and insurance
- ☐ Personal losses incurred while on City-related business

☐ Cash advances on a City-issued “P-Card”

(H) While the City Charter provides that the Mayor and the members of the City Council are entitled to be reimbursed for certain expenses, it is the policy of the City that neither the Mayor nor any Councilmember will be issued or may hold a City P-Card or other means of unilaterally charging expenses to the City. If the Mayor or a member of the City Council is owed more than \$100.00 in reimbursement, the office of the City Manager shall process an accounts payable request through the City’s accounts payable system. If less than \$100.00 is owed, reimbursement may be made from an appropriate petty cash fund. If the Councilmember owes the City money, the Councilmember must reimburse the City within twenty business days after completing travel or incurring the expense. A check payable to the City shall be attached to the original, signed expense report. The City Council is responsible for enforcing this policy.

(I) The Mayor and members of the City Council may be asked, or may desire, to join outside organizations to promote the interests of the City or to sponsor such events or organizations. In such cases, unless membership in the organization has already been approved by policy (see, for example, section relating to membership in the Texas Municipal League and its affiliates), the City Council shall be provided with a brief description of the organization, what it does, what benefits to the City the sponsorship or membership in the organization will promote, frequency of meetings, and an estimate of annual costs of membership (including dues, conference fees, and travel costs). The City Council may approve a sponsorship or a membership in the organization by consensus and, if so approved, shall budget funds for associated costs. The City Council shall annually review sponsorships or City Council memberships in outside organizations during the operating budget approval process. Some organizations may not reflect the values or ideals of the City Council as a whole. Thus, the Mayor or a member of the City Council may not commit to sponsorship, membership or participation in, or attendance at, meetings of organizations not listed in this section without the approval of the City Council except in the Councilmember’s individual capacity and at the Councilmember’s sole expense.

(J) The City Manager is authorized to provide a cash allocation to senior-level employees who have been assigned to accompany members of the City Council on authorized out-of-town trips to off-set incidental, out-of-pocket expenses incurred in support of official City Council functions. Any unused portion of the cash allocation shall be promptly returned to the City upon completion of the function.

Section 7 Council requests for information or services

(A) By Charter, the people of Garland have chosen a council-manager form of government. In keeping with that form of government, the City Charter specifically provides:

Neither the City Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager

or by any of his subordinates. However, the Council may consult and advise with the City Manager, make inquiry regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the Council and its members shall deal solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council, by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty after public hearing, and thereby create a vacancy in the place held by such member.

(B) The City receives thousands of service requests, information requests, and complaints each month. Some of those requests and complaints are received through members of the City Council and some may be initiated by a member of the City Council. For requests and complaints received or initiated by a member of the City Council, this policy is intended to provide for an expeditious and thorough means of resolving such requests and complaints by providing access to the appropriate level of City management without violating the prohibition on interference contained in the City Charter.

(C) Requests and complaints received through or initiated by members of the City Council generally fall into three categories. Requests and complaints may be made either verbally or in writing, including email. The following guidelines will apply when processing requests or complaints:

SERVICE REQUESTS	
TYPE:	REFER TO:
First time request for routine service when a response to the Councilmember is not desired. A department representative will contact the requestor if necessary.	Department service line Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager

SERVICE REQUESTS	
Second or third time for routine service request when a response to the Councilmember is not desired. The department head or a representative will contact the requestor.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Routine service request involving more than one department when a response to the Councilmember is not desired.	Responsible department heads or managing directors Assistant City Manager or Deputy City Manager City Manager
Routine service request when the Councilmember desires a response.	Responsible managing director Assistant City Manager or Deputy City Manager City Manager
Service request that is not routine or that involves a major resource allocation. A response shall be provided to the Councilmember.	Assistant City Manager or Deputy City Manager City Manager

INFORMATION REQUESTS	
Information that is readily available (on file or that can be provided verbally).	Responsible department head Assistant City Manager or Deputy City Manager City Manager
Information that is available but that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager

INFORMATION REQUESTS	
Information that involves more than one department and that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager

COMPLAINTS	
Routine service complaints regarding quality or quantity of service when no response to the Councilmember is desired.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Service complaints regarding quality or quantity of service when a response to the Councilmember is requested.	Assistant City Manager or Deputy City Manager City Manager
Complaints regarding the conduct or performance of a City employee.	City Manager
Complaints involving a City policy, procedure, or ordinance.	Assistant City Manager or Deputy City Manager City Manager City Council

(D) Information regarding the submission or resolution of a service request, information request or complaint is generally public and may be shared with other members of the City Council. A member of the City Council has no expectation of secrecy regarding the submission or resolution of a service request, information request or complaint. Information received from or given to a member of the City Council is information that may be given to all members of the City Council.

Section 8 Who shall act as Mayor

The City Charter provides, “In case of the absence or disability of both the Mayor and the Mayor Pro Tempore, the remaining members of the Council shall elect one of the members to act as Mayor.” Because there may not be time to assemble a quorum to elect a person as mayor under such circumstances, and in order to increase the efficiency of government, the City Council may choose to elect a deputy mayor pro tempore to act as mayor when the Mayor and the Mayor Pro Tem are absent or disabled. If the City Council chooses to have a deputy mayor pro tempore, the election for the position shall be held at the first regular meeting of the City Council that follows the annual goal-setting retreat. The City Manager shall place an item on an agenda for consideration by the City Council each year.

Section 9 Communications on behalf of the City by members of boards and commissions

(A) Boards and commissions, whether established by reason of State law, the Charter, by ordinance or on an ad hoc basis, are an integral part of the municipal government process. The citizens who serve on City boards and commissions provide an important service to the citizens of Garland. Boards and commissions, and the members of those boards and commissions, do not, however, speak for the City on larger issues of City governance. The City Council is responsible for all aspects of the City’s governance and it is the legislative and policy-making body for the City.

(B) If a board or commission desires to communicate to others a position on any matter of public concern, the board or commission shall first seek approval from the City Council before engaging in such communication. The City Council will speak for the City. The City Council will determine whether and what will be the official position of the City on the issue presented by the board or commission.

Section 10 Appointments to boards and commissions

Generally, appointments to boards and commissions shall be made by the City Council annually during the month of August. The general term of office for a council appointee begins on September 1 and expires on August 31 in the year in which the term of office of the member of the City Council who made the appointment expires. If a vacancy occurs before a term is completed, the Councilmember representing the district in which the vacancy occurs shall be responsible for nominating a replacement. *See also, Section 2 of Division 4 of this Article for the procedure regarding the recruitment and appointment of members of boards and commissions.*

Section 11 Annual performance and compensation review of council appointees

(A) The City Council appoints the City Manager, the City Attorney, the City Secretary, the Internal Auditor, and the judges of the Municipal Court. Except for the chief presiding judge and the associate judge of the Municipal Court (whose terms of office are prescribed

by State law) and the City Secretary, council appointees are employed under contract, the term of which shall not exceed one year. The performance of and compensation afforded to council appointees other than the City Secretary shall be reviewed and evaluated by the City Council annually. Notwithstanding any other reference to “appointee” in this section, the determination of the performance, evaluation, compensation, and other terms of employment for the City Secretary have been assigned by the City Council to the City Manager and are not covered by this section.

(B) The City Manager shall cause the Managing Director of Human Resources to provide the City Council with:

(1) The current compensation paid and salary ranges applicable to officials with similar duties and comparable responsibilities employed by comparable municipalities in Texas; and

(2) Information regarding applicable municipal populations, departmental or functional staff support personnel, years of experience of each official in that official's present position, and benefits or perquisites provided.

(C) A copy of the information gathered by the Managing Director of Human Resources shall be forwarded to the respective appointee. The appointee may submit to the City Council comments regarding the information considered relevant for review.

(D) The City Council shall, in executive session:

(1) Meet to review the applicable performance-related goals and objectives, if any, established for each individual appointee for the preceding review period and define those goals and objectives to be considered for the next review period;

(2) Meet with each appointee individually to discuss the appointee's performance and achievements;

(3) Discuss and evaluate the appointee's performance during the preceding review period and, if applicable, the goals and objectives to be established for the next review period; and

(4) Determine the compensation, benefits, and perquisites to be afforded to the appointee.

(E) The Mayor shall notify each appointee of the compensation and benefits determinations made by the City Council and discuss with the appointee any additional comments or suggestions made by the City Council regarding such appointee. Follow-up sessions to clarify the evaluation or review progress with the City Council may be scheduled if necessary. The City Attorney shall be directed to prepare an appropriate employment agreement for each appointee who is employed under contract and that is

reflective of the directions given by the City Council for that appointee. The employment agreements shall be placed on an agenda for formal approval by the City Council. Municipal judges are appointed for two year terms without contract, but compensation may be adjusted annually by the City Council. Note: Part-time associate judges are hired under informal contract by the presiding chief judge of the Municipal Court and are compensated in accordance with funds allocated for such purposes in the annual budget as approved by the City Council.

(F) After final approval by the City Council, the City Manager shall inform the Managing Director of Human Resources of the compensation adjustments that need to be implemented, as applicable, and shall cause the Managing Director of Human Resources to promptly prepare and process all the documentation necessary to implement the compensation determinations of the City Council as directed.

Division 2. LAND USE, ZONING, AND DEVELOPMENT PROCEDURES

Section 1 Appeals from recommendations of the Plan Commission

(A) Certain matters decided by the Plan Commission are subject to the right of appeal to the City Council. If an appealable decision is rendered by the Plan Commission, the Department of Planning shall notify the affected applicant of the decision in writing or by electronic communication. The notification shall advise the applicant that the applicant may file an appeal from the decision within the time provided in this policy.

(B) Subject to the provisions of the Garland Development Code, an applicant who is aggrieved by a decision of the Plan Commission may appeal to the City Council, if an appeal to the City Council is provided by the applicable ordinance, by filing a written notice of appeal. Unless a different procedure is specified in the Garland Development Code, the notice of appeal shall be filed not later than the time provided in the applicable ordinance for the filing of an appeal or, if no such time is provided by ordinance or other law, not later than fifteen days after the date of the Plan Commission decision being appealed. Upon receipt of a timely notice of appeal, the Director of Planning shall set the matter for hearing with the City Council on the earliest available agenda setting.

Section 2 Procedures and deadline for the filing of objections to zoning changes (the “20% rule”)

(A) Section 211.006, TEX. LOCAL GOV'T CODE provides that a proposed zoning change must receive the affirmative vote of not less than three-fourths of the members of the City Council if the change is protested by 20% or more of the owners of the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. That provision is generally referred to as the “20% rule”.

(B) For purposes of clarity: (1) the area to be included in a calculation as to the

applicability of the 20% rule is the 200 feet provided by State law, not the extended 400 foot notification area provided by the Garland Development Code; and (2) the three-fourths votes required means 6 affirmative votes, not merely three-fourths of the membership present and voting. For the latter reason, if less than all members of the City Council are present at a meeting on a zoning change in which the application of the 20% rule may be invoked, the City Council may postpone without further debate the hearing on the change.

(C) A protest must be made in writing and timely received by the City in order to be included in the calculation whether the 20% rule has been invoked. A written protest must be filed by each protesting owner – inclusion of an owner's name on a petition or other collective protest not actually signed by the owner or an authorized representative of the owner will not be counted in the calculation.

(D) A protest will not be considered timely unless it has been submitted in writing prior to the close of public comments on the proposed change. A protest may be submitted by email or other electronic communication form recognized by the City for the receipt of official correspondence, but a protest so submitted must be received no later than noon on the day of the first public hearing at which the zoning change will be considered.

(E) If a zoning change is approved by a majority of the City Council but nonetheless disapproved by operation of the 20% rule and a motion to reconsider has been granted, a new protest must be filed by the affected owner in order to invoke the 20% rule for the zoning change being reheard. If the zoning change is disapproved by a majority of the City Council regardless of the application of the 20% rule and a motion for reconsideration is granted, a written protest timely filed in the initial zoning change case will be carried over and applicable to the case on rehearing.

Section 3 Reconsideration of zoning change denials

(A) The applicant for a change in zoning may request the reconsideration of a denial of a change in zoning. A motion for reconsideration must be filed with the Director of Planning, in writing. The motion must be filed before the close of business not more than five business days following the meeting at which the zoning change request was denied.

(B) The motion for reconsideration must demonstrate that new considerations not known or discoverable at the time of the original hearing constitute good cause for reconsidering the request. The following circumstances generally do not justify the granting of a motion to reconsider:

(1) Failure of the applicant to appear at the hearing of the City Council at which the request was denied;

(2) Failure of the applicant to be adequately prepared for presentation of the request to the City Council; or

(3) Absence of one or more members of the City Council from the meeting at which the request was considered or denied.

Additionally, modifications of a request to address matters identified in the planning report for the zoning change request as reasons for a recommendation of denial are a disfavored basis of reconsideration. Nonetheless, the City Council retains the authority to review each motion for reconsideration on its merits in order to determine if a reconsideration of a request is in the best interest of the public.

(C) A request for reconsideration will be heard by the City Council at the next meeting immediately following the denial of the zoning change request. A motion to grant reconsideration may only be made by a member of the City Council who voted in favor of denial of the request. A motion to grant reconsideration may be seconded by any member of the City Council. A vote of not less than three-fourths of the members of the City Council then present and voting (but not less than five), is required to grant a request for reconsideration. If a request for reconsideration is granted, the case shall be re-advertised and placed on the next appropriate agenda of the City Council. A motion to deny a request for reconsideration may include a motion to waive the one year rule provided in the Garland Development Code that prohibits the consideration of a zoning change request within one year of the denial of a request for a change in zoning for the affected tract of land. A denial of a change in zoning may also be made “without prejudice” to re-filing for the same purpose.

Section 4 Citizen-initiated street name changes

(A) Street name changes may be initiated either by the City or by citizen request. A street name change request initiated by citizen request will be considered only if 80% or more of the owners of property that will be directly affected by the street name change favor the request. A street name change request may be approved if the City Council determines that the change is in the public interest and that the name will not cause confusion, continuity or way-finding problems or otherwise adversely affect the public interest.

(B) A request to change a street name must be in writing. The application for a street name change must indicate the proposed name change, the limits (by block number) of the name change, and the reasons for the change in name. A fee of \$500 shall be submitted with the written application for change in name to cover the cost of reviewing the proposal. If an initial determination is made that the change in name will cause confusion, continuity or way-finding problems or otherwise adversely affects the public interest, the applicant(s) shall be notified by the City and the initial application fee shall be refunded. If the proposed name is not acceptable, the applicant(s) shall be given an opportunity to propose another name before the application is disapproved. If the proposed name change is recommended for consideration to the City Council, the applicant(s) shall pay an additional fee based upon the actual costs of research of and notification to addresses that will be directly affected by the proposed name change. If the proposed name change is recommended for

consideration to the City Council, the applicant(s) must obtain the written approval (an adequately descriptive petition is acceptable) of at least 80% of the affected property owners.

(C) Upon confirming that written approval has been obtained from the requisite number of affected property owners and payment of estimated sign replacement costs by the applicant(s), a public hearing shall be held by the City Council to consider the proposed name change. A name change may be made only by ordinance. If the name change is disapproved, the estimated sign replacement costs shall be refunded to the applicant(s).

Section 5 Private streets

(A) Private streets are an allowed option under the Garland Development Code. The private street option may be chosen in order to provide a means of limiting access into a development (for example, in private, gated communities), in order to maximize the amount of non-public area within a development, or for other development reasons. The City has no responsibility for any expenses related to the construction, maintenance or repair of a private street.

(B) In recognition of the possibility that a street constructed as a private street may eventually be, and occasionally are, after a period of time, turned over for public use as a public street and to ensure that private streets are built to the same standards and quality of public streets, the following standards apply:

(1) A private street is not allowed within a development without the prior approval of the City Council either through zoning approval or by separate development agreement.

(2) A private street must be designed, constructed, and maintained in accordance with the standards for public streets of the type and capacity most like the proposed private street, including width, turning radii, pedestrian ways and sidewalks, street lighting, and utility facilities.

(3) Private streets are allowed only in residential developments. Streets within a commercial or industrial development must be public. If, however, access to the proposed street will be restricted (such as by gates or security personnel) the streets must be private. Limited access public streets are not allowed.

(4) The City is not responsible for the construction or maintenance of any aspect of a private street, including repairs or other maintenance. Accordingly, some perpetual funding source (such as an assessment-levying capable homeowners' association) for repairs must be provided for all maintenance of a private street.

(5) Only the City Council has authority to accept the public dedication of a street formerly constructed or used as a private street, and the City Council will only do so under

the following conditions:

(a) The street meets all City requirements as to design and construction standards - upgrades to meet current City standards must be completed prior to the acceptance of the dedication;

(b) The area to be dedicated as a public street includes adequate room for sidewalks, street lighting, and utilities;

(c) The street provides adequate accessibility for emergency vehicles; and

(d) All gates and other limits to accessibility have been or will be removed without cost to the City prior to the acceptance of the dedication.

(C) Design plans for all proposed private streets shall be submitted for approval to the Department of Engineering in the same manner that plans for public streets are submitted. Approval or disapproval by the Department of Engineering will be determined in reference to this policy. A request for a variance from the requirements of this policy must be submitted to the City Council for approval or disapproval.

Section 6 Additional public notification of City activities

(A) In order to encourage public awareness of and participation in City matters, timely prior notification to the public must be given in addition to that contemplated by the Texas Open Meetings Act or other laws relating to specific notifications such as zoning changes, tax rates, and budget approval. This policy is intended to supplement the notifications required by law, including those contained in the Charter, the Code of Ordinances, and the Garland Development Code.

(B) The City shall endeavor to provide notice of the following matters at the earliest practical opportunity but, of course, no later than otherwise required by law:

- ☐ Adoption or amendment of the City's comprehensive plan
- ☐ Changes to the thoroughfare plan
- ☐ Changes to the City's municipal boundaries (whether by annexation or dis-annexation or by boundary adjustment agreement with another municipality)
- ☐ Changes to the City's territorial jurisdiction
- ☐ Amendments to the Garland Development Code
- ☐ Adoption or amendment of the annual City budget
- ☐ Adoption or amendment of the capital improvements budget
- ☐ Revisions to flood insurance rate maps and flood boundary-floodway maps affecting the City
- ☐ Special paving or drainage assessment projects

(C) In addition to posting, publication, and delivery of notice as required by law, the City shall endeavor to provide notice by mail, by email, or by other electronic delivery means to homeowners' associations and civic groups that have previously registered with the City Secretary for such purposes. An association or group must register in writing on a form or in a format provided by the City Secretary and shall provide at minimum a mailing address, an email address, and the phone number for the person designated to be the point of contact for the association or group.

Division 3. FINANCIAL AND FISCAL INTEGRITY PROCEDURES

Section 1 Rotation of outside auditing firms for annual audits

The City is required by Charter and State law to have performed annually an independent audit of accounts and other financial transactions of the City by an outside auditor. The integrity and quality of the audit is of paramount concern to the City, to its citizens, and to those considering investments in or transactions with the City. The Audit Committee and staff shall review the outside audit each year to determine whether the City Council should consider a change in the firm conducting the outside audit or a change in the senior auditor in keeping with the goals stated in this policy.

Section 2 Financial policy; statement of investment strategy; statement of investment policy

(A) The City Council shall annually adopt, by resolution or minute action, a financial policy, a statement of investment strategy, and a statement of investment policy as required by and in conformance with State law. The following constitute the City's financial policies and statements of investments strategy and investment policy:

(B) *Statement of financial policy*

General Principles:

- ☐ The City shall maintain an operating position in all governmental funds such that annual expenditures shall not exceed annual resources, including fund balance.
- ☐ The City shall maintain an operating position in all proprietary funds such that annual expenses shall not exceed annual resources, including retained earnings.
- ☐ The City shall protect the physical assets of the City to ensure the value, integrity, and utility of these major investments of the City's resources.
- ☐ This policy shall be reviewed and updated periodically and will be presented to the City Council for approval of any significant changes.

Operating Condition:

- ☐ A multi-year financial forecast shall be prepared annually projecting revenues and expenditures for all operating funds. This forecast shall be used as a planning tool in developing the following year's operating budget.
- ☐ Rates, fees, and charges for service shall be reviewed annually and adjusted as necessary to respond to cost increases or other changing circumstances.
- ☐ Activities within enterprise funds shall be budgeted so that revenues support costs of service, satisfy all revenue bond covenants, and provide adequate cash flows.
- ☐ Insurance coverage shall be examined annually to ensure that policy limits are adequate and in compliance with revenue bond covenants.
- ☐ Estimated costs and funding sources shall be identified prior to any project being submitted for approval by the City Council.

Debt Management:

- ☐ Debt shall not be used for funding current expenses.
- ☐ Bonds shall be sold only to finance long-term capital projects.
- ☐ A project shall not be financed over a period longer than the estimated life of that project.
- ☐ On all capital projects considered by Council, a disclosure statement shall be included, where appropriate, to identify annual operating costs of each project.
- ☐ The City shall prepare a multi-year Capital Improvement Program (CIP), updated annually, which will meet the anticipated growth requirements of the City. The CIP shall be adopted by the City Council as a guide for staff in planning the subsequent year's capital and financing needs.
- ☐ Total tax-supported debt shall be maintained so as not to exceed five percent (5%) of the total assessed valuation of taxable property.

Financial Condition:

- ☐ The City shall budget available resources to maintain an ending “fund balance” requirement in each fund according to the following definitions and guidelines:
 - o General Fund - 30 days of budget-based operating expenditures less debt service. “Fund balance” is defined as the unreserved, undesignated portion of total assets minus total liabilities.
 - o Enterprise Funds - 45 days of budget-based operating expenditures including debt service. “Fund balance” is defined as current assets minus current liabilities, excluding non-budgetary adjustments. The Water Fund shall also have a fund balance goal of 60 days of budget-based operating expenditures including debt service to supplement the 45 day requirement and mitigate against unexpected declines in revenue due to weather volatility.
- ☐ Before the City budgets any resources from a “fund balance”, as defined above, for the respective fund types, the “working cash” (cash and investment balances) of each fund shall be analyzed to ensure that adequate liquidity is projected to be available for cash flow purposes.
- ☐ All Internal Service Funds shall be fully self-supporting to the extent that any retained earnings deficit shall be fully recovered in the subsequent fiscal year through increased charges to benefiting departments. Self-insurance reserves shall be actuarially determined and periodically reviewed to evaluate experience and degree of risk assumptions. The City Council may opt, on an annual basis, to adjust fund balance targets in specific funds to meet short-term economic or other circumstances.

Asset Maintenance:

- ☐ In addition to anticipated growth requirements of the City, the Multi-year CIP will identify major infrastructure repair and rehabilitation needs.
- ☐ The City will prepare and maintain a facilities master plan. This document will serve as a management tool to project space needs including construction or modification of facilities.
- ☐ Repair, renovation, and maintenance shall be regularly performed to protect the life of the assets and to ensure their safety and utility. A systematic program of routine and preventive maintenance shall be developed based on need identification and prioritization.

- ☐ The Annual Operating Budget will provide sufficient funding levels for ongoing maintenance of the infrastructure.

Accounting, Auditing, and Financial Reporting:

- ☐ Accounting systems shall produce information that is consistent with generally accepted accounting principles for governmental entities.
- ☐ An annual comprehensive audit shall be conducted of all funds by an independent public accounting firm in accordance with these financial policies. A policy of full disclosure on every financial report and official statement shall be followed.
- ☐ Year-end net revenues of the electric system and the combined water and sewer system shall be maintained at a level sufficient to cover average annual revenue debt service requirements and current year revenue debt service requirements by at least 1.25 times.
- ☐ A condensed year-end Electric Utility financial report shall be prepared and given widespread circulation to the ratepayers and taxpayers of the City.

Responsibility and Authority:

- ☐ The City Manager shall have accountability to the City Council concerning the financial strategies outlined in this policy. However, the City Council shall not be involved in the day-to-day implementation of the financial strategies outlined in this policy and no Councilmember – including the Mayor - shall unilaterally direct the City Manager or his staff to take or refrain from any action related to this policy or the authorizations contained herein.
- ☐ The City Manager is authorized to approve and execute by and on behalf of the City purchases or other contracts requiring expenditures up to and including the amount of \$99,999.99. The Purchasing Director, as directed by the City Manager, shall have the authority to purchase or contract for all goods and services needed by any department of the City or by any agency that derives its support wholly or in part from the City.
- ☐ The City Manager or his designee has the authority to authorize, approve, and execute by and on behalf of the City internal directives, procedures, and protocols meeting the minimum requirements of the State of Texas for home-rule municipalities; determine the method of procurement, in accordance with state law, that provides the best value for the City; approve, in accordance with the requirements of law, change orders in the event it becomes necessary to make changes after the purchase or performance of a contract has commenced.

- The City Manager has authority for delegating financial transaction responsibilities to appropriate organizational levels for the efficient operation of the City.

(C) *Statement of investment strategy*

Chapter 2256 of the Texas Government Code requires the City to adopt a separate written investment strategy for each of the funds or group of funds under its control. Effective investment strategy development coordinates the objectives of the City's investment policy and cash management procedures to reduce investment risk and enhance interest income. The following investment strategy describes the investment objectives for each fund or group of funds using the following priorities in order of importance:

- (1) Suitability
- (2) Safety of principal
- (3) Liquidity
- (4) Marketability of the investment before maturity
- (5) Diversification
- (6) Yield

This investment strategy applies to the investment and management of all funds under direct authority of the City of Garland. Each of the City's funds or group of funds has varying cash flow requirements and liquidity needs. Specific strategies shall be implemented considering that fund or group of funds' unique requirements. The City's funds are invested according to the following fund types:

Operating Funds:

Investments for operating funds shall be scheduled to match anticipated cash flow projections with their stated final maturities with a stated final maturity of three years or less from the date of purchase. Operating fund portfolios include the treasury portfolio.

Suitability - All investments authorized in the Statement of Investment Policy are suitable for Operating Funds.

Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Liquidity - Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Constant \$1 NAV investment pools and money market mutual funds shall be an integral component in maintaining daily liquidity. A dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date for each security. Purchased securities will have a stated final maturity of three years or less from the date of purchase.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for operating funds shall be the two year rolling average yield for the two year Treasury note.

Debt Service Funds:

Investments for debt service funds shall mature on or before the next debt service date. Purchased securities will be highly liquid with very short term maturities because of the near term cash flow requirements. Debt service fund portfolios include the general obligation debt service fund and the revenue bond debt service fund.

Suitability - All short term, high quality securities that are authorized in the Statement of Investment Policy and are in compliance with applicable bond ordinances are suitable for debt service funds.

Safety of Principal - All investments shall be high quality securities with no perceived default risk. Purchased securities shall have a stated final maturity date on or before the next debt service date.

Marketability - Securities with active and efficient secondary markets will be purchased although unanticipated cash requirements are not probable.

Liquidity - Debt service funds have predictable cash requirements. Investment maturities shall not exceed the anticipated cash flow requirements.

Diversification - Market conditions will greatly influence the selection of maturities and security types. At no time shall maturities go beyond debt service payment dates.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for debt service funds shall be the six month rolling average yield for the 180 day Treasury bill.

Reserve Funds:

Investments for reserve funds have as their primary objective the ability to generate a dependable revenue stream with a low degree of volatility. Purchased securities will be of high quality with short to intermediate term maturities. Reserve fund portfolios include the revenue bond reserve fund and the rate mitigation fund.

Suitability - All securities that are authorized in the Statement of Investment Policy except as may be restricted by bond ordinance are suitable for reserve funds.

Safety of Principal - All investments shall be short to intermediate term, high quality securities, with no perceived default risk.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Liquidity - Unless there are anticipated cash flow requirements, reserve funds generally do not require a high degree of daily liquidity. Purchased securities shall have a stated final maturity date of five years or less from the date of purchase.

Diversification - Market conditions will greatly influence the selection of maturities and security types. Securities shall be of high quality, with short to intermediate term maturities. A dollar weighted average maturity of 3 years or less will be calculated using the stated final maturity date for each security.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for reserve funds shall be the three year rolling average yield for the three year Treasury note.

(D) *Statement of investment policy*

Chapter 2256 of the Texas Government Code requires the City to annually adopt rules governing its investment practices and to define the authority of its investment officers. This investment policy applies to the investment and management of all funds under direct authority of the City. These funds include all governmental, proprietary, and trust and agency funds which are accounted for in the City's Comprehensive Annual Financial Report. The Employees Deferred Compensation Agency Fund and the Other Post Employment Benefit Trust Fund are excluded from coverage under this Policy.

(1) Investment of funds will be governed by the following investment objectives, in order of priority:

Preservation and safety of principal - Preservation of capital is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or

from erosion of market value.

Liquidity - The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which can be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

Yield - The investment portfolio of the City shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. The Director of Financial Services will from time to time establish performance measures and goals for the portfolio rates of return. Efforts to seek returns higher than the established goals must be consistent with risk limitations identified in this policy and prudent investment principles.

(2) Responsibility for the management of the investment program is assigned to the Director of Financial Services. Other individuals authorized as investment officials by the City Council are the Investment and Debt Administrator and the Accounting Administrator. Investment authority of all investment officers shall conform to all applicable Federal and Texas laws, the City Charter, the ordinances of the City, the Statement of Investment Strategy, and this Statement of Investment Policy. The Director shall establish written procedures for the operation of the investment program, consistent with this Statement of Investment Policy. No person may engage in an investment transaction or the management of City funds except as provided under the terms of this Statement of Investment Policy, the Statement of Investment Strategy, and the procedures established by the Director of Financial Services.

(3) Each investment officer shall attend a training session not less than once in a two year period and must receive not less than ten hours of instruction relating to investment responsibilities. Training must be provided by an independent source approved by the City Council and shall relate to investment responsibilities under the City's Statement of Investment Strategy and Statement of Investment Policy.

(4) The Director of Financial Services shall establish a system of internal controls which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officials. Controls deemed most important include: control of collusion, separation of duties, separating transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, and documentation of and rationale for transactions.

(5) In conjunction with the annual independent audit required by law and the City Charter,

the City's independent auditor shall review the investment records for the end of each quarter. The independent auditor shall report the results of the review directly to the City Council.

(6) The City's investment officers shall be governed by the standard of care applicable to a prudent investor. Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(7) In applying the "prudent person" rule, the investment officer shall exercise prudence with respect to the management and investment of all funds over which the officer has responsibility and control. The investment officer must determine whether investment decisions are consistent with this Statement of Investment Policy.

(8) All participants in the investment program shall act responsibly as custodians of the public trust. Investment officials will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment officers shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City Council recognizes that in a diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

(9) Investment officers, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for market price changes, provided that these changes are reported immediately and that appropriate action is taken to control adverse developments.

(10) The investment instruments authorized for purchase by the City are limited to:

- ☐ Direct obligations of the United States government with a stated final maturity of five years or less from the date of purchase.
- ☐ Debentures or discount notes with a stated final maturity of five years or less from the date of purchase issued by, guaranteed by, or for which the credit of any of the following Federal agencies and instrumentalities is pledged for payment: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Student Loan Marketing Association (SLMA), and Federal Home Loan Mortgage Corporation (FHLMC).
- ☐ Bonds or other interest bearing obligations having a stated final maturity of five

years or less from the date of purchase of which the principal and interest are guaranteed by the full faith and credit of the United States government.

- ☐ Repurchase agreements collateralized with U.S. Treasury securities at a minimum market value of 102 percent of the dollar value of the transaction, with any accrued interest accumulated on the collateral included in the calculation. Eligible collateral will have a maximum maturity of ten years. Repurchase agreements may be entered into only with primary government securities dealers who have executed a City approved Master Repurchase Agreement. Collateral shall be delivered to and held by the City's third party safekeeping agent. As used herein, the term "repurchase agreement" includes direct security repurchase agreements and reverse security repurchase agreements. A written master repurchase agreement shall be established between the City and the seller prior to purchase. The maximum term for direct security repurchase agreements and reverse security repurchase agreements will be 90 days or less. Funds received under the terms of a reverse security repurchase agreement may not be used to purchase any investment whose final maturity date exceeds the expiration of the reverse.
- ☐ Certificates of deposit issued by a depository institution that has its main office or branch office in Texas if:
 - o Such certificates of deposit are: (i) guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or (ii) secured by obligations described in subsection (1) or (2) above, and the collateral will be held by the City's third party custodian; or
 - o Such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code; or
 - o Such certificates of deposit are brokered by an authorized broker/dealer that has its main office or a branch office in Texas who or which contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code.
- ☐ SEC registered no-load money market mutual funds with a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed in above. The investment objective of the fund is to maintain a stable \$1 net asset value. The maximum stated maturity of the fund will be 13 months.
- ☐ State or local investment pools organized under the Interlocal Cooperation Act. The investment pool must be rated no lower than investment grade by at least one nationally recognized rating agency and have a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed

above. The investment objective of the pool is to maintain a stable \$1 net asset value. All securities owned in the pool will have a stated remaining maturity of thirteen (13) months.

- Commercial paper rated not less than A1 or P1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and that is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. The securities must have a stated maturity of 180 days or less from the date of purchase. No more than 2% of any one issuer may be held and no more than 25% of any fund or group of funds will be invested in commercial paper. Physical delivery securities are ineligible.
- Obligations of states, agencies, cities, and other political subdivisions of any state rated not less than A or an equivalent rating by at least two nationally recognized credit rating agencies.

(11) The credit rating of investment instruments will be continuously monitored through daily market participation and through the monthly mark-to-market pricing of securities. The liquidation of an investment instrument will be considered if its credit rating falls below minimums stated in this statement of investment policy.

(12) The City is expressly prohibited from entering into options trading or futures contracts, hedging or purchasing any security which is not authorized by Texas state law.

(13) As an integral part of this statement of investment policy, the City shall adopt a separate written statement of investment strategy for each fund or group of funds. Each investment strategy shall describe the investment objectives of each fund or group of funds according to the following order of importance:

- (a) Suitability
- (b) Preservation and safety of principal
- (c) Liquidity
- (d) Marketability of the investment before maturity
- (e) Diversification
- (f) Yield

(14) Securities purchased for the City's portfolios will be delivered by book entry and will be held in third party safekeeping by a Federal Reserve member financial institution designated as the City's custody and safekeeping agent.

(15) The City will execute safekeeping agreements prior to utilizing the custodian's safekeeping services. The safekeeping agreement must provide that the safekeeping agent will immediately record and promptly issue and deliver a safekeeping receipt showing the receipt and the identification of the security, as well as the City's interest. All securities owned by the City will be held in a customer account naming the City as the customer.

(16) All security transactions will be on a delivery versus payment basis to the City's third party custody and safekeeping agent through the Federal Reserve Bank wire system. In this manner, the City will always have possession of either the securities or moneys.

(17) Custody and safekeeping procedures will be reviewed annually by the independent auditor.

(18) The City seeks active portfolio management to enhance total returns within the guidelines of this policy. Investment decisions should not incur unreasonable investment risk in order to obtain investment income. The City will not make investments for the purpose of trading or speculation.

(19) Each investment transaction must be based on competitive quotations from at least three securities dealers authorized to engage investment transactions with the City.

(20) Authorized investment officers shall access real-time electronic financial information to monitor the market price of acquired investments. The pricing information will be used to verify the accuracy of quoted prices for a potential purchase or sale to ensure that a fair market price is attained.

(21) In managing its investment portfolio, the City will avoid any purchase of investments, or any investment practice or procedure which is not specifically authorized under this policy.

(22) It is the policy of the City to avoid concentration of assets in a specific maturity, a specific issuer or a specific class of securities. The allocation of assets in the portfolios should be flexible depending upon the outlook for the economy and the securities markets. In establishing specific diversification strategies, the following general policies and constraints shall apply.

(a) Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.

(b) To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements.

(c) Risks of market price volatility shall be controlled through maturity

diversification.

(d) The placement of investment transactions and the gathering of market information shall be diversified among all authorized brokers.

(23) A qualified financial institution shall be selected to serve as the City's primary depository through a bank services procurement process, which shall include a formal request for application issued at least every five years. In selecting a depository, the City shall consider various criteria as specified prior to the issuance of the request for application. Financial institutions located outside of Garland city boundaries may be considered to participate in the request for application process provided the City has adopted a policy permitting it. Upon selection, the financial institution shall comply with the requirements and agreements identified in the request for application. The financial institution is required to comply with Chapter 2257 of the Texas Government Code.

(24) Eligible securities as defined in Chapter 2257, Texas Government Code, and identified below shall be deposited with a third party custodian prior to the deposit of City funds. The City shall reserve the right to accept or reject any form of collateral, at its discretion. The pledged collateral must be maintained at all times during the term of the depository contract at required levels. In order to perfect the City's security interest in the pledged collateral under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), it is required that a collateral agreement between the City and the depository be signed by both parties prior to the deposit of City funds. The collateral agreement must be approved by the depository's board of directors or its loan committee, which approval shall be reflected in the minutes of the board or committee. The signed collateral agreement, board resolution, and minutes certifying the approval of the collateral agreement must be presented to the City prior to the deposit of City funds.

(25) The following securities are approved as collateral for City funds:

(a) United States Treasury notes, bills or bonds or obligations fully and unconditionally guaranteed as to principal and interest by the full faith and credit of the United States;

(b) Obligations of the Agencies and Instrumentalities of the United States, including, but not limited to: Federal Home Loan Bank, Federal Home Loan Mortgage Corporation and Federal National Mortgage Association;

(c) Mortgage-Backed Securities issued by the United States and its agencies and instrumentalities, including but not limited to Government National Mortgage Association.

(26) The use of a Federal Home Loan Bank issued letter of credit to meet the required collateral requirements may be proposed by the financial institution for consideration by the City.

(27) Government security broker/dealers authorized to engage in investment transactions with the City will be selected on the basis of their financial stability, expertise in cash management for local government and their ability to service the City's account. The qualifications of prospective broker/dealers will be determined from a completed broker/dealer questionnaire, personal interview and reference checks.

(28) Before engaging in investment transactions with the City, a prospective securities broker/dealer must provide a written instrument certifying that the securities broker/dealer has received and has thoroughly reviewed this Statement of Investment Policy and has implemented reasonable procedures and controls in an effort to preclude conducting investment transactions that are not authorized by this Statement of Investment Policy, except to the extent that this authorization is dependent upon the portfolio over which the broker/dealer has no control or knowledge. A prospective securities broker/dealer must provide evidence of FINRA registration and State of Texas Securities Commission certification. Qualified broker/dealers authorized to engage in investment transactions with the City are required to regularly submit their most recent audited financial statements to the City.

(29) The City Council will adopt and annually review the list of dealers authorized to engage in investment transactions with the City.

(30) The investment officer shall prepare and submit to the City Council and management on a quarterly basis an investment report for each fund and fund group which describes in detail the current investment position, states the beginning market value, the additions and changes to market value, and ending market value for each pooled fund, states the book value and market value of each separately invested asset at the beginning and end of the reporting period, states the maturity date of each separately invested asset, states the fund for which each individual investment was acquired and states compliance of each fund group with this Statement of Investment Strategy, the Public Funds Investment Act, and with generally accepted accounting principles. The report shall also summarize and present, on a combined portfolio basis, total market valuation, total realized gains and losses, total unrealized gains and losses, distribution by maturity sector, and distribution by security type. The monthly report will also indicate, by portfolio, total investments held and total interest income earned on a full accrual basis. The report may comment on current investment approaches and other items significant to the investment program. The report shall be signed by the Director of Financial Services and the investment officer. The investment report presented at the end of the fiscal year may also include a review of the investment activities and earnings for the entire fiscal year for each fund or fund group, discuss investment techniques, and suggest improvements which will enhance the investment program and present an investment plan for the ensuing fiscal year. The report may discuss other significant issues related to the investment program.

(31) Investment officers of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment advisors

which may influence the officers' ability to conduct the officer's duties in an unbiased manner. Investment officers will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City (particularly with regard to the timing of purchase and sales), and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

(32) This statement of investment policy and the statement of investment strategy will be reviewed annually by the City Council. Upon completion of the review, the City Council will acknowledge by resolution or minute action that it has reviewed the investment policy and investment strategy. Periodic revisions to the investment policy, the statement of investment policy, and the statement of investment strategy may be approved by the City Council.

Section 3 Detecting, investigating, and preventing fraud, waste, and abuse

(A) For purposes of this section:

"Fraud" includes, without limitation:

- ☐ Forgery, alteration, or unauthorized negotiation or presentment of a check, warrant, bank draft, or any other financial document of the City or its affiliates including electronic transfer of funds
- ☐ Theft of City property, including money or other thing of value
- ☐ Misappropriation of City funds, securities, supplies, or other assets
- ☐ Impropropriety in the handling or reporting of money or financial transaction
- ☐ Profiteering as a result of insider knowledge of City operations
- ☐ Disclosing to another for improper gain and without authorization any confidential or proprietary information of the City
- ☐ The receipt of kick-backs, bribes or improper gifts
- ☐ Sabotage or other acts of intentional damage to City resources, including improper access or damage to a City database

"Waste" means the loss or misuse of City resources that result from deficient practices, system controls or decisions. A non-exclusive example of waste includes a violation of the City's non-idle policy, that is, waste of fuel by needlessly allowing a vehicle to idle.

"Abuse" means the intentional, wrongful or improper use of resources or misuse of rank, position or authority that causes the loss or misuse of City property or resources such as tools, vehicles, computers, fuel, or employee time. Non-exclusive examples of abuse include using City equipment or supplies to conduct personal business and using non-confidential information to get new customers for an employee's outside business.

(B) The City Manager shall be primarily responsible for preventing and detecting fraud, waste, and abuse involving City employees. The City Manager shall require his managerial employees to be responsible for initiating preventive measures where appropriate, to be familiar with the types of improprieties that might occur within the managerial employee's area of responsibility, and to be alert for any indication of fraud, waste or abuse. The City Manager shall establish by directive rules for City employees regarding fraud, waste, and abuse consistent with the provisions of this policy. The directives shall apply to all employees of the City Manager and without regard to a suspected employee's length of service or position. The directives shall require that any employee who detects or suspects an incident of fraud, waste or abuse shall immediately report the same to the next higher level of supervision in the employee's chain of command. If the person in the next higher level of supervision is also suspected of fraud, waste or abuse, the employee shall report the fraud, waste or abuse to the Managing Director responsible for the department to which the employee is assigned. The directives shall allow an employee to by-pass the chain of command by reporting suspected fraud, waste or abuse to the hotline described below.

(C) The provisions of this policy apply to persons doing business with the City.

(D) The Internal Auditor shall establish and operate, with the cooperation of the City Manager, a "hotline" phone number or on-line intake system to which a person may anonymously report fraud, waste or abuse. A fraud, waste, and abuse hotline poster shall be developed by the City Manager and the Internal Auditor and shall be displayed at prominent locations throughout City buildings. The poster shall include information as to how an allegation may be reported through the hotline system.

(E) As a general rule, the Internal Auditor has primary responsibility to investigate allegations of fraud and the City Manager has primary responsibility to investigate allegations of waste and abuse. No definitive rule is established by this policy, however, due to the unique circumstances of any given case. Some allegations of fraud - the theft of minor office supplies, for example - while serious, are matters to be addressed through the City Manager for appropriate action. An allegation of abuse or waste, on the other hand, may involve a criminal offense or have such substantial consequences to the interests of the City that the Internal Auditor should have the primary responsibility for investigation. An allegation that relates to an employment dispute (disagreement with management decisions or style, workers compensation issues, claims of discrimination or workplace grievances and such) shall be referred to the Managing Director of Human Resources to be handled in accordance with controlling law and City policies. The City Manager, the Internal Auditor, and the City Attorney are directed to cooperate in determining the best means of protecting the City's interests.

(F) When the Internal Auditor receives an allegation of fraud, waste or abuse, the Internal Auditor shall:

(1) Determine whether the Internal Auditor or the City Manager has primary

responsibility over the allegation as provided in this policy and proceed accordingly;

(2) If the Internal Auditor has primary responsibility, perform an initial investigation to determine whether the complaint alleges reasonable cause to continue with an investigation; and

(3) If the complaint alleges a serious instance of fraud, waste or abuse under this policy, refer the complaint to the Fraud, Waste, and Abuse Committee (as described below) for further discussion and direction.

(G) The Fraud, Waste, and Abuse Committee consists of the Chair of the Audit Committee, the Internal Auditor, the City Manager, the City Attorney, and the Managing Director of Human Resources. The Chief of Police may be made a member of the committee if an allegation includes conduct that may constitute a crime or the standing committee may refer a matter to the Chief of Police for criminal investigation.

(H) The Internal Auditor, in coordination with the Fraud, Waste, and Abuse Committee, shall report serious incidents to the City Council either directly or through a report to the Audit Committee, which shall then report the matter to the City Council. The report generally should not include the names of persons involved in the incident. Minor or non-serious incidents are generally internal management issues and reports of such to the City Council are not appropriate. The director of the department in which the incident arose shall, however, provide a written report to the City Manager regarding what actions were taken in response and what corrective actions will be taken to prevent recurrences.

Section 4 Qualifications for doing business with the City

(A) For purposes of this policy, “person” includes: (1) an individual; (2) a majority owner or principal of a corporation, partnership, association, or limited liability company; (3) shareholders in a business entity with five or fewer shareholders; and (4) majority owned affiliates of the foregoing.

(B) It is the policy of the City Council that the City not engage in business with a person who has been convicted of any state or federal felony offense. The City shall not, except as provided in this policy, enter into or renew a contract to purchase, sell, or lease goods or services to or from any person who has been: (1) convicted of a state or federal felony; or (2) convicted or fined in excess of \$50,000 on certain state or federal discrimination offenses. A conviction includes a probated sentence, a deferred adjudication, or similar disposition. Discrimination charges include only those brought for discrimination based on race, gender or religion.

(C) This policy does not apply when:

(1) At least three years have elapsed between the conviction and the approval of the contract;

- (2) The contract does not require City Council approval;
 - (3) Anything of value is paid or given to a person as an informant or participant in a crime stopper program; or
 - (4) The City Council determines that application of this policy to a proposed contract would cause financial hardship to the City by its application (in which event the City Council may waive the application of this policy by the affirmative vote of not less than six members of the City Council).
- (D) For bid applications that may result in a contract award by the City Council, the bidder shall include a certification in the offer that the bidder is not disqualified by the application of this policy.

Division 4. STANDARD OPERATING PROCEDURES AND HOUSEKEEPING RULES

Section 1 National Night Out

National Night Out is an event recognized throughout the United States and Canada and held annually on the first Tuesday in August (October in Texas). It is designed to heighten crime and drug prevention awareness, generate support for and participation in local anti-crime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back. Because the scheduled National Night Out often conflicts with the regularly scheduled first regular council meeting in October, a rescheduling of that meeting is necessary. Therefore, the first regular meeting of each October, normally held on the first Tuesday of the month, shall be rescheduled either to the first Monday of the month or to the second Tuesday of the month, when there are five Tuesdays in the month. The City Manager shall advise the City Council of scheduling options in order that the City Council may take action to reschedule the meeting not later than the second regular meeting in September.

Section 2 Board and commission appointments

(A) In May and June of every year, the City will, through the Garland City Press or similar distributions, including the city website, Garland City Press Briefs, Neighborhood Chatter, Nextdoor and other available community-related electronic communication tools, include information for the public that explains the purpose and function of every board and commission appointed by the City Council, except the Garland Youth Council. The information will solicit applications from interested Garland residents. Applications for appointment must be delivered to the City Secretary and shall be submitted on a form provided by the City Secretary for that purpose. Upon receipt of an application, the City Secretary shall check the applicant's qualifications against the requirements for

appointment to the office for which appointment is sought. The deadline for submitting an application is July 1. Following the filing deadline, the City Secretary shall forward applications, including those submitted by incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current board member for the preceding reporting period and a report on current vacancies.

(B) In regards to the Garland Youth Council (GYC), in March and April of every year, the City will, through the Garland City Press or similar distributions, including the city website, Garland City Press Briefs, Neighborhood Chatter, Nextdoor and other available community-related electronic communications tools include information for the public that explains the purpose and function of the GYC. The information will solicit applications from interested Garland residents who are students enrolled in grades 9 through 12. Applications for appointment must be delivered to the GYC Staff Liaison and shall be submitted on a form provided by the GYC Staff Liaison for that purpose. Upon receipt of an application, the GYC Staff Liaison shall check the applicant's qualifications against the requirements for appointment. The deadline for submitting an application is May 1. Following the filing deadline, the GYC Staff Liaison shall forward applications, including those submitted by qualified incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current appointment for the preceding reporting period.

(C) Councilmembers should review applications submitted for the position to be filled and select for nomination the person determined by the Councilmember to be most qualified for the position. Appointments for the Garland Youth Council will be made on nomination at the first regular meeting of the City Council in July. Appointments for all other boards and commissions will be made on nomination at the second regular meeting of the City Council in August.

Section 3 Assistance to non-profit organizations for special events

(A) A non-profit organization that intends to sponsor a special event within the City may request in-kind (non-monetary) assistance from the City by submitting a written request to the City Manager. A request for assistance must be made for each event - standing or continuing requests are not allowed. A request for assistance must specify what benefits will accrue to the City as a result of the event and must specify with reasonable particularity what City services are being requested. A request for assistance must include a completed Special Events Assistance Program Application (see attached form). The request and application must be filed not less than 45 days prior to the date of the event. A request for assistance does not constitute an application for a special events permit under Chapter 30 of the Code of Ordinances unless so determined by the Building Official.

(B) In order to be approved, a request for assistance must meet the following criteria:

(1) The sponsoring organization must provide evidence that the organization is an established civic, cultural, educational, religious or service group that is nationally- or state- chartered and that its membership is open to all citizens of Garland;

(2) The organization must provide proof of non-profit status under Section 501(c) of the Internal Revenue Code;

(3) The event must be of economic benefit to the community or contribute to the quality of life in Garland;

(4) An expense and revenue report for any previous year's event(s) must be included with the application;

(5) If the applicant has not previously obtained City assistance for the event, a projected expense and revenue report must be included with the application; and

(6) The event must be open for participation by the public.

(C) The City Manager may approve a request that meets the criteria established in this policy up to a maximum of \$5000.00 per event, within available budgeted funds. Requests shall generally be considered on a first-come, first approved basis.

(D) The amount, if any, to be made available for assistance under this policy will be determined by the City Council on an annual basis as part of the annual operating budget.

(E) The City Manager shall timely notify the City Council of any upcoming special events for which assistance under this policy has been approved.

Section 4 Use of certain City-owned equipment for special events

(A) Under this policy, certain equipment owned by the City and under the control of the Parks, Recreation and Cultural Arts Department may be made available without remuneration to an organization that meets the requirements established in this policy. A request for equipment usage under this policy is secondary to and subject in all respects to the priority given to City-wide events, events sponsored by a City department, or an event co-sponsored by the City.

(B) A requesting party must make a formal written request to the City by submitting a Special Event Assistance Program Application. An application may be submitted to the Parks and Recreation Administrative Offices, 634 Apollo Rd, Garland, TX 75044 (or MET@garlandtx.gov). Approval of a request is entirely dependent on the availability of equipment. A request must be submitted at least 45 days prior to the event. A person appointed for that purpose by the City Manager is authorized to consider and approve requests that meet the requirements of this policy. Only the City Council, however, may approve a request that does not fully meet the requirements of this policy.

(C) A request for use of public equipment may not be approved except as follows:

(1) The event must be held within the Garland city limits;

(2) A requesting party may submit no more than two requests per calendar year;

(3) Unless the requestor represents a neighborhood association registered as such with the Office of Neighborhood Vitality, the requesting party must meet the eligibility requirements of the City's Special Event Assistance Program as provided in Article II, Division 4, Section 3 of these policies;

(4) Except for a neighborhood association registered as such with the Office of Neighborhood Vitality, the event must be open to the public for participation;

(5) If applicable to the event for which the equipment is requested, the requesting party must submit with its request a copy of the temporary activity permit issued by the Building Official under Section 30.210, *et seq.* of the Code of Ordinances; and

(6) The requestor must complete, sign, and submit with its application a waiver of liability and indemnification agreement pertaining to the equipment and its use in a form approved by the City Attorney.

(D) The method of transporting the equipment and, if the equipment is to be kept overnight by the requestor, the proposed method of storing and securing the equipment, must be approved in advance by the City. Failure on the part of the requestor to properly transport, store, secure or care for the equipment will disqualify any future requests by that requestor.

(E) Equipment must be returned in good condition within three days of receiving the equipment. The person signing the application form on behalf of the requestor shall be responsible for reimbursing the City for lost, damaged or delayed equipment.

Section 5 Periodic Charter review

The City Attorney shall periodically advise the City Council whether, due to changes in the law, a necessity exists for a change in the Charter. If the City Council determines that a change in the Charter should be considered, it shall timely appoint a Charter Review Committee in accordance with the Charter.

Section 6 Election day political sign moratorium

(A) Traditionally, persons who support (or oppose) a candidate or a measure in an election often urge voters arriving at a polling place on election day to vote in the manner endorsed by those supporters through various means of electioneering, including personal contacts, and by displaying signs near the polling place. Under the City's general sign regulations, the placement of political signs on City property and streets is prohibited. This policy is

intended to provide for a one-day moratorium on the placement of political signs at a polling place on the official date of an election.

(B) The City Manager is directed to hold in abeyance the enforcement of those provisions of the Code of Ordinances and the Garland Development Code for the premises of a polling place and the immediately adjoining, contiguous public street front of the polling place for a period commencing at 7:00 p.m. the day before the official date of an election and ending at 7:00 a.m., the day following the election. The abeyance provided hereby shall apply only to signs containing a political message and only applies if the sign: (a) is no larger than six square feet in area and weighs no more than one pound; (b) is mounted to the ground by means of a stake or stakes, a pedestal, or other temporary, ground mounted, self-supporting means; and (c) does not encroach on the distance barrier prescribed by Sec. 63.100, Texas Election Code.

(C) Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk or pathway.

(D) If the sign contains a political message, this policy applies, and the City Manager does not have discretion to determine whether the viewpoint expressed on the sign falls within or without the moratorium authorized by this policy. No member of the City Council shall demand that a sign be removed or that any provision of the City's sign regulations otherwise be enforced with respect to any political sign covered by this policy.

Division 5. CEREMONIAL AND HONORARY PROCEDURES

Section 1 Building dedication plaques

Dedication plaques may be placed on new City buildings, City buildings that have undergone major rehabilitation, and on other major capital improvement projects. The dedication plaques, if commemorating members of the City Council, shall include only the names of the mayor and the members of the City Council who initially approved the project. The names of members of the City Council who approved preliminary matters (such as the capital improvements plan) or subsequent matters (such as change orders) need not be included.

Section 2 Outgoing appreciation commemoratives

(A) The City shall recognize the service of outgoing members of the City Council by presenting the member with a City flag and a commemorative memento that displays the City of Garland seal and the name and years of service of the Councilmember. The design

and form of the memento shall be coordinated through the Office of the City Manager in order to provide consistency and cost control. The City Council shall budget funds necessary and appropriate for such purposes.

(B) In recognition of the services provided by the citizens who serve as appointees to boards and commissions, the City Council shall budget for an annual appreciation function to be held in the fall for all members of boards and commissions who have served during the preceding year. At that time, members who are retiring will be presented with a commemorative recognition of appreciation for service to the City in a form provided by the City Manager.

Section 3 Ceremonial documents

Certain ceremonial documents may be issued by the Mayor including proclamations, special recognitions, resolutions of honor, honorary citizenships, and official greetings. A member of the City Council may request the preparation of certificates of appreciation for presentation to citizens who the Councilmember wishes to recognize for outstanding service to Garland. All requests for ceremonial documents shall be made in writing to the Office of the Mayor. The request shall describe the occasion or person to be commemorated, the value of that person or occasion to Garland, and how the proposed commemoration relates to the citizens of Garland. The Mayor shall determine whether to approve the request and, if approved, what form of commemoration will be given and whether the commemoration will be presented at a meeting of the City Council.

Section 4 Meritorious service awards

On occasion, a citizen or employee of the City may perform an act of heroism or provide service to the citizens of Garland beyond the call of duty. The City Council may recognize such acts and service by issuing a City Council “Medal of Honor” to deserving recipients. A nomination for the award of a meritorious service award may be submitted to the City Council by any member or, if the nomination is made by a citizen, by forwarding the nomination to the Mayor.

Division 6. COUNCIL DIRECTIVES TO MANAGEMENT

Section 1 Public use of City Hall

The City Manager shall develop a program to allow for the use of the Council Chambers and the 1st Floor meeting rooms in City Hall by non-profit groups. The program shall be consistent with current security protocols and shall recognize the public use of City Hall for public business as paramount.

Section 2 Compensation of City employees

It is the policy of the City Council that, within the City’s financial and budgetary limits, all

City employees will be compensated at a level that is competitive with the compensation paid to employees within the City's employment market area. The City Manager is directed to have annual compensation surveys conducted within the City's employment market area to determine whether employment compensation for City employees is competitive for such purposes, and to perform occasional job evaluations to determine what compensation adjustments should be made for persons already employed by the City.

Section 3 Homeowner's association by-law review

Some homeowners' associations within the City must submit the by-laws (or amendments to the bylaws) of the association to the City for review and approval. The City Manager shall designate a department for such purposes and shall cause the review to be limited to a determination whether the proposed bylaws, including any proposed amendment, adequately provides a source of funds and a means of obtaining those funds (such as through mandatory homeowners' association assessments) to pay for the upkeep, repair, and maintenance of any improvements owned by the association including public improvements such as screening walls, subdivision entry features, and the like.

Section 4 Right of way acquisition and waiver of special assessments

The City Manager is hereby authorized to offer, in exchange for a dedication of right of way necessary for the completion of a street improvement project, the waiver of special assessments that will or may be assessed against the owners of real property that abuts the project.

Section 5 Restrictions on the representation of third-parties by former City employees ("revolving door policy")

A former employee of the City who was employed as a departmental director, managing director, senior managing director, or as the City Manager may not make any communication to or appearance before the City Council before the second anniversary of the date the former employee ceased to be employed by the City if the communication or appearance is made: (1) with the intent to influence the City Council; (2) is made or done on behalf of any person other than the former employee in an individual capacity, and; (3) is made or done in connection with any matter on which the former employee seeks official action.

Section 6 "Over-hiring" of civil-service positions for police and fire

The City Council recognizes that, when a vacancy occurs in an entry-level civil service position, the process of recruiting and training a replacement may take more than a year. Due to the time lag, the rigors of training, and other factors beyond the City's control, a class of potential recruits may decrease in size by half or more during the recruitment and training process. The City Council also recognizes that the expected vacancy rate for the Police and Fire departments can be reasonably calculated. It is the desire of the City

Council that staffing of civil service positions remain as close as possible to 100% of authorized strength. Accordingly, the City Manager is authorized to estimate the potential vacancies within the Police and Fire departments that are reasonably likely to occur within the future and, based on that estimate, hire a sufficient number of recruits for those positions so that, accounting for anticipated and historical attrition rates, the staffing level of civil service positions will likely be as close as possible to 100% of authorized strength.

Section 7 Doing business with delinquent account holders

It is the policy of the City Council that the City not do business with a person (including a business entity of any sort) who is delinquent on an account to the City. Examples of delinquent accounts include taxes, impact fees, special assessments, utility bills, and EMS fees. The City Manager shall cause the affected departments within the City (including Purchasing, Engineering, Planning, and GP&L) to be provided with sufficient information to enforce the provisions of this policy.

Section 8 Payroll deductions under Sec. 141.008, TEX. LOCAL GOV'T CODE

Membership dues payable to a bona fide employee's association named by a requesting employee may be deducted from the requesting employee's salary or wages provided that: (1) the requesting employee is an active, full-time employee; (2) participation by the requesting employee in the payroll deduction program is voluntary; (3) the requesting employee submits to the City a written request stating the amount to be deducted each month from the employee's salary or wages; and (4) the written request specifies the employees' association to which the deducted funds will be transferred. The City is under no obligation to incur any expense in the administration of an employee payroll deduction program.

ATTACHMENTS:

Council Committee Interest Form

Special Events Assistance Program Application

COUNCIL COMMITTEE INTEREST FORM

Council Member: _____

Please identify the Committee(s) you would prefer to serve on, "1" being your first choice.
Indicate at least two choices.

- _____ Audit
- _____ Administrative Services
- _____ Community Services
- _____ Development Services
- _____ Public Safety Services

Please check one of the following if you are interested in serving:

Garland Economic Development Partnership	_____ YES	_____ NO
North Central Texas Council of Governments	_____ YES	_____ NO
Dallas Regional Mobility Council	_____ YES	_____ NO



GARLAND

TEXAS MADE HERE

Special Event Assistance Application

Date Submitted _____
(Must be minimum 45 days prior to event)

SECTION 1: Event Information

Event title: _____

Organization: _____

Event location: _____

Event date(s): _____ Start time: _____ End time: _____

Load in date/time: _____ Load out date/time: _____

Event description: _____

Is this a new event? Yes No If no, # years event has been held prior to current year: __

Attendance last time: _____ Estimated attendance this year: _____

What is the purpose of this event? _____

How will this event benefit the Garland community? _____

How will the proceeds of this event be used? _____

SECTION 2: Event Sponsor Information

Event contact _____ Email: _____

1: Address: _____

Event contact _____ Phone: _____

2: Address: _____ Email: _____

Organization tax ID #: _____

Phone: _____

Non-Profit Status: 501(c)3 501(c)4 Neither

NOTE: Upon approval of the event application, and at least ten (10) days prior to the event, the event sponsor shall provide the City with evidence of public event liability

insurance in the amount of \$500,000 per occurrence for bodily injury and property damage arising from the Event. The insurance shall be written with an insurance company authorized to transact business in the State of Texas and have a current rating of "A" or better by A.M. Best Key Rating Guide.

SECTION 3: Event Logistics

Listed below are logistical elements that may be a part of your event. “Services available through City” indicates what the City of Garland may be able to provide through the Special Event Assistance Program. The “Applicant’s Responsibilities” section refers to logistical elements which may be a part of your event, but that are typically provided by the event sponsor or producer. Please check all in both sections that apply to your event:

Services available through City Responsibility

Applicant’s

- | | |
|---|--|
| “ Police security permits | “ Concessions/health |
| “ Street closures restrooms | “ Portable |
| “ Barricades | “ |
| Stage/grandstand | |
| “ Traffic/crowd control | “ |
| Tents | |
| “ Trash/recycling containers | “ Amusement |
| rides | |
| “ Running water (if available at site) | “ Temporary |
| fencing | |
| “ Electrical power (if available at site) | “ Signs, banners (City signage ordinances apply) |
| “ Park use (must be approved by Parks Dept. Director) | “ |
| Merchandising | |
| “ Preparation of City-owned facility/property | “ Sound |
| amplification | |
| “ Animals (contact Animal Services Dept.) | |
| “ Overnight security | |
| “ Open flames | |
| “ Generators | |
| “ Off-site parking and transportation | |
| “ Event insurance | |
| “ Clean up of facility or event area | |

SECTION 4: Supplemental Application Materials

Listed below are additional documents that are required in order to complete the application for event assistance. Each item is due at the time the application is submitted, unless otherwise indicated.

- “ Copy of proposed event site plan (fairs, festivals and carnivals) and/or route plan (parades/runs)
- “ Proof of 501(c)3 or 501(c)4 status (official IRS letter)
- “ Temporary Activity Permit

application

.. Copy of the group's insurance declarations page, listing City of Garland as additional insured (due no later than 10 days prior to the event date)

I certify that the event for which this application has been prepared will be open to all citizens, and that attendance will not be limited by age, sex race, physical impairment, or other means. I further certify that this event is sponsored by a non-profit organization. On behalf of the event producer or sponsor, I agree to abide by the Special Events Guidelines provided with this Application. I further certify that the facts contained in this Application are accurate.

The event sponsor/producer does hereby fully release, discharge and Indemnify the City of Garland and its officers, agents, servants, and employees from and against any and all claims from injuries, damage or loss which might occur during the special event set forth in this Application, regardless of cause and even if caused by the City of Garland.

Signature of organization representative

Date

Print name of organization representative

PRE-EVENT BUDGET

Budget must be submitted on this form or in this format for review. If applying as a pre-existing event, applicant must submit final total profit/loss from the previous year's event as well.

Admission fees/ticket sales	PROJECTED REVENUE
Booth sales/rental	
Souvenir/merchandise sales	
Concession sales	_____
Donations	_____
Sponsorships	_____
Other	_____
Total projected revenue	_____

Administrative Expenses: Staff	PROJECTED EXPENSE
Facility rental	_____
Supplies	_____
Operating Expenses:	_____
Entertainment	
Portable restrooms	_____
Generators Tent	_____
Stage/sound/lighti ng Food, lodging	_____
Decorations/signa ge	_____
Rental expense (tables, chairs, etc.)	
Other	_____

Advertising/Promotion Expenses:

Posters/flyers (design & printing)

Brochures (design & printing)

Print ads

Radio/television ads

=====

Total projected expense

=====

PROJECTED PROFIT OR (LOSS) =====



GARLAND POLICY REPORT

City Council Work Session Agenda

2.b.

Meeting Date: January 8, 2018

Item Title: Sale of Property - 6498 Beltline Road

Submitted By: Corey Worsham, Tax Administrator

Council Goal: Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs

ISSUE

The property located at 6498 Beltline Road in Garland, Texas was struck-off in Trust, to the Garland Independent School District at the June 1995 Dallas County Sheriff's Sale. A private offer of \$85,000 has been received from Notewise Investments, LLC. The property has a judgment amount of \$173,625.13. The most recent value according to the Appraisal District is \$84,290. In accordance with Section 34.05 of the Texas Property Tax Code, the Garland Independent School district has requested the City's and County's consent to sell the property.

OPTIONS

1. Approve a resolution providing the Garland Independent School District with consent to proceed with the sale, or
2. Deny the request for a consent of sale

RECOMMENDATION

Staff recommends providing consent to sell the property. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

BACKGROUND

The property consist of 3.87 acres of non-improved land currently zoned for neighborhood and office development. At the request of the Garland Independent School District the City of Garland has assisted in the maintenance of this property since its acquisition in 1995.

CONSIDERATION

The City of Garland will collect a total of \$24,798.98 from the proceeds of this sale, \$15,615.38 will be disbursed for maintenance and \$9,183.60 for taxes. Once returned to private ownership, at its current value the property will generate estimated annual property taxes of approximately \$593.00.

Attachments

6498 Beltline Road - Resolution

6498 Beltline Road - Offer

6498 Beltline Road - Map and Pictures

RESOLUTION

A RESOLUTION AUTHORIZING THE GARLAND INDEPENDENT SCHOOL DISTRICT TO RE-SELL TAX FORECLOSED PROPERTY LOCATED AT 6498 BELTLINE ROAD, GARLAND TEXAS, BY PUBLIC OR PRIVATE SALE, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE

WHEREAS, pursuant to a delinquent tax collection lawsuit and tax foreclosure sale, the property located at 6498 Beltline Road, Garland, Texas, (“The Property”) was struck off to the Garland Independent School District on its own behalf and as Trustee for the City of Garland and Dallas County, pursuant to Section 37.01(j) of the Property Tax Code, and

WHEREAS, the City of Garland desires to resell the property pursuant to Section 34.05 of the Property Tax Code for an amount not less than \$85,000 and

WHEREAS, the City of Garland desires to authorize the Garland Independent School District to act as Trustee to offer the Property for sale pursuant to Section 34.05 of the Texas Property Tax Code,

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

Section 1. The City of Garland does hereby provide specific authorization to the Garland Independent School District to act as Trustee to offer for sale certain real property BEING 3.87 ACRES OF LAND OUT OF THE W.S. PEGUES SURVEY, ABSTRACT NO. 1158 AND THE JAMES WEST SURVEY, ABSTRACT NO. 1582, PAGE 480, TRACT 3.1, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, COMMONLY KNOWN AS 6498 BELTLINE ROAD, CITY OF GARLAND, TEXAS, AS RECORDED IN VOLUME 87235, PAGE 4303 OF THE DALLAS COUNTY DEED RECORDS, for an amount not less than \$85,000 in compliance with Section 34.05 of the Texas Property Tax Code, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

Section 2. This Resolution shall take effect immediately upon and after its adoption and approval.

PASSED AND APPROVED This 16th day of January, 2018.

CITY OF GARLAND, TEXAS

MAYOR

ATTEST:

CITY SECRETARY

PerdueBrandonFielderCollins&Mott LLP
ATTORNEYS AT LAW

1919 S. SHILOH RD.
GARLAND, TEXAS 75042
TELEPHONE 972-278-8282
FAX 972-278-8222
www.pbfcmlaw.com

J. Douglas Burnside
ATTORNEY AT LAW
dburnside@pbfcmlaw.com

December 14, 2017

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Notewise Investments, LLC to purchase
6498 Beltline, Garland, Texas

Dear Mr. Worsham:

Notewise Investments, LLC has offered to purchase 6498 Beltline, Garland, Texas (BEING 3.87 ACRES OF LAND OUT OF THE W.S. PEGUES SURVEY, ABSTRACT NO. 1158 AND THE JAMES WEST SURVEY, ABSTRACT NO. 1582, PAGE 480, TRACT 3.1, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, COMMONLY KNOWN AS 6498 BELTLINE ROAD, CITY OF GARLAND, TEXAS, AS RECORDED IN VOLUME 87235, PAGE 4303 OF THE DALLAS COUNTY DEED RECORDS) for \$85,000.00.

This property was sold at a Sheriff's Sale on June 6, 1995 pursuant to delinquent tax collection suit number TX90-41582. There were no bidders and the property was struck off to Garland Independent School District for itself and on behalf of the other taxing jurisdictions.

The property's most recent value according to the Appraisal District is \$84,290.00. The property was struck off for the total judgment amount, \$173,625.13, which includes taxes, penalties and interest, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those costs total \$49,457.38. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Garland ISD is proposing to sell the property pursuant to §34.05(j) of the Texas Property Tax Code. This section allows the District to sell for an amount equal to or greater than the current assessed value by the Dallas CAD.

Please advise me whether the City agrees to the sale of this lot to Notewise Investments, LLC for \$85,000.00. If they elect to do so, please send me a copy of the Resolution approving the sale.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light gray rectangular background.

J. Douglas Burnside

Enclosure

Re-sale Disbursement Worksheet

CAD Acct #:	65158248010030000
Property address:	6498 Beltline
Cause No.:	TX90-41582
Judgment Date:	January 18, 1995
Sheriff's Sale Date:	June 6, 1995
Judgment amount:	GISD 1989-1994 taxes \$40,982.93 (25.8%)
	City 1989-1994 taxes \$87,837.08 (55.4%)
	County 1989-1994 taxes \$29,793.31 (18.8%)
Total Judgment for Taxes:	\$158,613.32
Court costs:	\$496.00
Sheriff's fees for sale:	\$118.00
Publication fees for sheriff's sale, paid by Law Offices of Robert E. Luna:	\$228.00
Total Costs:	\$842.00

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$496.00
2.	Dallas County Sheriff	\$118.00
3.	Law Offices of Robert E. Luna, P.C.	\$228.00
4.	Garland ISD (Post Sale Maintenance)	\$33,000.00
5.	City of Garland (Post Sale Maintenance)	\$15,615.38
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$19,682.83
7.	City of Garland (Pro-rata Judgment tax year distribution)	\$9,183.60
8.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$6,676.19
	TOTAL	\$85,000.00

6498 Beltline Road
Map and Picture





GARLAND POLICY REPORT

City Council Work Session Agenda

2.c.

Meeting Date: January 8, 2018

Item Title: Sale of Property - 225 Casalita Drive

Submitted By: Corey Worsham, Tax Administrator

Council Goal: Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs

ISSUE

The City of Garland has received an unsolicited offer from Ryan Z. and Associates, Inc. related to the purchase of City owned property obtained through a Sheriff's Sale. This property is located at 225 Casalita Drive. Ryan Z. and Associates, Inc. has presented an offer of \$4,954.41 for the property. The purchaser has also agreed to pay the post-judgment taxes at closing. The post-judgment taxes will be approximately \$7,795.59 bringing the total amount paid at closing to approximately \$12,750.00. The City of Garland will receive sale proceeds of \$1,500 for maintenance and \$2,389.48 for taxes totaling \$3,889.48.

OPTIONS

The City Council May:

1. Approve the sale of 225 Casalita Drive to Ryan Z. and Associates, Inc. and provide an executed deed without warranty, or
2. Deny the offer presented by Ryan Z. and Associates, Inc.

RECOMMENDATION

Staff recommends the City Council accept the offer and sell the property to Ryan Z. and Associates, Inc. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

BACKGROUND

The property was struck off to the City of Garland at a Sheriff's Sale on April 5, 2012. In accordance with Section 34.05 of the Texas Property Tax Code, The Garland Independent School District and Dallas County have provided consent for the sale of this property. If the sale is approved the City of Garland will accept payment on behalf of all entities and disperse all sale proceeds.

CONSIDERATION

This property has been held in Trust to City of Garland since 2012. Pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with the governing body's approval. The sale of this property further supports a stable tax base and future development opportunities.

Attachments

225 Casalita Drive - Resolution
225 Casalita Drive - GISD Consent
225 Casalita Drive - Dallas County Consent
225 Casalita Drive - Offer
225 Casalita Drive - Exhibit A Deed
225 Casalita Drive - Map and Photo

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 191st Judicial District Court of Dallas County, Texas in cause number TX03-40453, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That City agrees to the sale of certain real property being LOT 7, BLOCK F, ROUTH TERRACE an addition to the City of Garland, Dallas County, Texas, also known as 225 Casalita Dr., Garland, Dallas County, Texas.

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

Section 3

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the ____ day of _____, 2017.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF GARLAND TO RE-SELL TAX FORECLOSED PROPERTY LOCATED AT 225 CASALITA DRIVE, GARLAND, TEXAS, BY PUBLIC OR PRIVATE SALE, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE

WHEREAS, pursuant to a delinquent tax collection lawsuit and tax foreclosure sale, the property located at 225 Casalita Drive, Garland, Texas, ("The Property") was struck off to the City of Garland on its own behalf and as Trustee for the Garland Independent School District and Dallas County, pursuant to Section 34.01(j) of the Property Tax Code, and

WHEREAS, Garland Independent School District desires to resell The Property pursuant to Section 34.05 of the Property Tax Code for an amount not less than \$4,954.41, and

WHEREAS, Garland Independent School District desires to authorize the City of Garland to act as Trustee to offer The Property for sale pursuant to Section 34.05 of the Texas Property Tax Code,

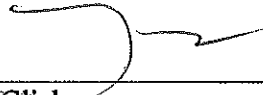
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE GARLAND INDEPENDENT SCHOOL DISTRICT, GARLAND, TEXAS THAT:

Section 1. The Garland Independent School District does hereby provide specific authorization to the City of Garland to act as Trustee to offer for sale by public or private sale 225 Casalita Drive, Garland, Texas, more fully described in Exhibit "A," attached hereto and made a part hereof, and the Board of Trustees for Garland Independent School District does hereby consent to the sale of 225 Casalita Drive, Garland, Texas for an amount not less than \$4,954.41 in compliance with Section 34.05 of the Texas Property Tax Code, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

Section 2. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

PASSED AND APPROVED this 12th day of December, 2017, by the
Board of Trustees for the Garland Independent School District.

GARLAND INDEPENDENT SCHOOL DISTRICT

By: 

Larry Glick
President, Board of Trustees

ATTEST:

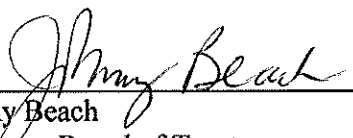

Johnny Beach
Secretary, Board of Trustees
Garland Independent School District

EXHIBIT A

LOT 7, BLOCK F, ROUTH TERRACE ADDITION, AKA 225 CASALITA DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 67125, PAGE 1629, DALLAS COUNTY DEED RECORDS

**COURT ORDER
2017-1601**



Resale of Tax Foreclosed Property at 225 Casalita Drive, Garland, Texas Consent to City of Garland

On a motion made by Commissioner John Wiley Price, District 3, and seconded by Commissioner Dr. Elba Garcia, District 4, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 12/5/2017
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby consent on its own behalf, and on behalf of the Dallas County Community College District, the Parkland Hospital District, and the Dallas County School Equalization Fund to the sale of the tax foreclosure property located at 225 Casalita Drive, Garland, Dallas County, Texas, DCAD Account No. 26502500060070000, to Ryan Z. and Associates, Inc. for \$4,954.41 subject to the prior owner's remaining right of redemption, if any, in compliance with Section 34.05(i) of the Texas Tax Code, and authorize the City of Garland, as trustee, to act and sign on behalf of Dallas County, the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund in the sale, use, and disposition of the Property, acquired by tax foreclosure, which has been jointly vested in the name of the Taxing Jurisdictions.

Recommended by: Alberta Blair
Originating Department: Public Works

Done in open court December 5, 2017, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
 Commissioner Dr. Theresa M. Daniel, District 1
 Commissioner Mike Cantrell, District 2
 Commissioner John Wiley Price, District 3
 Commissioner Dr. Elba Garcia, District 4

OPPOSED: None

ABSTAINED: None

ABSENT: None

COMMISSIONERS COURT BRIEFING



DATE: 12/5/2017

SUBMITTING DEPARTMENT: Public Works

THROUGH:

SUBJECT: Resale of Tax Foreclosed Property at 225 Casalita Drive, Garland, Texas Consent to City of Garland

BACKGROUND:

The unimproved property at 225 Casalita Drive, Garland, Texas ("Property"), was offered for sale by the Sheriff of Dallas County at public auction and was struck off to the City of Garland on April 5, 2012 at Sheriff's Sale pursuant to delinquent tax suit No. TX-03-40453 City of Garland vs. Roberta J. Parker, et al. The Property was struck off for the assessed value in the Judgment, \$10,000. The total Judgment amount at the sale was \$37,802.85. The City of Garland holds the Property in trust for each taxing jurisdiction party to the judgment, e.g., City of Garland, Garland I.S.D., and Dallas County (Taxing Authorities) pursuant to Section 34.01(k) Texas Tax Code.

Ryan Z. and Associates, Inc. has submitted an offer to the City for \$4,954.41. Acceptance of the offer will discharge and extinguish only the ad valorem property tax liens for the tax years 1993 - 2002 included in the tax judgment. The payment of post judgment tax liens for tax years 2003-2012 are the additional responsibility of the purchaser.

Since the offer amount is less than either the aggregate amount of the judgments against the Property or the market value of the Property as stated in the judgment, all taxing jurisdictions included in the judgment must consent to the purchaser.

OPERATIONAL IMPACT:

No impact.

FINANCIAL IMPACT:

Considering the offer amount of \$4,954.41 plus the post judgment tax liens of \$7,795.59 (that will not be discharged or extinguished by this sale) the purchaser will be paying \$12,750.00 for the Property or 91% of the current DCAD value of \$14,000. According to DCAD, the Property is unimproved, 60 feet wide by 117 feet deep (7,649 square feet), and zoned single family residential.

As part of this transaction, the City is requiring all post-judgment taxes for tax years 2003-2012 of \$7,795.59 be paid at closing, exclusive of the above amount, of which Dallas County will receive approximately \$1,729.38.

RECOMMENDED BY:	Public Works	PREPARED BY:	Steven Henderson
		APPROVED BY DEPT HEAD:	Alberta Blair

As noted on the attached Resale Worksheet prepared by the tax attorneys, after payment of \$1,927.27 in court costs and costs of sale, \$1,500 administrative fee for post-sale maintenance provided by the City of Garland, \$1,527.14 will be available for distribution to the taxing entities.

LEGAL IMPACT:

The sale complies with the Texas Tax Code, Section 34.05(i).

PROJECT SCHEDULE:

N/A

M/WBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

Acceptance of the offer is consistent with Vision 5 (Dallas County is the destination of choice for residents and businesses) of the County's Strategic Plan in partnering with the City returning deteriorated or unproductive properties to the tax rolls, enhancing the value of ownership to surrounding properties, and improving safety and quality of life in deteriorating neighborhoods.

RECOMMENDATION:

Consent on its own behalf, and on behalf of the Dallas County Community College District, the Parkland Hospital District, and the Dallas County School Equalization Fund to the sale of the tax foreclosure property located at 225 Casalita Drive, Garland, Dallas County, Texas, DCAD Account No. 26502500060070000, to Ryan Z. and Associates, Inc. for \$4,954.41 subject to the prior owner's remaining right of redemption, if any, in compliance with Section 34.05(i) of the Texas Tax Code, and authorize the City of Garland, as trustee, to act and sign on behalf of Dallas County, the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund in the sale, use, and disposition of the Property, acquired by tax foreclosure, which has been jointly vested in the name of the Taxing Jurisdictions.

PerdueBrandonFielderCollins&Mott LLP
ATTORNEYS AT LAW

1919 S. SHILOH RD.
GARLAND, TEXAS 75042
TELEPHONE 972-278-8282
FAX 972-278-8222
www.pbfcml.com

J. Douglas Burnside
ATTORNEY AT LAW
dburnside@pbfcml.com

November 7, 2017

Ms. Denise Holmes
Director of Taxation
Garland ISD
901 W. State Street, Suite A
Garland, Texas 75040

Via electronic-mail

Ms. Pam Easterling
Dallas County Public Works
411 Elm Street, Suite 300
Dallas, Texas 75202

Via electronic-mail

Re: Offer by Ryan Z. and Associates, Inc. to purchase 225 Casalita Drive, Garland, Texas

Dear Ms. Holmes and Ms. Easterling:

The above referenced property was struck off to the City of Garland on April 5, 2012 at a Sheriff's Sale pursuant to delinquent tax suit No. TX03-40453, City of Garland v. Roberta J. Parker, et al.. The property was struck off for the assessed value in the Judgment, \$10,000.00. The total Judgment amount at the sale was \$37,802.85. Ryan Z. and Associates, Inc. has offered to purchase this property for \$4,954.41. The property is currently assessed by the Dallas CAD at \$14,000.00.

The court costs and costs of sale are \$1,927.27 as set forth below:

Court Costs	\$783.00
Sheriff's Costs of Sale	\$731.77
Publication Fees	\$412.50
Net Court Costs and Costs of Sale	<u>\$1,927.27</u>

After payment of the \$1,927.27 in court costs and costs of sale and \$1,500.00 administrative fee for post-sale maintenance provided by the City of Garland, \$1,527.14 will be available for distribution to the taxing entities. This amount will be distributed based on the pro rata percentages of the total judgment for taxes. The percentage and amount to be distributed to each entity are:

City of Garland	24.7%	\$376.79
Garland ISD	56.7%	\$867.01
Dallas County	18.6%	\$283.34
Total Judgment Tax Distribution		<u>\$1,527.14</u>

For your convenience, I have attached a breakdown of costs and distribution of net proceeds.

Please note that as a part of this transaction, all post-judgment taxes will be paid at closing exclusive of the above amounts. The total amount of post-judgment taxes will be approximately \$7,795.59 of which Dallas County will receive approximately \$1,729.38 and Garland ISD will receive approximately \$4,053.52.

Please advise me whether your respective entities agree to the sale of this lot to Ryan Z. and Associates, Inc. for \$4,954.41. If they elect to do so, please send me a copy of the Resolution or Order approving the sale.

If you have any questions or need additional information, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Douglas Burnside", with a long, sweeping horizontal line extending to the right.

J. Douglas Burnside
Attorney at Law

Re-sale Disbursement Worksheet

CAD Acct #:	26502500060070000
Property address:	225 Casalita Drive
Cause No.:	TX03-40453
Judgment Date:	October 22, 2003
Sheriff's Sale Date:	April 5, 2012
Judgment amount:	GISD 1993-2002 taxes \$1,357.96 (56.7%)
	City 1993-2002 taxes \$590.15 (24.7%)
	County 1993-2002 taxes \$443.78 (18.6%)
Total Judgment for Taxes:	\$2,391.89
City Abatement Liens:	\$24,766.28
Court costs:	\$783.00
Sheriff's fees for sale:	\$731.77
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$412.50
Total Costs:	\$1,927.27

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$783.00
2.	Dallas County Sheriff	\$731.77
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$412.50
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$376.79
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$867.01
7.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$283.34
	TOTAL Judgment Distribution	\$4,954.41

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$2,012.69
9.	Garland ISD (Post Judgment tax year distribution)	\$4,053.52
10.	John Ames, Dallas County Tax Assessor (Post Judgment tax year distribution)	\$1,729.38
	TOTAL Post Judgment Distribution	\$7,795.59

	TOTAL Distribution	\$12,750.00
--	---------------------------	--------------------

The cause number and Dallas Central Appraisal District tax account number should be on all checks

PerdueBrandonFielderCollins&Mott LLP
ATTORNEYS AT LAW

1919 S. SHILOH RD.
GARLAND, TEXAS 75042
TELEPHONE 972-278-8282
FAX 972-278-8222
www.pbfcml.com

J. Douglas Burnside
ATTORNEY AT LAW
dburnside@pbfcml.com

October 12, 2017

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Ryan Z. and Associates, Inc. to purchase
225 Casalita Drive, Garland, Texas

Dear Mr. Worsham:

Ryan Z. and Associates, Inc. has offered to purchase 225 Casalita Drive, Garland, Texas (LOT 7, BLOCK F, ROUTH TERRACE ADDITION, AKA 225 CASALITA DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 67125, PAGE 1629, DALLAS COUNTY DEED RECORDS) for \$4,954.41. Please note that as a part of this transaction, all post-judgment taxes for the years 2003-2012 will be paid at closing exclusive of the above amounts. The total amount of post-judgment taxes will be approximately \$7,795.59 of which the City of Garland will receive approximately \$2,012.69. The total amount paid at closing will be \$12,750.00.

This property was sold at a Sheriff's Sale on April 5, 2012 pursuant to delinquent tax collection suit number TX03-40453. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions.

The property's most recent value according to the Appraisal District is \$14,000.00. The property was struck off for the assessed value in the Judgment, \$10,000.00. The total judgment amount was \$37,802.85, which includes taxes, penalties and interest, City of Garland abatement liens, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those costs total \$3,427.27. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the purchase price is less than either the Judgment amount of taxes and court costs, \$37,802.85, or the market value as stated in the judgment, \$10,000.00, all jurisdictions included in the judgment must consent to the sale. Our office will obtain the necessary consent for the sale to proceed.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light blue rectangular background.

J. Douglas Burnside

Enclosure

Re-sale Disbursement Worksheet

CAD Acct #:	26502500060070000
Property address:	225 Casalita Drive
Cause No.:	TX03-40453
Judgment Date:	October 22, 2003
Sheriff's Sale Date:	April 5, 2012
Judgment amount:	GISD 1993-2002 taxes \$1,357.96 (56.7%)
	City 1993-2002 taxes \$590.15 (24.7%)
	County 1993-2002 taxes \$443.78 (18.6%)
Total Judgment for Taxes:	\$2,391.89
City Abatement Liens:	\$24,766.28
Court costs:	\$783.00
Sheriff's fees for sale:	\$731.77
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$412.50
Total Costs:	\$1,927.27

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$783.00
2.	Dallas County Sheriff	\$731.77
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$412.50
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$376.79
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$867.01
7.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$283.34
	TOTAL Judgment Distribution	\$4,954.41

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$2,012.69
9.	Garland ISD (Post Judgment tax year distribution)	\$4,053.52
10.	John Ames, Dallas County Tax Assessor (Post Judgment tax year distribution)	\$1,729.38
	TOTAL Post Judgment Distribution	\$7,795.59

	TOTAL Distribution	\$12,750.00
--	---------------------------	--------------------

The cause number and Dallas Central Appraisal District tax account number should be on all checks

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Ryan Z. and Associates, Inc., 4851 Keller Springs Rd., Suite 219, Addison, TX 75001** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **225 Casalita Drive**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

LOT 7, BLOCK F, ROUTH TERRACE ADDITION, AKA 225 CASALITA DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 67125, PAGE 1629, DALLAS COUNTY DEED RECORDS (the "Property").

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX03-40453 in the 191st Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 201_.

GRANTOR:

CITY OF GARLAND, a Texas home-rule
municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

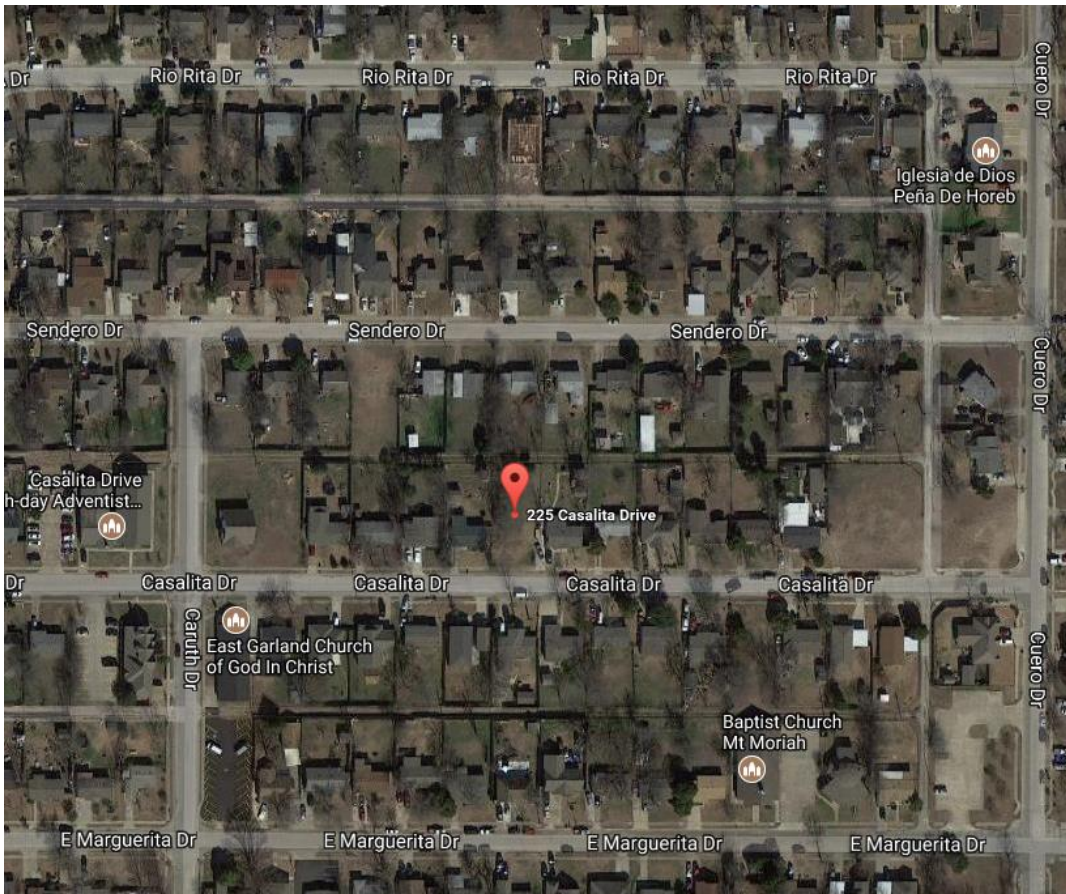
The foregoing instrument was acknowledged before me on the _____ day of _____, 201_, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

225 Casalita Dr. Map and Picture





GARLAND POLICY REPORT

City Council Work Session Agenda

2.d.

Meeting Date: January 8, 2018

Item Title: Sale of Property - 119 Lake Drive

Submitted By: Corey Worsham, Tax Administrator

Council Goal: Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs

ISSUE

The City of Garland has received an unsolicited offer from Ryan Z. and Associates, Inc. related to the purchase of City owned property obtained through a Sheriff's Sale. This property is located at 119 Lake Drive. Ryan Z. and Associates, Inc. has presented an offer of \$11,901.83 for the property. The purchaser has also agreed to pay the post-judgment taxes at closing. The post-judgment taxes will be approximately \$727.16 bringing the total amount paid at closing cost to approximately \$12,628.99. The City of Garland will receive sale proceeds of \$1,500 for maintenance and \$1,297.10 in taxes totaling \$2,797.10.

OPTIONS

The City Council May:

1. Approve the sale of 119 Lake Drive to Ryan Z. and Associates, Inc. and provide an executed deed without warranty, or
2. Deny the offer presented by Ryan Z. and Associates, Inc. to purchase the property.

RECOMMENDATION

Staff recommends the City Council accept the offer and sell the property to Ryan Z. and Associates, Inc. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

BACKGROUND

The property was struck off to the City of Garland at the Dallas County Sheriff's Sale on February 7, 2012. In accordance with Section 34.05 of the Texas Property Tax Code, the Garland Independent School District and Dallas County have provided consent for the sale of this property. If the sale is approved, the City of Garland will accept payment on behalf of all entities and disperse all sale proceeds.

CONSIDERATION

This property has been held in Trust to City of Garland since 2012. Pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with the governing body's approval. The sale of this property further supports a stable tax base and future development opportunities.

Attachments

119 Lake Drive - Resolution
119 Lake Drive - County Consent
119 Lake Drive - GISD Consent
119 Lake Drive - Offer
119 Lake Drive - Exhibit A Deed
119 Lake Drive - Map and Pictures

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 95th Judicial District Court of Dallas County, Texas in cause number TX10-40037, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That City agrees to the sale of certain real property being Lot 21, Block B, Taylor Hills Addition A/K/A 119 Lake Drive, City of Garland, Dallas County, Texas, as recorded in volume 2001079, page 6961 of the Dallas County Deed Records (the "Property").

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

Section 3

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the ____ day of _____, 2017.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

**COURT ORDER
2017-1603**



Request to Consent to Sale of Tax Foreclosed Property located at 119 Lake Drive, Garland,
Texas

On a motion made by Commissioner John Wiley Price, District 3, and seconded by Commissioner Dr. Elba Garcia, District 4, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 12/5/2017
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby consent on its own behalf, and on behalf of the Dallas County Community College District, the Parkland Hospital District, and the Dallas County School Equalization Fund to the sale of the tax foreclosure property located at 119 Lake Drive, Garland, Dallas County, Texas, DCAD Account No. 26592500020210000, to Ryan Z. and Associates, Inc. for \$11,901.83 subject to the prior owner's remaining right of redemption, if any, in compliance with Section 34.05(i) of the Texas Tax Code, and authorize the City of Garland, as trustee, to act and sign on behalf of Dallas County, the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund in the sale, use, and disposition of the Property, acquired by tax foreclosure, which has been jointly vested in the name of the Taxing Jurisdictions.

Recommended by: Alberta Blair
Originating Department: Public Works

Done in open court December 5, 2017, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
 Commissioner Dr. Theresa M. Daniel, District 1
 Commissioner Mike Cantrell, District 2
 Commissioner John Wiley Price, District 3
 Commissioner Dr. Elba Garcia, District 4

OPPOSED: None

ABSTAINED: None

ABSENT: None

COMMISSIONERS COURT BRIEFING



DATE: 12/5/2017

SUBMITTING DEPARTMENT: Public Works

THROUGH:

SUBJECT: Request to Consent to Sale of Tax Foreclosed Property located at 119 Lake Drive, Garland, Texas

BACKGROUND:

Pursuant to the delinquent tax suit No. TX-10-40037 styled City of Garland and Garland Independent School District vs. German G. Miranda, the property located at 119 Lake Drive, Garland, Texas ("Property") was offered for sale by the Sheriff of Dallas County at public auction on February 7, 2012 and was struck off to the City of Garland. The Property was struck off for the total amount of the Judgment, \$57,962.41. The City of Garland holds the Property in trust for each taxing jurisdiction party to the judgment, e.g., City of Garland, Garland Independent School District and Dallas County ("Taxing Jurisdictions"), pursuant to Section 34.01(k) Texas Tax Code.

Ryan Z. and Associates, Inc. has submitted an offer to the City of Garland for \$11,901.83. According to DCAD, the property is unimproved and measures 60 feet wide by 140 feet deep (8,335 square feet). Acceptance of the offer will discharge and extinguish only the ad valorem property tax liens for the tax years 2003 - 2010 included in the tax judgment. The payment of post judgment tax liens for tax years 2011-2012 are the additional responsibility of Ryan Z. and Associates, Inc..

Since the offer amount is less than either the aggregate amount of the judgments against the Property or the market value of the Property as stated in the judgment, all taxing jurisdictions included in the judgment must consent to the resale.

OPERATIONAL IMPACT:

No impact.

FINANCIAL IMPACT:

As noted on the attached Resale Worksheet prepared by the tax attorneys, after payment of \$4,878.49 in court costs and costs of sale, and \$1,500 administrative fee for post-sale maintenance provided by the City of Garland, \$5,523.34 will be available for distribution to the taxing entities. This amount will be distributed based on the pro rata percentages of the total judgment for taxes.

RECOMMENDED BY:	Public Works	PREPARED BY:	Steven Henderson
		APPROVED BY DEPT HEAD:	Alberta Blair

As part of the transaction, all post-judgment taxes will be paid at closing exclusive of the above amounts. The total amount of post-judgment taxes will be approximately \$727.16 of which Dallas County will receive approximately \$180.42 and Garland ISD will receive approximately \$344.59.

Considering the offer of \$11,901.83 plus the post judgment tax liens of approximately \$727.16 (that will not be discharged or extinguished by this sale) Ryan Z. and Associates will be paying \$12,628.99 for the property or 90% of the current DCAD value of \$14,000.

LEGAL IMPACT:

The sale complies with the Texas Tax Code, Section 34.05(i).

PROJECT SCHEDULE:

N/A

M/WBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

Acceptance of the offer is consistent with Vision 5 (Dallas County is the destination of choice for residents and businesses) of the County's Strategic Plan in partnering with the City returning deteriorated or unproductive properties to the tax rolls, enhancing the value of ownership to surrounding properties, and improving safety and quality of life in deteriorating neighborhoods.

RECOMMENDATION:

Consent on its own behalf, and on behalf of the Dallas County Community College District, the Parkland Hospital District, and the Dallas County School Equalization Fund to the sale of the tax foreclosure property located at 119 Lake Drive, Garland, Dallas County, Texas, DCAD Account No. 26592500020210000, to Ryan Z. and Associates, Inc. for \$11,901.83 subject to the prior owner's remaining right of redemption, if any, in compliance with Section 34.05(i) of the Texas Tax Code, and authorize the City of Garland, as trustee, to act and sign on behalf of Dallas County, the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund in the sale, use, and disposition of the Property, acquired by tax foreclosure, which has been jointly vested in the name of the Taxing Jurisdictions.

PerdueBrandonFielderCollins&Mott LLP
ATTORNEYS AT LAW

1919 S. SHILOH RD.
GARLAND, TEXAS 75042
TELEPHONE 972-278-8282
FAX 972-278-8222
www.pbfcml.com

J. Douglas Burnside
ATTORNEY AT LAW
dburnside@pbfcml.com

November 7, 2017

Ms. Denise Holmes
Director of Taxation
Garland ISD
901 W. State Street, Suite A
Garland, Texas 75040

Via electronic-mail

Ms. Pam Easterling
Dallas County Public Works
411 Elm Street, Suite 300
Dallas, Texas 75202

Via electronic-mail

Re: Offer by Ryan Z. and Associates, Inc. to purchase 119 Lake Dr., Garland, Texas

Dear Ms. Holmes and Ms. Easterling:

The above referenced property was struck off to the City of Garland on February 7, 2012 at a Sheriff's Sale pursuant to delinquent tax suit No. TX10-40037, City of Garland and Garland ISD v. German Miranda, et al.. The property was struck off for the total amount of the Judgment, \$57,962.41. Ryan Z. and Associates, Inc. has offered to purchase this property for \$11,901.83. The property is currently assessed by the Dallas Central Appraisal District at \$14,000.00.

The court costs and costs of sale are \$4,878.49 as set forth below:

Court Costs	\$3,199.00
Sheriff's Costs of Sale	\$1,335.74
Publication Fees	\$343.75
Net Court Costs and Costs of Sale	<u>\$4,878.49</u>

After payment of the \$4,878.49 in court costs and costs of sale and \$1,500.00 administrative fee for post-sale maintenance provided by the City of Garland, \$5,523.34 will be available for distribution to the taxing entities. This amount will be distributed based on the pro rata percentages of the total judgment for taxes. The percentage and amount to be distributed to each entity are:

City of Garland	22.1%	\$1,094.95
Garland ISD	47.9%	\$3,069.86
Dallas County	30.0%	\$1,358.53
Total Judgment Tax Distribution		<u>\$5,523.34</u>

For your convenience, I have attached a breakdown of costs and distribution of net proceeds.

Please note that as a part of this transaction, all post-judgment taxes will be paid at closing exclusive of the above amounts. The total amount of post-judgment taxes will be approximately \$727.16 of which Dallas County will receive approximately \$180.42 and Garland ISD will receive approximately \$344.59.

Please advise me whether your respective entities agree to the sale of this lot to Ryan Z. and Associates, Inc. for \$11,901.83. If they elect to do so, please send me a copy of the Resolution or Order approving the sale.

If you have any questions or need additional information, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Douglas Burnside", with a long, sweeping horizontal line extending to the right.

J. Douglas Burnside
Attorney at Law

Re-sale Disbursement Worksheet
City of Garland

CAD Acct #:	26592500020210000
Property address:	119 Lake Dr.
Cause No.:	TX10-40037
Judgment Date:	July 1, 2011
Sheriff's Sale Date:	February 7, 2012
Judgment amount:	GISD 2004-2010 taxes \$10,142.13 (47.9%)
	City 2004-2010 taxes \$3,617.47 (22.1%)
	County 2003-2010 taxes \$4,488.28 (30.0%)
Total Judgment for Taxes:	\$18,247.88
City Abatement Liens:	\$6,599.18
Court costs:	\$3,199.00
Sheriff's fees for sale:	\$1,335.74
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$343.75
Total Costs:	\$4,878.49

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$3,199.00
2.	Dallas County Sheriff	\$1,335.74
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$343.75
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$1,094.95
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$3,069.86
7.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$1,358.53
	TOTAL Judgment Distribution	\$11,901.83

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$202.15
9.	Garland ISD (Post Judgment tax year distribution)	\$344.59
10.	John Ames, Dallas County Tax Assessor (Post Judgment tax year distribution)	\$180.42
	TOTAL Post Judgment Distribution	\$727.16
	TOTAL Distribution	\$12,628.99

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF GARLAND TO RE-SELL TAX FORECLOSED PROPERTY LOCATED AT 119 LAKE DR., GARLAND, TEXAS, BY PUBLIC OR PRIVATE SALE, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE

WHEREAS, pursuant to a delinquent tax collection lawsuit and tax foreclosure sale, the property located at 119 Lake Dr., Garland, Texas, ("The Property") was struck off to the City of Garland on its own behalf and as Trustee for the Garland Independent School District and Dallas County, pursuant to Section 34.01(j) of the Property Tax Code, and

WHEREAS, Garland Independent School District desires to resell The Property pursuant to Section 34.05 of the Property Tax Code for an amount not less than \$11,901.83, and

WHEREAS, Garland Independent School District desires to authorize the City of Garland to act as Trustee to offer The Property for sale pursuant to Section 34.05 of the Texas Property Tax Code,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE GARLAND INDEPENDENT SCHOOL DISTRICT, GARLAND, TEXAS THAT:

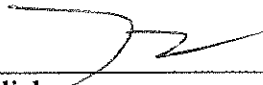
Section 1. The Garland Independent School District does hereby provide specific authorization to the City of Garland to act as Trustee to offer for sale by public or private sale 119 Lake Dr., Garland, Texas, more fully described in Exhibit "A," attached hereto and made a part hereof, and the Board of Trustees for Garland Independent School District does hereby consent to the sale of 119 Lake Dr., Garland, Texas for an amount not less than \$11,901.83 in compliance with Section 34.05 of the Texas Property Tax Code, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

Section 2. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

PASSED AND APPROVED this 12th day of December, 2017, by the
Board of Trustees for the Garland Independent School District.

GARLAND INDEPENDENT SCHOOL DISTRICT

By: _____


Larry Glick
President, Board of Trustees

ATTEST:

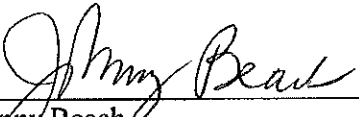

Johnny Beach
Secretary, Board of Trustees
Garland Independent School District

EXHIBIT A

BEING LOT 21, BLOCK B, TAYLOR HILLS ADDITION A/K/A 119 LAKE DRIVE, CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 2001079, PAGE 6961 OF THE DALLAS COUNTY DEED RECORDS

PerdueBrandonFielderCollins&Mott LLP
ATTORNEYS AT LAW

1919 S. SHILOH RD.
GARLAND, TEXAS 75042
TELEPHONE 972-278-8282
FAX 972-278-8222
www.pbfcml.com

J. Douglas Burnside
ATTORNEY AT LAW
dburnside@pbfcml.com

October 12, 2017

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Ryan Z. and Associates, Inc. to purchase
119 Lake Dr., Garland, Texas

Dear Mr. Worsham:

Ryan Z. and Associates, Inc. has offered to purchase 119 Lake Dr., Garland, Texas (BEING LOT 21, BLOCK B, TAYLOR HILLS ADDITION A/K/A 119 LAKE DRIVE, CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 2001079, PAGE 6961 OF THE DALLAS COUNTY DEED RECORDS) for \$11,901.83.

This property was sold at a Sheriff's Sale on February 7, 2012 pursuant to delinquent tax collection suit number TX10-40037. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. Please note that as a part of this transaction, all post-judgment taxes for the years 2011-2012 will be paid at closing exclusive of the above amounts. The total amount of post-judgment taxes will be approximately \$727.16 of which the City of Garland will receive approximately \$202.15.

The property's most recent value according to the Appraisal District is \$14,000.00. The property was struck off for the appraised value in the judgment, \$52,690.00. The total judgment amount was \$57,962.41, which includes taxes, penalties and interest, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those costs total \$6,378.49. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the purchase price is less than either the Judgment amount of taxes and court costs, \$57,962.41, or the market value as stated in the judgment, \$52,690.00, all jurisdictions included in the judgment must consent to the sale. Our office will obtain the necessary consent for the sale to proceed.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light blue rectangular background.

J. Douglas Burnside

Enclosure

Re-sale Disbursement Worksheet
City of Garland

CAD Acct #:	26592500020210000
Property address:	119 Lake Dr.
Cause No.:	TX10-40037
Judgment Date:	July 1, 2011
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Judgment amount:	GISD 2004-2010 taxes \$10,142.13 (47.9%)
	City 2004-2010 taxes \$3,617.47 (22.1%)
	County 2003-2010 taxes \$4,488.28 (30.0%)
Total Judgment for Taxes:	\$18,247.88
City Abatement Liens:	\$6,599.18
Court costs:	\$3,199.00
Sheriff's fees for sale:	\$1,335.74
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$343.75
Total Costs:	\$4,878.49

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$3,199.00
2.	Dallas County Sheriff	\$1,335.74
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$343.75
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$1,094.95
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$3,069.86
7.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$1,358.53
	TOTAL Judgment Distribution	\$11,901.83

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$202.15
9.	Garland ISD (Post Judgment tax year distribution)	\$344.59
10.	John Ames, Dallas County Tax Assessor (Post Judgment tax year distribution)	\$180.42
	TOTAL Post Judgment Distribution	\$727.16

	TOTAL Distribution	\$12,628.99
--	---------------------------	--------------------

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Ryan Z. and Associates, Inc., 4851 Keller Springs Rd., Suite 219, Addison, TX 75001** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **119 Lake Dr.**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

**BEING LOT 21, BLOCK B, TAYLOR HILLS ADDITION A/K/A
119 LAKE DRIVE, CITY OF GARLAND, DALLAS COUNTY,
TEXAS, AS RECORDED IN VOLUME 2001079, PAGE 6961 OF
THE DALLAS COUNTY DEED RECORDS (the "Property").**

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX10-40037 in the 95th Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 201_.

GRANTOR:

CITY OF GARLAND, a Texas home-rule
municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

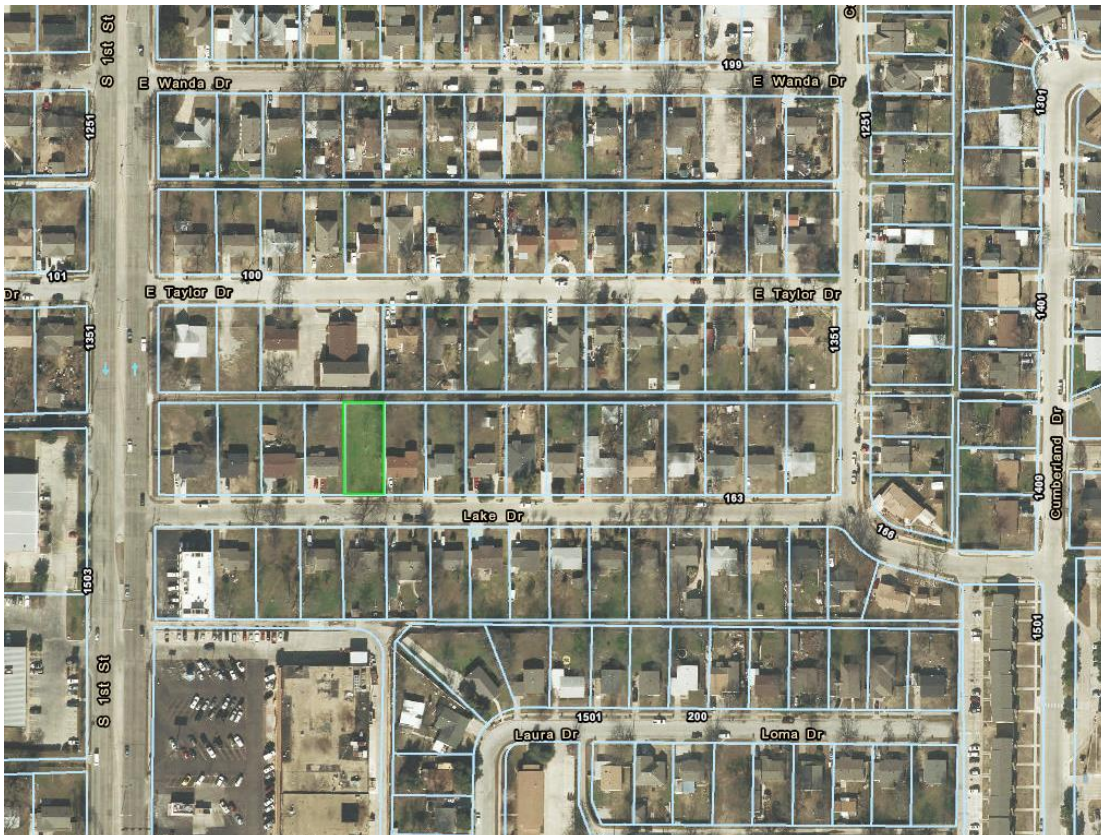
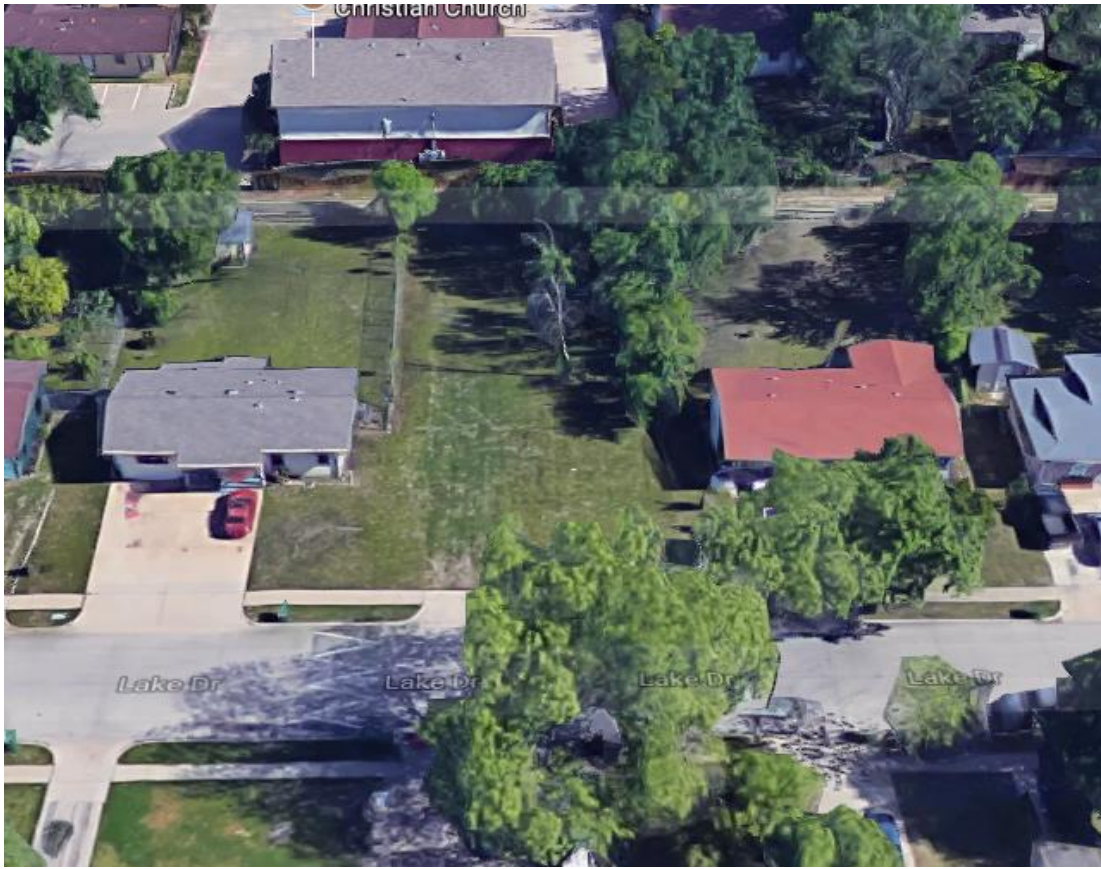
The foregoing instrument was acknowledged before me on the _____ day of _____, 201_, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

119 Lake Dr. Map and Picture





GARLAND POLICY REPORT

City Council Work Session Agenda

2.e.

Meeting Date: January 8, 2018

Item Title: Abandonment of Portion of Slope Easement in the Proposed Jefferson Woodlands Subdivision

Submitted By: Michael Polocek, Engineering Director

Council Goal: Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs
Safe, Family-Friendly Neighborhoods

ISSUE

Consider the abandonment of a portion of a variable width Slope Easement in the proposed Jefferson Woodlands subdivision.

OPTIONS

1. Abandon the portion of the easement.
2. Take no action.

RECOMMENDATION

Approve Option 1. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 9, 2018 Regular Meeting.

BACKGROUND

In 1989, the City acquired a slope easement along the northwestern right-of-way of North Garland Avenue as part of the Capital Improvement Program for paving and widening improvements of the roadway.

A new multi-family development, Jefferson Woodlands, is currently being proposed over a portion of the existing slope easement. Jefferson Woodlands, LLC (Developer) is requesting abandonment of the existing Slope Easement to provide better use of the property for their development. The Developer provided an appraisal performed by Cushman & Wakefield valuing the Slope Easement at \$52,328.

As part of fair compensation, the Developer will dedicate new street easements and has agreed to include a GP&L easement for the Electric Transmission line along N. Garland Ave. The street and electric easements to be dedicated are valued at \$64,512.

The Engineering Department recommends abandoning the portion of the Slope Easement to

the current property owner, Jefferson Woodlands, LLC, in exchange for the dedication of the new street easements and GP&L Easement.

Council action is required to abandon the portion of the easement.

CONSIDERATION

The portion of the slope easement within this proposed development is no longer required due to fill being placed over the years and proposed improvements being constructed by the developer. The improvements include buildings, retaining walls, sidewalks and landscaping. The abandonment would allow the developer to construct multifamily buildings and better utilize the property.

Attachments

Jefferson Woodlands Slope Esmt Aband. Exhibit A

Jefferson Woodlands Esmt. Location Map

EXHIBIT A

LEGAL DESCRIPTION

1.7161 ACRES

BEING a 74,754 square foot (1.7161 acres) tract of land situated in the ONEFRE Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being part of a 49.3 acre Tract 1 and 49.5 acre Tract 2 and 49.3 acre Tract 3, described in Special Warranty Deed to ALTHEC Partnership, Ltd. recorded in Volume 2002049, Page 2378, Deed Records of Dallas County, Texas, and being part of a Slope Easement described in Exhibit C, recorded in Volume 88131, Page 5292, Deed Records, Dallas County, Texas, ratified in Judgement No. CC-8811780-B, Commissioners Court Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at an "X" cut in concrete found for the east corner of a right-of-way corner clip at the intersection of the northwest right-of-way line of North Garland Avenue (a variable width right-of-way) with the northeast right-of-way line of Arapaho Road (a 100-foot right-of-way);

THENCE with said northwest right-of-way line, North 44°26'41" East, a distance of 451.62 feet to the **POINT OF BEGINNING**;

THENCE departing said northwest right-of-way line, North 45°27'41" West, a distance of 24.00 feet to a point for corner in the northwest line of said slope easement;

THENCE with said northwest line, the following courses and distances to wit:

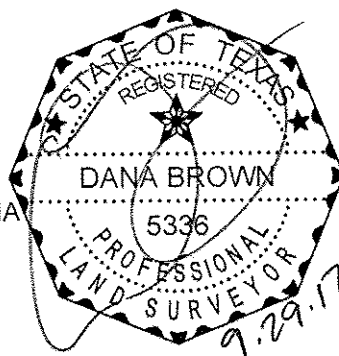
North 44°26'41" East, a distance of 248.53 feet to a point for corner;
North 36°06'03" East, a distance of 151.61 feet to a point for corner;
North 44°26'41" East, a distance of 150.73 feet to a point for corner;
North 50°09'19" East, a distance of 60.30 feet to a point for corner;
North 35°54'50" East, a distance of 40.45 feet to a point for corner;
North 44°26'41" East, a distance of 199.30 feet to a point for corner;
North 36°28'30" East, a distance of 100.55 feet to a point for corner;
North 39°35'11" East, a distance of 201.67 feet to a point for corner;
North 47°18'26" East, a distance of 200.68 feet to a point for corner;
North 44°26'41" East, a distance of 144.46 feet to a point for corner;

THENCE departing said northwest line, South 45°14'56" East, a distance of 67.00 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 3941" found in said northwest right-of-way line of North Garland Avenue;

THENCE with said northwest right-of-way line, South 44°26'41" West, a distance of 1493.67 feet to the **POINT OF BEGINNING** and containing 1.7161 acres or 74,754 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD, TWO GALLERIA
OFFICE TOWER, SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com



74,754 SQ. FT. (1.7162 ACRE)
SLOPE EASEMENT ABANDONMENT
ONEFRE ALVARADO SURVEY, ABSTRACT NO. 2
CITY OF GARLAND
DALLAS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	SEP 2017	064446434	1 OF 2

LINE TABLE		
NO.	BEARING	LENGTH
L1	N45°27'41"W	24.00'
L2	N44°26'41"E	248.53'
L3	N36°06'03"E	151.61'
L4	N44°26'41"E	150.73'
L5	N50°09'19"E	60.30'
L6	N35°54'50"E	40.45'
L7	N44°26'41"E	199.30'
L8	N36°28'30"E	100.55'
L9	N39°35'11"E	201.67'
L10	N47°18'26"E	200.68'
L11	N44°26'41"E	144.46'
L12	S45°14'56"E	67.00'

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

49.50 ACRE
ALTHEC PARTNERSHIP LTD.
VOL. 2002049, PG. 2378
D.R.D.C.T.

10' PEDESTRIAN EASEMENT
VOL. 88131, PG. 5292
D.R.D.C.T.
JUDGEMENT NO. CC-8811780-B

49.93 ACRE
ALTHEC PARTNERSHIP LTD.
VOL. 2002049, PG. 2378
D.R.D.C.T.

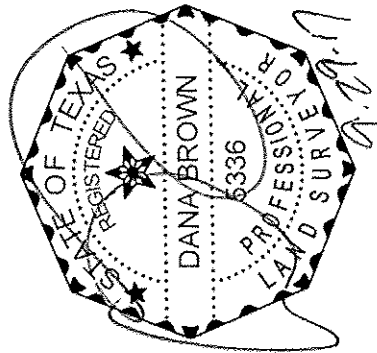
SLOPE EASEMENT
VOL. 88131, PG. 5292
D.R.D.C.T.
JUDGEMENT NO. CC-8811780-B

**SLOPE EASEMENT
ABANDONMENT
1.7161 ACRES
74,754 SQ. FT.**

SPRING CREEK WAY
(A 60-FOOT RIGHT-OF-WAY)

LEGEND
A = CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
IPF = IRON PIPE FOUND
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

74,754 SQ. FT. (1.7162 ACRE)
SLOPE EASEMENT ABANDONMENT
ONEFRE ALVARADO SURVEY, ABSTRACT NO. 2
CITY OF GARLAND
DALLAS COUNTY, TEXAS

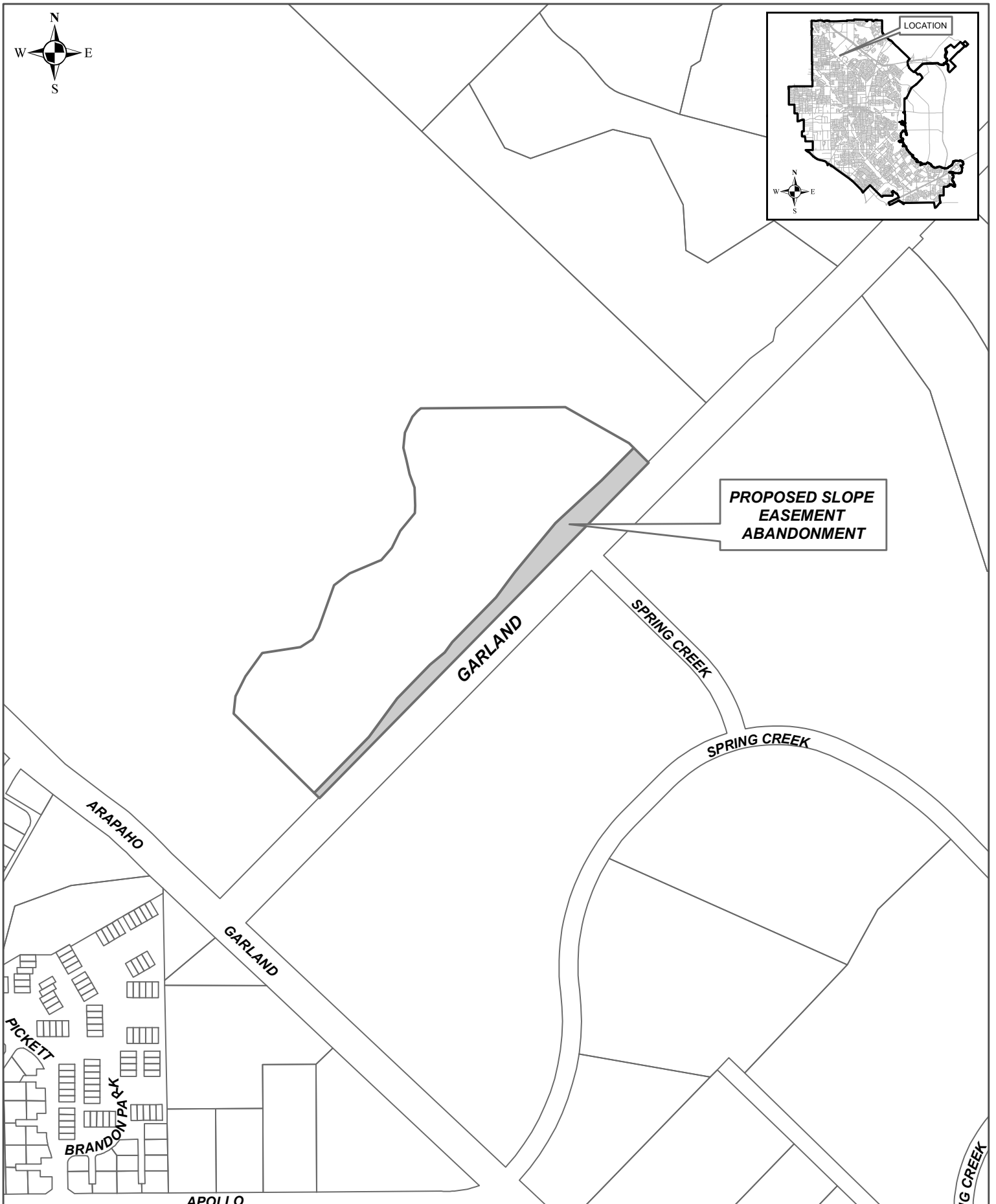
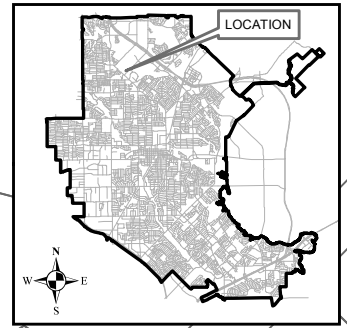


P.O.C.
ARAPAHO ROAD
(A 100-FOOT RIGHT-OF-WAY)

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240
Tel. No. (972) 770-1300
Fax No. (972) 239-3820
FIRM # 10115500

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	DWP	DAB	SEP 2017	05446434	2 OF 2





GARLAND POLICY REPORT

City Council Work Session Agenda

2.f.

Meeting Date: January 8, 2018

Item Title: Redemption of Tax Notes

Submitted By: Matt Watson, Finance Director

Council Goal: Financially Stable Government with Tax Base that Supports Community Needs

ISSUE

When Council approved the issuance of \$8,305,000 Tax Notes, Series 2017 on September 5, 2017, it was contemplated that the City would exercise the call provision to redeem the notes on February 15, 2018 prior to the scheduled maturity date of November 15, 2018. Staff requests Council consider approving an Ordinance to redeem the Tax Notes, Series 2017 as contemplated.

OPTIONS

1. Call the Tax Notes, Series 2017 on February 15, 2018.
2. Allow the Tax Notes, Series 2017 to mature on November 15, 2018.

RECOMMENDATION

Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 16, 2018 Regular Meeting.

BACKGROUND

The debt service savings generated from the General Obligation Commercial Paper program and a significant increase in the property tax base created additional debt capacity of \$8,305,000 in the FY 2017-18 budget. On September 5, 2017 City Council approved the issuance of a Tax Note, Series 2017 in the amount of \$8,305,000 to fund additional infrastructure improvements. Tax Note, Series 2017 was issued with the intent of exercising the option to early redeem the tax notes.

CONSIDERATION

If Council approves this request to redeem the tax notes on February 15, 2018, the City will save approximately \$56,000 in interest cost paid from the General Obligation Interest & Sinking Fund.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

2.g.

Meeting Date: January 8, 2018

Item Title: Federal Grants Calendar 2018-2019

Submitted By: Mona Woodard, Neighborhood Services Administrator

Summary of Request/Problem

The 2018-2019 Federal Grants Calendar for the Community Development Block Grant (CDBG), HOME Partnership Grant (HOME) and Emergency Solutions Grant (ESG) is presented for Council review.

Recommendation/Action Requested and Justification

Staff recommends approval of the 2018-2019 Federal Grants Calendar.

Attachments

Federal Grant Calendar 2018-19

2018-2019 Federal Grants Calendar

2018/19 Application Process Calendar	Jan 2018	Feb 2018	Mar 2018	April 2018	May 2018
Council Work Session – 18/19 Grant Calendar Provided	1-8-18				
Public Notice – Notification of the 2018/19 Entitlement Grant Application Process	1-10-18				
Applications for 18/19 Federal Grants Available	1-24-18				
Technical Assistance Meeting - Grant Applicants – 3 pm at 800 Main Street	1-24-18				
Technical Assistance Meeting – Grant Applicants – 3pm at 800 Main Street	1-25-18				
Citizen Input Meeting – 800 Main Street (6:30 pm)	1-29-18				
Citizen Input Meeting – 800 Main Street (6:30 pm)	1-30-18				
Entitlement Grant Applications due back to Housing and Community Services by 4:30 pm – 800 Main Street		2-12-18			
Council Work Session – Grant Allocation Workbooks Provided			3-19-18		
Council Regular Session – Public Hearing for CDBG, HOME and ESG Grant Programs			3-20-18		
Council Work Session – Discussion – Allocation of Grant Funding				4-2-18	
Council Work Session – Discussion – Allocation of Grant Funding				4-16-18	
Council Regular Session – Final Approval of 2018/19 Grant Allocations and Plan of Action				4-17-18	

2018/19 Application Process Calendar (Continued)	July 2018	Aug 2018	Sept 2018	Oct 2018
Public Notice Issued – 2018-2019 Grant Plan of Action	7-13-18			
2018-2019 Plan of Action Submission – Department of Housing and Urban Development – Mandatory Date		8-13-18		
Public Notice Issued – 2018-2019 Environmental Review for all Approved Grant Projects			9-1-18	
New Grantee Technical Assistance Training			9-25-18	
2018-2019 Environmental Review Submission – Department of Housing and Urban Development – Mandatory Date				10-1-18
New Fiscal Grant Year Begins				10-1-18



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

2.h.

Meeting Date: January 8, 2018

Item Title: Retirement Stability Benefit for Civil Service Employees Update

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

Staff is working with the Lincoln Financial Group advisors to finalize the implementation document package associated with a 457(b) Retirement Stability Benefit (RSB) for Civil Service Employees. The implementation document package includes a trust/custodial agreement, service agreement, and the plan documents. These documents are being prepared based on direction received from City Council at previous Work Sessions. It is projected that this final document will be brought forward for City Council authorization on January 16, 2018.

If City Council agrees to move forward with the proposed 457(b) RSB plan, staff and the Lincoln Financial Group will be holding on-site employee meetings and enrolling Civil Service employees in the new 457(b) RSB plan during the last two weeks of January, 2018.

It is projected that the new 457(b) plan for Civil Service employees will be live as of February 9, 2018. By this time all Civil Service employees who are participating in the existing 457(b) plan will be automatically transferred to the new RSB plan. This will include a transfer of all assets and investment options. It is projected that on the pay check dated February 16, 2018 that Civil Service employees contributions will be deducted from paychecks and deposited into the new RSB plan. It should be noted that this pay check will be the first pay check received by employees for time worked in February of 2018.

Recommendation/Action Requested and Justification

This item is presented to update the Council on the status of the RSB. Staff will be available to discuss the RSB with Council if there are any questions.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.a.

Meeting Date: January 8, 2018

Item Title: Introduction of proposed revisions to the City Charter

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

The Charter Review Committee, composed of citizens appointed by the City Council, was given the charge to review the City Charter in conjunction with the Office of the City Attorney, determine whether changes to the City Charter are necessary or desirable, and make recommendations on such changes to the City Council. The Charter Review Committee has completed that work and will present its recommendations to the City Council.

Charter amendments, if approved by the City Council, will be submitted to the voters for approval or rejection at the election to be held May 5, 2018. The effective deadline for submitting Charter amendments is the first meeting in February, 2018, in order to allow sufficient time for the preparation of ballots and providing notice of the election.

Recommendation/Action Requested and Justification

Consider the proposed amendments, determine whether to concur with, reject, or accept with changes the proposed amendments, and submit the final amendments to the voters for approval or rejection. An ordinance calling a charter amendment election, which will contain the full text of the amendments and the ballot propositions to be submitted to the voters, will be brought forward for Council approval upon completion of the review process.

Attachments

charter amendment proposals

HOME RULE CHARTER

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES

Sec. 1. Incorporation.

The inhabitants of the City of Garland, Texas, within the corporate limits as now established or as hereafter established in the manner provided herein, shall be and continue to be a municipal corporation and a body politic incorporated under the name of "City of Garland," Texas, possessed of all the property and interest of which it was possessed immediately prior to the time this Charter takes effect or may hereafter acquire with the powers, duties, obligations and liabilities now pertaining to said City, as a municipal corporation.

Sec. 2. Form of government.

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elective Council hereinafter referred to as the "Council" which shall enact local legislation, adopt budgets, determine policies, and appoint the other officials listed herein, as well as the City Manager who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed in this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 3. Boundaries.

The bounds and limits of the City of Garland shall be those as established and described in ordinances duly passed by the City Council of the City of Garland in accordance with state law. The City Secretary shall, at all times, keep a correct and complete description with recent annexations and disannexations and a map on which those boundaries are delineated. This shall be the official boundary map for the limits of the City of Garland.

Sec. 4. Extension of city limits by petition.

Whenever a majority of the qualified resident voters in a territory and the owners of fifty (50) percent or more of the land in the territory, a majority of the voters residing in such territory, or the owner or owners of the land in such territory desire the annexation of such territory to the City of Garland, they may present a written petition to that effect to the Council and shall attach to the petition an affidavit signed by a majority of such qualified voters or owners of the land; thereupon, the Council, at a regular session or a special session called in the manner required by this Charter, may by ordinance annex such territory to the City of Garland and, henceforth, the territory shall be a part of the City of Garland and the inhabitants thereof shall be bound by the acts, ordinances, resolutions, and regulations of the City.

Sec. 5. Extension of city limits by Council.

As an alternative method of enlarging or extending the corporate limits, the City Council shall have power by ordinance to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and the inhabitants annexed. Upon the introduction of such ordinance in Council, it shall be published one time in a newspaper circulated in the City of Garland, however, amendments may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not be thereafter finally acted upon until at least thirty (30) days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be as fixed in such ordinance, and when any additional territory has been so annexed same shall be a part of the City of Garland and the property situated therein shall bear its pro rata part of the taxes levied by the City and the inhabitants thereof shall be entitled to all of the rights and liberties of the citizens and shall be bound by the acts, ordinances and resolutions of the City.

Sec. 6. Exclusion and discontinuance of territory.

The Council may, in its exclusive discretion by ordinance, exclude from the City any territory within the corporate limits of the City when and if at least sixty (60) percent of the inhabitants thereof qualified to vote for members of the Council shall present a verified petition requesting that such territory be discontinued as a part of the City and tender to the City Secretary with such petition a sum of money equivalent to that percentage of the then

outstanding indebtedness of the City for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls of the City next preceding the presentation of such petition bears to the total assessed value of all property on the said rolls. The Council shall never, regardless of the facts and circumstances, be required to discontinue any territory as a part of the City except at its exclusive discretion expressed by ordinance.

ARTICLE II. GENERAL POWERS

Sec. 1. Powers of City.

The City shall have all of the powers granted or made available to municipal corporations or to cities by the Constitution of Texas, and by Title 28, Revised Civil Statutes of Texas of 1925, with all amendments thereto, and as said title may be hereafter amended and recodified, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any municipal purpose in fee simple or any lesser interest or estate by purchase, gift, devise, lease or condemnation and may hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution of this State or the statutes of Texas or restricted by this Charter, the City shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and, in addition to the powers enumerated herein or implied thereby or appropriate to the exercise of such powers, it is declared that the City shall have and may exercise all powers which, under the Constitution of this State and general laws of Texas, it would be competent for this Charter specifically to enumerate.

Sec. 2. Powers to acquire property inside or outside the City for public purposes.

The City of Garland shall have the power to acquire by condemnation or purchase either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, water supply reservoirs, standpipes, watersheds, dams; the laying, building, maintenance and construction of water mains and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the City an

abundant supply of wholesome water; for sewerage plants and systems; right-of-way for water and sewer lines; parks, playgrounds, hospitals, fire stations, police stations, airports and landing fields; incinerators or other garbage disposal plants; electric ~~light and power plants~~generating facilities and right-of-way for lines in connection therewith; gas plants and right-of-way for gas lines in connection therewith; extension, improvement, or enlargement of electric transmission or distribution facilities; streets, boulevards and alleys or other public ways; City jails; prison farms; City Halls and other municipal buildings; or any right-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain and for any other municipal or public purpose though not enumerated herein even though the property may be outside of the corporate limits. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain.

Sec. 3. Powers of a home rule City.

It is the expressed intention that this Charter shall confer upon the City of Garland and the Council all of the powers of local self-government conferred upon Home Rule Cities by the Constitution of Texas and the statutes of this state.

Sec. 4. Municipal Court.

There shall be a court for the trial of misdemeanor offenses known as the Municipal Court of the City of Garland, with such powers and duties as are given and prescribed by the laws of the State of Texas.

Sec. 5. No Waiver of Governmental Immunity.

Notwithstanding anything to the contrary contained in this Charter, the City shall have and retain sovereign and governmental immunity to the fullest extent provided or allowed by law.

ARTICLE III. THE COUNCIL

Sec. 1. Number, terms, Council districts, etc.

(A) 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.

(B) The Mayor shall be nominated and elected by the qualified voters of the entire City and may reside anywhere within the City. The eight Councilmembers shall be elected from eight (8) districts established by ordinance and shall be nominated and elected by the qualified voters of the respective Council district of such member.

(C) One (1) Councilmember shall be elected from each of the eight districts established by ordinance. The districts shall be designated as District 1, 2, 3, 4, 5, 6, 7 and 8. A candidate for Councilmember must ~~reside~~ at the time of his or her ~~nomination~~ election or appointment, ~~at the date of his or her election, and during his or her tenure of office,~~ have resided continuously within the Council district for which the candidate is running for office, or within the City if he or she is a candidate for Mayor, that the candidate desires or has been elected to represent for a minimum of one (1) year. Failure to continuously reside within the district from which a Councilmember is elected or appointed, other than due to a change resulting from realignment of Council district boundaries, shall constitute immediate termination of office. A person who, by reason of the application of the term limitations provided in subsection (D), below, would not be able to serve a full term of office, is disqualified to be a candidate for or to serve in that office. The provisions of this subsection shall be and become effective on and after May 15, 2018.

(D) A person may serve as a member of the Council, including as Mayor, ~~other than Mayor~~ for three (3) consecutive terms but thereafter shall not again be eligible to serve in any ~~district capacity~~ on the Council ~~except Mayor~~ until at least one subsequent complete term of the office for which he or she was elected or appointed 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 subsequent complete term of the office of Mayor has elapsed ~~from the end of the term for which that person was elected.~~ A "term" as used in this paragraph, shall (i) begin at the time a person is sworn into his or her respective office and end when the office is vacated and a successor is sworn into office and (ii) include any period of service during a term of office when that period is in excess of one (1) year a partial term for which a person is appointed or elected to fill a vacant

seat for a minimum of 364 days. ~~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.

(E) In the event the Mayor or a Councilmember vacates his or her office prior to the end of the scheduled term, the Mayor or Councilmember vacating his or her respective office shall not again be eligible to serve on the Council in any capacity until one complete term subsequent to the term for which he or she was elected or appointed has elapsed.

~~(E)~~ 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.

Sec. 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.

Sec. 3. Compensation.

From and after October 1, ~~2000~~2018, the Mayor shall receive compensation in ~~the~~the base amount of ~~four hundred~~five hundred and seventy five dollars (~~\$400~~\$575.00) per month, each Councilmember shall receive compensation in the base amount of two hundred and eighty eight dollars (~~\$200~~\$288.00) per month beginning October 1, 2018, and all members of the Council shall receive compensation in the base amount of ~~fifty~~seventy two dollars (~~\$50~~\$72.00) for each special called meeting attended by the member, work session attended by the member preceding a regular Council meeting, and for each regular meeting of the Council attended by

Commented [EB1]: The amended amounts take into account CPI Inflation from May 2000, when this section of the Charter was last amended.

~~the member.~~ The base amount of compensation shall be adjusted annually for inflation and will be the increase in the United States Consumer Price Index, as published from time to time by the United States Department of Labor, Bureau of Labor Statistics. ~~provided, however, that the Mayor and e~~Each Councilmember shall be entitled to reimbursement of ~~necessary~~ reasonable expenses incurred in the performance of their official duties when approved by the Council.

Sec. 4. Mayor and Mayor Pro Tempore.

The Mayor shall preside at meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes but shall have no regular administrative duties. He shall sign all municipal bonds, deeds of conveyances, vouchers, checks and orders as herein prescribed, and all instruments where the executive head of the City shall be required to act and shall perform all other duties as may be imposed on him by law and the ordinances of the City.

The Council shall elect from its members a Mayor Pro Tempore who shall perform the duties of Mayor in case of the absence or disability of the Mayor. In case of the absence or disability of both the Mayor and the Mayor Pro Tempore, the remaining members of the Council shall elect one of the members to act as Mayor.

Sec. 5. Vacancies.

~~When a vacancy on the Council occurs, a special election shall be held to elect a successor to fill the unexpired term; provided, however, if such vacancy occurs within one hundred twenty (120) days prior to a general City election, then no special election shall be held, except as otherwise provided by state law.~~ In the event a vacancy in the office of Mayor or City Council occurs, the City Council may call a special election in accordance with state law and the Texas Constitution. Alternatively, the City Council may, by a majority vote of the City Council, not including the member whose office is vacated, appoint a qualified person to fill the vacancy for the remainder of the term. However, in the event the City Council elects to appoint a qualified person due to a vacancy that occurs within the first nine (9) months of a term, the appointment 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 and a successor is sworn into office. 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.

Sec. 6. Quorum; voting.

Any five (5) members of the Council shall constitute a quorum for the transaction of business, and the affirmative vote of five (5) members of the Council shall be necessary to take any action in the name of the City or to adopt or repeal any ordinance or resolution.

Voting shall be by "aye" or "no" on roll call. All members of the Council present, including the Mayor (except as herein provided to the contrary), shall vote upon every motion and the vote of each member shall be recorded in the minutes. Any member refusing to vote shall be entered on the record as voting "no."

Sec. 7. Special meetings.

The Mayor or two (2) other members of the Council may call special meetings by giving written notice to the City Secretary who shall notify each member of the Council of the time of such meeting and purpose thereof. Only matters mentioned in the call shall be considered.

Sec. 8. Regular meetings.

The Council shall prescribe by ordinance or resolution the time for its regular meetings and there shall not be less than two (2) regular meetings in each calendar month.

All meetings of the Council whether regular or special shall be held at ~~the municipal building~~ City Hall or other location designated by Council within the city limits.

Sec. 9. Rules of procedure.

At the beginning of each Council term, the Council shall ~~determine~~ adopt its own rules and order of business by a majority vote of five (5) of the Council. In the event the Council does not amend the rules and order of business at the beginning of a Council term, the rules and order of business in effect for the prior term shall be deemed to be adopted by the Council. These ~~However, these~~ rules may be amended as required at any time during the term by a majority vote of five (5) of the Council. The Council shall cause and require the City Secretary to keep a permanent record or journal reflecting the minutes of these proceedings and the permanent record or journal shall always be open to public inspection. Minutes of all meetings of the Council shall be promptly entered within ~~forty-eight~~ seventy-two (~~48~~72) hours in the journal or

minute book of the Council and the City Secretary shall at the same time provide a permanent and adequate index showing the action of the Council in regard to all matters submitted to it at both regular and special meetings.

Sec. 10. Open meetings.

All meetings of the Council shall be conducted in accordance with the Texas Open Meetings Act and the rules of the Council shall provide that citizens of the City shall have a reasonable opportunity to be heard at any such meeting, in regard to any matter then under consideration.

Sec. 11. Resign for candidacy.

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 ~~an automatic~~ 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.

ARTICLE IV. POWERS VESTED IN COUNCIL

Sec. 1. Powers of the Council.

All powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the special and general powers granted or delegated to the City by the Constitution, statutes or this Charter, the Council shall have power to:

(A) Appoint the City Manager, City ~~Secretary~~ Auditor, and City Attorney, ~~and Internal Auditor~~ pursuant to this Charter ~~and~~ terms and conditions deemed appropriate by the City Council. ~~Appoint the City Judge for a definite term not to exceed one (1) year.~~ Provided, the Mayor ~~nor any~~ Councilmember shall receive any such appointment during or within one (1) year of the expiration of the term for which the Mayor or Councilmember shall have been elected or appointed;

- (B) Establish other administrative departments and distribute the work of divisions;
- (C) Adopt the budget of the City and appropriate municipal funds;
- (D) Authorize by ordinance the issuance of bonds, assignments of revenue or warrants;
- (E) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (F) The Council may only create or abolish a board or commission after May, 1994 by ordinance, or change the tenure of the appointees['] terms of office, except those established by the Charter, by an affirmative vote of 3/4 majority of the members of the Council present. Any board or commission created by ordinance prior to May, 1994 may be abolished or the tenure of appointees['] term of office may be changed by a vote of five concurring Councilmembers.
- (G) Adopt and modify the official map of the City;
- (H) Approve plats;
- (I) Summon and compel the attendance of witnesses and the production of books and papers before it whenever it may deem necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it and for failure to appear before it in response to summons issued by it with the same fines and penalties as the County Judge may punish for contempt before the County Court. All processes shall be signed by the Mayor and attested to by the City Secretary and shall be served by the Director of Police Services or any other Police Officer of the City. The Mayor, City Attorney, City Municipal Judge, City Secretary or any member of the Council shall have the authority to administer oaths in any matter pertaining to municipal affairs;
- (J) Open, widen, extend or straighten public streets, thoroughfares and alleys;
- (K) Define and prohibit nuisances within the City and five thousand (5,000) feet beyond;

(L) Provide, by ordinances, for the exercise by the City of any and all powers of local self-government not made self-enacting by this Charter or by statute;

(M) Provide, by ordinance, for the exercise of the Police powers of the City;

(N) Prevent the construction and use of housing below standards fixed by the Council;

(O) Adopt, modify and carry out plans proposed by the City Plan Commission for the replanning, improvement and redevelopment of neighborhoods;

(P) Provide for an independent audit;

(Q) Pass all ordinances deemed by it to be necessary or proper for the government of the City;

(R) License, regulate or prohibit the erection of signs and billboards;

(S) Require the installation of sewer lines, laterals and sewer facilities on private property and to fix a lien on the property if the owner fails to comply with the order of the Council and the labor and materials are thereafter furnished by the City.

(T) Provide a code of ethics by ordinance which shall be binding on all officers, employees and elected and appointed officials as provided herein, setting out the acts, conduct and financial interests which shall be considered to be in conflict with the positions they hold and providing the procedure for enforcing same.

(U) Provide, by resolution, for a policy which shall, except under special circumstances, prohibit the City from contracting with any person or entity who or which has, within specific time limits, been convicted of certain felonies or of certain discrimination charges.

Sec. 2. Removal of appointive officials.

Except as otherwise provided by law, the Council may, upon the affirmative vote of five (5) members, remove its appointed officers without notice or cause.

Sec. 3. Council not to interfere with ~~City Manager's~~ appointments.

Neither the City Council nor any of its members shall direct or request the ~~appointment hiring or removal~~ of any person ~~to or his removal from an office~~ directed by the City Manager an appointee of the City Council or by any ~~of his subordinates~~ subordinate of a Council appointee. However, the Council may consult and advise with ~~the City Manager~~ 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 ~~the City Manager~~ a Council appointee, the Council and its members shall deal solely through the ~~City Manager~~ Council appointee and neither the Council nor any member thereof shall give orders to any subordinates of ~~the City Manager~~ a Council appointee, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council, by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty after public hearing, and thereby create a vacancy in the place held by such member.

Sec. 4. Creation of new departments or offices.

The Council, by ordinance, may create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Charter. The Council, by ordinance, may assign additional functions or duties to officers, departments or agencies established by this Charter.

Sec. 5. City Secretary.

~~The Council shall appoint an officer of the City, having the title of City Secretary, who shall give notice of its meetings, shall keep the journal and minute book of its proceedings, shall authenticate by the signature of the City Secretary and record in full, in a book kept for the purpose, all ordinances and resolutions and shall perform such other duties as shall be required by this Charter or by ordinance.~~

~~The City Secretary shall have such assistants as shall be provided for in the budget from time to time, to be appointed by the City Secretary. All powers and duties imposed on the City Secretary may be exercised and performed by any assistant City Secretary.~~ Repealed.

Sec. 6. ~~City~~ Municipal Judge.

There shall be a magistrate of the Municipal Court known as the ~~City~~ Municipal Judge who shall be appointed by the Council to serve for a term of ~~one~~ two (~~1~~ 2) years. ~~He~~ The Municipal Judge may be removed by the Council at any time for incompetency, misconduct, malfeasance, or disability. ~~He~~ The Municipal Judge shall receive such salary as may be fixed by the Council from time to time. All costs and fines imposed by the Municipal Court, or by any Court in cases appealed from judgements of the Municipal Court, shall be paid into the ~~City Treasury~~ general fund of the City for the use and benefit of the City. The Council shall appoint such alternate ~~City~~ Municipal Judges as it from time to time may deem necessary, and shall designate the order of their priority to act in the place of the ~~City~~ Municipal Judge in the event of ~~his~~ the Municipal Judge's unavailability or failure to act for any reason, or in the event of a vacancy in such office. Any person appointed to serve as a ~~City~~ Municipal Judge or alternate ~~City~~ Municipal Judge under this section shall be an attorney licensed to practice law in the State of Texas.

Sec. 7. Independent annual audit.

Prior to the end of each fiscal year, the Council shall designate a certified public accountant, who, as of the end of the fiscal year, shall make an independent audit of accounts and other financial transactions of the City government and shall submit a report to the Council and to the City Manager. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. He shall not maintain any accounts or records of the City business, but, within specifications approved by the Council, shall post audit the books and documents kept by or for any office, department or agency of the City government.

A copy of such audit shall be kept in the Office of the City Secretary subject to inspection by any citizen and officer during regular office hours.

Sec. 8. Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members as set forth in this Charter and for such purposes shall have the power to subpoena witnesses and require the

production of records, but the decision of the Council in any case shall be subject to review by the Courts.

**Sec. 9. ~~City Treasurer.~~
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 (2) 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.

~~This section abolished at election held May 5, 1990.~~

Sec. 10. Sale of Public Utility System.

~~The Council may sell, assign, transfer or privatize the water or sewer system, the electrical system, or the landfill or landfill operations owned by the City of Garland, provided that a 3/4 majority of the City Council shall vote in the affirmative and pursuant to Texas Revised Civil Statutes, Annotated, Art. 1112, as currently provided or as hereafter amended. Thereafter the action shall by [be] submitted to the qualified voters of the City of Garland for their authorization. Provided, however, nothing herein shall be construed to prevent the City Council from entering into contracts with private entities for the management of all or portions of any of the above referenced utilities so long as effective control of the utility is not surrendered. Nothing herein shall be construed to limit the provisions of Article XIV, Initiative and Referendum Ordinances.~~ Repealed.

ARTICLE V. CITY MANAGER

Sec. 1. Qualifications.

The City Manager shall be chosen by the Council on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in ~~in or his~~ and knowledge of accepted practice in respect to the duties of his ~~the~~ office, as hereinafter set forth. At the time of his or her appointment, ~~he~~ the City Manager need not be a resident of the city or state but within 6 months of his or her appointment, and continuously during his or her term ~~tenure~~ of office, ~~he~~ the City Manager shall reside within the city.

Sec. 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 definite term ~~not to exceed one (1)~~ of two (2) 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.

Sec. 3. Powers and duties of City Manager.

The City Manager shall be the Chief Executive Officer and the head of the administrative branch of the City government. ~~He~~ The City Manager shall be responsible to the Council for the proper administration of the affairs of the City ~~under his supervision~~ and, to that end, ~~he~~ the City Manager shall have power to:

(A) Appoint and remove all the heads of each department except the City Attorney, ~~City~~ Municipal Judge and City ~~Secretary~~ Auditor.

(B) Appoint a City Secretary, who shall be responsible for giving notice of public meetings, shall keep all records of proceedings as required by law, shall authenticate by the signature of the City Secretary and record in full all ordinances and resolutions, and shall perform such other duties as required by law or otherwise assigned by the City Manager. The City Secretary shall hold the office at the will and pleasure of the City Manager, who has sole authority to remove the City Secretary.

(C) Appoint and, when necessary for the good of the City, remove all other employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.

(~~C~~D) Prepare the annual budget, present it to the Council and be responsible for its administration after adoption.

(~~D~~E) Prepare and submit to the Council, at the end of the fiscal year, a complete report of the finance and administrative activities of the City for the preceding year.

(~~E~~F) Keep the Council advised of the financial condition and future needs of the City and make such recommendations to the Council as may seem to him desirable.

(~~F~~G) May perform the duties of Collector of Taxes, Finance Officer, Superintendent of the Water and Sewer Departments and the Municipal Electrical System.

(GH) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter or provisions of state law.

Sec. 4. Absence of City Manager.

The Council may by resolution appoint any qualified person to perform the duties of City Manager in the event of ~~his~~ disability.

ARTICLE VI. CITY ATTORNEY

Sec. 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 definite term ~~not to exceed one (1) of two (2) 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.

Sec. 2. Powers and duties of City Attorney.

The City Attorney shall be the legal advisor to the City Council or any committee thereof, the City Manager and all official boards and commissions. He shall represent the City of Garland in all litigation and controversies, and to that end he shall have the power to fulfill such responsibilities.

Sec. 3. Assistants.

The City Attorney shall have such assistants as shall be provided for in the budget from time to time, to be appointed by him. Any such assistant may be discharged at any time by the City Attorney. All powers and duties imposed on the City Attorney may be exercised and performed by any Assistant City Attorney.

ARTICLE VII. DEPARTMENTS OF CITY GOVERNMENT

Sec. 1. Designation.

Departments shall be established to carry out the following services:

- (1) ~~Police and Fire~~Public Safety;
- (2) Public Works, Water and Sewer, and Municipal Electrical System;
- (3) Finance and Taxation;
- (4) Health;
- (5) And such other departments as may be established by ordinance.

Sec. 2. Directors of departments.

At the head of each department there shall be a Director who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager.

The City Manager may serve as head of one (1) or more departments. Two (2) or more departments may be headed by the same individual and the Director of any department may also serve as chief of divisions into which a department may be divided for administrative convenience.

Sec. 3. City Manager acting as Director.

The City Manager shall advise the Council in writing as to the departments he or she heads as Director.

~~Sec. 4. Selection of Internal Auditor.~~

~~There is hereby created the Department of Internal Audit to be directed by the Internal Auditor. The Internal Auditor must be a person knowledgeable in public financial and fiscal theory, and the principles of municipal accounting, and internal auditing. The Internal Auditor shall be appointed by the City Council for a definite term not to exceed one year. The City Council may terminate the employment agreement at its will and pleasure by a vote of not less than five members of the City Council. The action of the City Council in removing the Internal 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.~~

~~Sec. 5. Duties of the Internal Auditor.~~

~~The Internal Auditor shall have the following duties and responsibilities:~~

~~(1) Monitoring and examination of the City's accounting and property records, funds, general accounting system, and records of persons authorized to receive or disperse money or other property belonging to City and of funds for which the City is responsible as trustee.~~

~~(2) Appraisal, evaluation and verification of the adequacy of the City's accounting system and system of internal controls.~~

~~(3) Reporting to the City Council and City Manager any irregularities or failures to maintain adequate and accurate records or system of internal controls,~~

~~(4) Making such studies and reports as the City Council shall request or approve as to the efficiency, economy and effectiveness of the programs, projects or departments, reporting such data to the City Council and City Manager.~~

ARTICLE VIII. BUDGET

Sec. 1. Fiscal year.

The fiscal year for the City government shall begin on the first day of October and shall end on the last day of September of each calendar year. The fiscal year shall constitute the budget and the accounting year.

Sec. 2. Preparation and submission of budget.

~~Prior to the 15th day of August in each year, the City Manager shall prepare, file with the City Secretary, and furnish to each member of the Council, a carefully itemized budget outlining anticipated receipts and proposed expenditures of the City, showing as definitely as possible, appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the current year. The proposed budget shall also contain a complete~~

~~detailed statement of all bonds issued and certificates of obligation and notes outstanding of the City and of each of the funds administered by it and an estimate of the rate of tax required for the ensuing fiscal year. The City Manager shall file with the City Secretary, and furnish to each member of the Council, a proposed budget to cover the proposed expenditures for the succeeding year, not including capital projects, on or before the date set by state law.~~

Sec. 3. Budget form.

~~At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The proposed budget shall be prepared in accordance with, and in the form and substance, required by state law.~~

The City Manager shall at the same time submit a budget message explaining the need for the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

~~Each employee, officer, board and department shall furnish the City Manager such information as may be required by him for the proper preparation of each budget.~~

Sec. 4. Budget a public record.

~~The budget and budget message and all supporting schedules shall be a public record in the Office of the City Secretary open to public inspection by anyone. The proposed budget shall be available for inspection in the Office of the City Secretary by any person. The City Secretary shall take action to ensure that the proposed budget is posted on the official website or other electronic media platform of the City of Garland.~~

Sec. 5. Publication and notice of public hearing.

~~After receiving the proposed budget from the City Manager, At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine the place and time of the public hearing on the budget and cause notice of the public hearing to be published in a newspaper having a general circulation in Garland in accordance with state law a notice of the place and time, which shall not be less than three (3) days nor more than fourteen~~

~~(14) days after date of publication. The public hearing on the budget shall be held prior to the 15th day of September.~~

Sec. 6. Hearing and adoption of budget.

~~At the time advertised or at any time to which such public hearing shall be adjourned, t~~The Council shall hold a public hearing on the proposed budget as submitted by the City Manager, at which all interested persons shall be given an opportunity to be heard for or against the estimates or any item therein at a time and place consistent with state law. After the conclusion of such public hearing, the Council may make such changes, if any, in the budget as in their judgment the law warrants and the best interests of the taxpayers of the City demand.

The budget, as amended, if there be changes, may then be adopted by a favorable vote of at least five (5) members of the Council.

If no final action has been taken by the Council on or prior to the ~~20th~~ 21st day of September, the budget as submitted for the succeeding fiscal year shall be deemed to have been finally adopted by the Council.

Sec. 7. Budget establishes appropriations and amount to be raised by taxation.

From the effective date of the budget the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year and the several amounts stated therein as proposed expenditures shall thereby be and become appropriated to the several objects and purposes therein stated, but unused appropriations for any item may be transferred and used for any other item required for the accomplishment of the same general purpose.

When recommended by the City Manager and in the discretion of Council, the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.

Sec. 8. Amendment and supplemental budget.

In case of public necessity, expenditures to meet unusual unforeseen conditions, which could not, by reasonable, diligent thought and attention, have been included in the original budget, may from time to time be authorized by the affirmative vote of at least five (5) of the members of the Council as amendments or supplements to the original budget.

Such supplement and amendment shall be filed with the original budget.

Sec. 9. Defect shall not invalidate tax levy.

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

ARTICLE IX. COLLECTION OF TAXES

Sec. 1. Power to tax.

The Council shall have power to levy, for general purposes, an ad valorem tax on real, personal and mixed property within the territory of the City of Garland, not exempt from taxation by the Constitution and laws of the State of Texas, based upon its true value as provided by law, to the extent of the constitutional limit permitted by the State of Texas to cities of over five thousand (5,000) population, and which said tax shall embrace all taxes for municipal purposes.

The Council may raise and collect taxes on all property, privileges and franchises, of every kind and description, within the city limits or having its situs therein on January first of each year, and from any other local source, and provide for the place, time and manner of payment thereof, with penalties, as the Council may deem best, not in violation of the laws of this state.

Sec. 2. Where payable; no demand necessary.

All taxes shall be payable at the office of the Collector of Taxes in the City of Garland at the City Hall building or at such other places in the City of Garland as may be specifically designated by the Council.

No demand for such taxes shall be necessary but it is the duty of the taxpayer to make payment of such taxes in cash within the time specified.

Sec. 3. Power to correct errors.

The Council shall have power to cancel any uncollectible taxes upon the tax rolls.

Sec. 4. Ratification.

All taxes heretofore assessed are ratified and all ordinances relating to taxes now in force shall continue until amended or repealed by the Council.

Sec. 5. Payment, delinquency, penalties.

All taxes due the City of Garland shall be payable at the office of the City Collector of Taxes as provided in [Section 2](#) of this article and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1.

Sec. 6. General powers.

In addition to the powers herein conferred with reference to the collection of taxes, the City of Garland shall have and may exercise all powers and authority now conferred or which may hereafter be conferred upon cities having a population of more than five thousand (5,000) inhabitants by the general law of the State of Texas.

Sec. 7. City Manager may act as Collector of Taxes.

The City Manager shall act as Collector of Taxes with all powers conferred on the Collector by this Charter, the statutes and Constitution of Texas unless a person has been appointed to the position of Collector of Taxes for the City of Garland. In either event, bond shall be given as required by the Council.

ARTICLE X. ISSUANCE AND SALE OF BONDS**Sec. 1. Power to issue bonds.**

The City of Garland shall have the right and power to borrow money on the credit of the City, in accordance with state law and the Texas Constitution, for the purpose of the acquisition, establishment, construction, enlargement, development, leasing, improvement or purchase of property, lands, buildings, roads, bridges, streets, drainage systems, paving, waterworks, waterworks system, reservoir, sewer, sewage system, sewer disposal system, gas system, electric light and power system, transportation system, playgrounds, parks, pleasure grounds, boulevards, fire stations, jails, police stations, municipal buildings of any character, libraries, garbage disposal plants, incinerators, to pay the City's share as may be determined by law in street opening and widening and the building of underpasses or overhead crossings, storm sewers and the construction of a storm sewer system of drainage by open canals or closed conduit, to provide a revolving street improvement fund or for any other permanent public improvements as may be determined by the Council and to issue bonds, assignments of revenue or warrants of the City therefor to bear interest not exceeding the maximum lawful rate payable annually or semiannually at such places as may be designated permanent public improvements or for any other public purpose not prohibited by state law and the Texas Constitution, including but not limited to the funding of economic development projects or programs.

The City shall also have the power to borrow money against the revenues of any municipally-owned utility in payment of such debt under the authority of, and as conferred by, the Revised Statutes of the State of Texas, and all other applicable provisions of law. The authority to issue such revenue bonds shall be exercised strictly in accordance with said statutory provisions and when authorized by a vote of the qualified electors as provided in said statutes and other applicable provisions of law have the power to issue general obligation bonds, revenue bonds, funding and refunding bonds, time warrants, certificates of obligation, notes and other evidences of indebtedness permitted by state law and the Texas Constitution. However, in no event shall revenue bonds be considered an indebtedness of the City of Garland nor to be repaid from funds secured by taxation.

The City shall have the right to fund any maturing bonds by the issuance of new bonds in lieu thereof at the same or a lower rate of interest, and may apply thereto the sinking fund belonging to any series of bonds so funded, and may pay and retire any bonds by using the sinking fund thereof if there is no danger of causing default in other bonds for which that sinking fund was created.

Sec. 2. Other public improvements.

This City may enter into an agreement with the United States of America or any agency thereof, the State of Texas or any political subdivision thereof to acquire, improve, pay for, maintain, control and operate any or all of the following:

- (1) Any water system, including riparian rights, water supply reservoirs, watersheds, dams, water pumping and filtration systems, rights-of-way and all appurtenances and facilities useful in furnishing the inhabitants of this City an abundant supply of wholesome water;
- (2) Sewage disposal plants and systems, rights-of-way, sewer lines and all other sewage facilities useful in properly serving this City;
- (3) Parks and playgrounds;
- (4) Incinerators and garbage disposal plants;
- (5) Streets, boulevards, alleys and other public ways serving inhabitants of the City of Garland;
- (6) Hospitals;
- (7) Drainage systems;
- (8) Gas systems;
- (9) Electric light and power systems;
- (10) Any other public utility;

within or outside the City of Garland, or may alone acquire, improve, maintain, control and operate any or all such projects wholly or partially outside this City for the benefit of the residents of the City.

To finance any such project or projects, separately or jointly with any other governmental unit, the City may incur indebtedness, evidenced by notes, warrants, bonds or revenue certificates of this City; provided, however, that any such agreement with other governmental unit or units shall not become effective until twenty (20) days after such agreement be embodied in an ordinance of the Council authorizing its execution, and such ordinance has been

published at least two (2) times in a newspaper having a circulation in Garland.

Sec. 3. Bond elections.

Before submitting a proposition to issue new or additional bonds for approval by the voters, the Council shall first convene a Bond Study Committee, composed of not less than nine (9) residents of the City, to make recommendations to the Council on all such propositions. The Council shall establish the Bond Study Committee at a regular meeting no later than 6 months preceding an election. ~~no later than the second regular meeting of the Council in the September preceding an election in the following May. Any proposition to issue new or additional bonds, payable from the ad valorem taxes as authorized herein, shall be first submitted to a vote of the qualified voters of the City at an election to be held for that purpose. Any such election shall be held and conducted in accordance with state law and the Texas Constitution. Any proposition to issue new or additional bonds, as authorized herein, as well as the amounts of such issuance, the purpose of the same, and an estimate of the impact that the proposed bond or bonds, if adopted, will have on the ad valorem tax rate of the City, shall be first submitted to a vote of the qualified voters of the City at an election to be held for that purpose. The time, place and manner of such election and the making of returns and declaring the results thereof shall be done in accordance with the applicable laws. Unless a majority of the qualified voters, voting thereon in such election, vote in favor of the issuance of such bonds, the same shall not be issued; provided, that the purpose of the issuance of bonds, as submitted at such an election, may include more than one object.~~

After an issue of bonds has been ordered, the Council shall have power to issue bonds payable serially or otherwise as in its opinion the Council may deem best. All bonds shall ~~specify on their face for what purpose they are issued~~ be issued in accordance with the procedures provided for and required by state law. When any bonds are issued by the City a fund shall be provided to pay the interest and create a sinking fund sufficient to pay the bonds at maturity, and said sinking funds may be invested in accordance with state law. ~~in bonds of the State of Texas, or in bonds or obligations of the United States, or in bonds of the City of Garland, which are not yet due; provided, that in the event it shall be deemed expedient to issue serial bonds payable in annual~~

~~installments it shall be sufficient to provide for the payment of interest thereon and the annual installments as they mature.~~

Sec. 4. Execution of bonds.

All bonds, warrants, certificates of indebtedness and assignments of revenue shall be signed by the Mayor, countersigned by the City Secretary, and sealed with the seal of the City, and shall be payable at such times and place or places as may be fixed, not more than forty (40) years from their date.

Sec. 5. Bonds transmitted to comptroller.

It shall be the duty of the Mayor, when such bonds are issued, to forward the same to the Comptroller of Public Accounts of the State of Texas for submission, with all information he may have relating thereto, to the Attorney General of the State of Texas.

Sec. 6. Statement furnished to comptroller.

It shall be the duty of the Mayor, at the time of forwarding such bonds for registration, to furnish the same comptroller with a statement of the amount of taxable property, real and personal, in the City, and the amount of tax levied for the payment of interest and the creation of a sinking fund on such bonds.

Sec. 7. Sinking fund.

It shall be the duty of the Council each year to levy a tax sufficient to pay the interest on and provide the necessary sinking fund, required by law on all bonds outstanding, and if a deficiency appears at any time in such fund, then the Council shall, for the next succeeding year, levy an additional tax sufficient to discharge such deficiency.

Sec. 8. Bond register.

The Council shall keep, or cause to be kept, for and on behalf of the City a complete bond registry and books, showing all bonds, warrants, certificates of indebtedness and assignments of revenue issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered and all other transactions of the Council having reference to the refunding of the indebtedness of said City. When bonds or their

coupons are paid, their payment or cancellation shall be noted in said registry. The books shall be safely kept among the records of the City.

Sec. 9. Misapplication of bond funds.

Any officer of the City who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the funds [fund] is created or is herein otherwise authorized shall be deemed guilty of a misapplication of public funds and be subject to prosecution as provided under the laws of the state for the diversion and conversion of funds belonging to any of the municipalities of the state.

Sec. 10. Bond propositions.

Each bond proposition shall expressly state (i) all information required by state law, (ii) the expected maximum tax impact on the ad valorem tax rate for each project, and (iii) the purpose of the proposition and the amount thereof by project or category, as the Council may direct, so that the voters may pass upon each proposition separately and apart from another in order that each voter may vote "for" or "against" any proposition or propositions without voting "for" or "against" all such propositions.

The revenues resulting from an approved bond proposition shall only be used for the project, projects or category of projects, as the case may be, specified in such proposition for or retiring bonds issued for that proposition, as determined by the City Council.

ARTICLE XI. PLANNING, ZONING AND HOUSING

Sec. 1. Plan Commission.

(A) There shall be a Plan Commission composed of nine (9) commissioners who ~~are taxpayers and who own real property~~ 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.

Sec. 2. Plan Commission - Powers.

The commission shall have power and shall be required to:

(1) Exercise all the authority and control and have the duties conferred by law relating to platting;

(2) Recommend or disapprove proposed changes in the Zoning Plan and Ordinance of the City of Garland and have all the powers and duties conferred by law and in particular the duties and authorities of a Zoning Commission as provided in the Acts of 1927, 40th Legislature of the State of Texas, Chapter 283;

(3) Promote public interest in and understanding of the planning, zoning, clearance of blighted areas and development of the City;

(4) Hold public hearings for and advise the Council on such matters as the Council may request its advice and on such matters as it may think desirable in the public interest;

(5) Recommend improvement programs after consultation with the Council as to the need of such improvements.

Sec. 3. Recommendations of Plan Commission.

Except to the extent it is precluded by statutes of the State of Texas from doing so, the Council may thereafter adopt any plans, projects or methods recommended by the City Plan Commission or any other plans, projects or methods the Council may deem most advisable; provided, however, that any public improvement undertaken hereunder, or otherwise, by the Council shall not be deemed invalid because the City Plan Commission has not been consulted or has not furnished any advice thereon, or because the Council has failed to submit its plans thereon for consideration by said City Plan Commission.

Sec. 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 in matters of zoning which are conferred by the statutes of the State of Texas and various legislative acts supplementary to or amendatory thereof.

Sec. 5. Building permits and occupancy permits.

The City shall have power to prohibit the erection, construction or use of any building or structure of any kind within the City without a permit first having been issued by the City for the construction or erection of such building or structure, and without a use and occupancy certificate having been issued for the use actually made of such premises and structure and may authorize a fee to be charged for such permit. In pursuance of said authority, the Council may authorize the inspection of all buildings and structures during the progress of their construction or thereafter and may require all buildings to be constructed in conformity with the building regulations existing in the City or which shall hereafter be passed.

For the purpose of preserving property values, protecting the public health, preventing the blighting of areas within the City, promoting safety and promoting the public welfare, the Council may fix a minimum standard for the construction and use of housing accommodations and other structures within this City and prohibit the construction, erection and use of substandard housing and other substandard structures.

Sec. 6. Board of Adjustment.

The City Council shall appoint a Board of Adjustment with powers and duties conferred by the statutes and legislative acts of the State of Texas.

Sec. 7. Platting or subdivision control.

The City Plan Commission shall have control of the platting or subdivision of land within the City and in relation thereto shall have all of the power and authority conferred by the Acts of 1927, 40th Legislature, Chapter 231, as amended by the Acts of 1949, 51st Legislature, Chapter 154 and Article 6626 Revised Statutes of Texas 1925, as amended.

Sec. 8. Regulations governing subdivision of land.

In exercising the powers granted to it by Section 7 of this article, the City Plan Commission may adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the harmonious development of the City and its environs, for the coordination of streets and other ways within the subdivision land with other existing or planned streets and ways or for conformance to the official map, for adequate open spaces, for spaces for traffic, utilities, recreations, light and air, and for the avoidance of congestion of population. Such regulations may include requirements and the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of a subdivision.

The regulations of the Plan Commission may provide for a tentative approval of the plat prior to such improvements and installation; but any such tentative approval shall not be entered on the plat. In lieu of the completion of such work prior to the final approval of a plat, the City Plan Commission may accept a bond, in an amount and with surety satisfactory to the City Manager, providing and securing to the City the actual construction and installation of such improvements and utilities within a period specified by the City Plan Commission.

Sec. 9. Official map.

The Council may by ordinance adopt an official map of the City, on which shall be shown and indicated all public streets existing and established by law.

Sec. 10. Qualifications and term limits for appointed board members and commissioners.

(A) Qualifications. A person must be a resident of the City for a period of not less than one (1) year prior to his or her appointment to be eligible to serve on a board or commission for the City of Garland.

(B) Commencement and expiration of term. Unless otherwise expressly set by state law or this Charter, a person appointed by a member of Council, including Mayor, to serve on a board or commission for the City of Garland shall serve a term beginning with the date qualified and appointed by the Council and ending when the member of Council who nominated that boardmember or commissioner leaves office.

(C) **Term Limits.** Unless otherwise expressly set by state law or this Charter, a person appointed by a member of Council, including Mayor, to serve on a board or commission for the City of Garland may serve in the office for which he or she was appointed for three (3) consecutive terms, but thereafter shall not again be eligible to serve on the same board or commission until at least one complete term of the office for which he or she held has elapsed. Any term of office for a member of a board or commission beginning prior to May of 2018 shall not count toward the limitation of three (3) consecutive terms. A "term" as used in this paragraph shall be construed in the same manner as in Article III, Section 1(D) of this Charter.

(D) A Person serving as a member of the Council, including Mayor, for three (3) consecutive terms shall not be eligible to serve on any board or commission until at least one subsequent complete term of the office of the City Council for which he or she was elected or appointed has elapsed. Any term of office for a member of the Council, including Mayor, beginning prior to May of 2018 shall not count in determining eligibility to serve on a board or a commission under this section.

ARTICLE XII. NOMINATION, ELECTION AND REMOVAL OF CITY COUNCIL

Sec. 1. City election.

Except as otherwise provided by law, there shall be a regular City election each year on the first Saturday in May to elect candidates for expired terms of office or to fill vacancies due to resignations or removal from office, as needed, provided that the Council shall, if authorized by State law, declare unopposed candidates elected.

Sec. 2. Nominations.

(A) Any person having the qualifications required by this Charter and desiring to become a candidate for a place on the Council, shall be entitled to have his or her name placed on the official ballot, if the person files with the City Secretary in accordance with the filing period set forth in the Texas Election Code a petition or petitions designating the place sought by the candidate and properly signed by qualified voters of the City of Garland equal to, or in excess of, the minimum number prescribed by state law. may be nominated for Mayor by a written petition signed by at least one hundred (100) qualified voters of the City

~~or nominated for Councilmember by a written petition signed by at least twenty five (25) qualified voters from the district which the nominee, if elected, shall serve.~~

(B) Each petition circulated on behalf of each proposed candidate shall designate the office to be filled by such candidate and the name of the candidate shall be placed on the petition before any signatures are placed on the petition.

(C) One or more such petitions shall be circulated and signed for each nominee or candidate. Each candidate shall sign such petition and file it with the Office of the City Secretary in person, or, in lieu of personally filing the petition, the candidate may have filed with the City Secretary an affidavit stating that the person is a candidate for the position on the Council as designated in the petition and accepts the nomination.

(D) Nominating petitions shall be signed and filed in the Office of the City Secretary during regular office hours not earlier than ninety-one (91) days nor later than sixty-two (62) days before the election, unless otherwise set by state law; provided that if the last day of filing falls on a Saturday, Sunday or holiday declared by the City Council, the petitions may be filed on the next succeeding regular business day. Any petitions filed on the last day for filing must be received in the Office of the City Secretary no later than 5:00 p.m., and any petition received after 5:00 p.m. on the last day of filing shall be void and shall not be accepted. Any candidate may withdraw his or her nomination not later than four (4) days succeeding the last day for filing nomination petitions by filing an affidavit in the Office of the City Secretary of the City of Garland, stating that the candidate refuses the nomination and directing that the name be withdrawn from the ballot.

(E) The City Secretary shall as quickly as possible examine each such petition and check the qualifications of the signers thereto. If a petition is found insufficient, the City Secretary shall, upon discovering such insufficiency, immediately deliver to the person who filed it a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, a new petition may be filed for the same candidate. The petition of each candidate nominated to be a member of the Council shall be preserved by the City Secretary until the expiration of the term of office for which the candidate has been nominated. It is the intent of this section that all provisions contained herein comply with the election laws of the State of Texas as they currently exist or are hereafter amended. In the event of conflict

between the provisions of this section and State law, the State law shall prevail.

Sec. 3. Determination of elected candidates; run-off elections.

Run-off elections shall be held following the regular election on a date authorized by State law.

Sec. 4. Official ballot.

The City Secretary shall make up the official ballot from the names presented to him/her in the manner herein set out. The order in which the names of the candidates for each district shall appear on the ballot shall be determined by lot in a drawing held under the supervision of the City Secretary. The election shall be held in conformity with the election laws now in force in the City of Garland or those that may be hereafter enacted. The candidates for Councilmembers or Mayor receiving a majority of all votes cast, as provided in Section 3 hereof, for the position of Councilmember or Mayor under the district number under which his/her name appears, shall be the duly elected Councilmember or Mayor to hold said position.

Sec. 5. Voting machines.

Voting devices deemed most efficient, reliable and practical by the Dallas County Elections Administrator or as otherwise provided by state law shall be used for voting in all City elections and referenda.

Sec. 6. Term of office.

The term of Office of Mayor and Councilmen [Councilmember] shall begin upon taking the oath of office as soon as practicable after the canvass and declaration of election as herein provided.

Sec. 7. Canvassing elections.

Except as otherwise provided by law, returns of all municipal elections, both general and special, shall be made by the election officers to the Council no less than eight (8) days nor more than eleven (11) days after the date of the election, at which time the Council shall canvass and declare the results of such election,

ordering a new election when such election is required by reason of a tie vote.

Sec. 8. Recall of Mayor and Councilmember.

Any member or all members of the Council (including the Mayor) may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent by the following procedure:

(A) —A statement of intent to initiate recall proceedings signed by one or more voters qualified to vote for a successor to the member being recalled, naming the member and stating specific grounds for the recall must be presented to the City Secretary, who shall mark the statement with the date received and retain it for office files.

(B) —Within ~~two (2)~~ five (5) working days, not including the date of submission, after receiving ~~the~~ a statement of intent for each official whose removal is sought, the City Secretary shall prepare and have available at City Hall for delivery to ~~persons who signed~~ the person who submitted the statement of intent, ~~three hundred (300)~~ a sufficient number of sequentially-numbered petition forms. Each form ~~which~~ shall:

- (i) —bear the seal of the City Secretary;
- (ii) —~~name~~ name the member intended to be recalled;
- (iii) ~~setting forth~~ state the grounds for the recall as they appear on the statement of intent;
- (iv) ~~and providing~~ and providing space for ~~the each signatory's~~ (a) printed names, (b) addresses address of residence, precinct numbers and (c) signature, (d) date of signing, (e) voter registration numbers number or date of birth of signers; and
- (v) contain an affidavit to be signed by the person circulating the petition form swearing that each signature on the respective petition form is that of the person whose name it purports to be.

(C) A Person ~~s~~ accepting a delivery the petition forms provided by the City Secretary shall acknowledge delivery by

signing a receipt bearing the date of delivery which shall be retained by the City Secretary for office files. ~~A Petitioner must~~ shall take delivery of the prepared petition forms within three (3) working days of notification that they are available. In the event a petitioner does not take delivery of the prepared petition forms within three (3) working days, the statement of intent to initiate recall proceedings shall be deemed to be withdrawn.

~~(A)~~ —

(D) — The petition must be fully and properly completed and signed by qualified voters entitled to vote for a successor to each member sought to be removed, equal in number to twenty-five (25) percent of the number of votes cast at the last regular municipal election for that office which is the subject of the petition; provided, that not less than eight hundred (800) signatures shall be required in the case of the Councilmembers and not less than two thousand (2,000) signatures shall be required in the case of the Mayor. ~~The signatures to the petition need not all be appended to one paper, but each signer shall add to the signature the signer's place of residence, giving the street and number.~~

~~One of the signers to each petition form shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be.~~

(E) — Within thirty (30) days of the ~~marked~~ delivery date, as indicated on the receipt signed at the time of receiving the petition, the signed petition, with all required information and signatures provided on the petition forms, must be filed with the City Secretary for verification. ~~If~~ In the event the petition ~~is not~~ (i) is not signed by the required number of qualified voters, (ii) in full compliance with this Charter and state law does not contain a fully executed affidavit required by above Section (B), and (iii) is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. The City Secretary shall provide additional sequentially-numbered petition forms promptly on request of the initiators of the recall if the original supply is inadequate and if the request is made within the original thirty-day period.

~~(B)~~ —

(F) — Within ten (10) working days from the filing of the petition, the City Secretary shall examine same and, from the list of qualified voters, ascertain whether or not the petition

is signed by the requisite number of qualified voters, and, if requested to do so, the Council shall allow extra help for that purpose. The City Secretary shall attach to the petition a certificate showing the results of such examination. The City Secretary shall not make a determination of the authenticity of the signatures or investigate whether an individual resides at an address purported on the petition form. If by the City Secretary's certificate, the petition is shown to be insufficient, the petition shall be returned to the person or persons who filed the statement of intent. Persons accepting delivery must acknowledge delivery by signing a receipt bearing the date of delivery which will be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) working days of notification, not including the date of notification, that they are available. In the event a petitioner does not take delivery of the petition within three (3) working days, the statement of intent to initiate recall proceedings shall be deemed to be withdrawn. The petition shall be invalid unless amended and refiled within ten (10) working days from the date of accepting delivery by obtaining additional signatures. The City Secretary shall, within ten (10) days after any such amendment is filed, make like examination of the amended petition and, if the City Secretary's certificate shall show same to be insufficient, that petition shall be invalid and shall be returned to the person filing same and shall not be subject to amendment.'

~~(C)~~ —

(G) — If a sufficient number of petition forms shall be found to contain the required number of qualified signatures, the City Secretary shall, after being properly posted as an item on the agenda—submit, submit the same certificate indicating the results of the examination to the Council without delay at the Council meeting immediately following the completion of the examination by the City Secretary. Upon receipt of the certificate by the Council, and the Council, in the event the Mayor or Councilmember named in said the recall petition shall have ten (10) working days to elect to either resign or be placed on the ballot for a recall election. In the event the Mayor or Councilmember named in the recall petition fails to resign within ten (10) working days, including the date of the Council meeting on which the petition was submitted, the Council shall order and fix a date for holding the said-recall election on the next election date allowed by state law after forty (40) days from the date of the City Secretary's certificate;— provided, that if an election is to be held within the City for any purpose within sixty (60) days from the date of said

~~certificate, then the said recall election shall be held on the same day. If~~ In the event the Mayor or Councilmember ~~in question~~ that is the subject of the recall resigns, ~~the vacancy~~ their respective seat shall be considered vacant for purposes of holding a recall election. The resigning officer shall continue to serve in their position until such time as their successor is worn in to office. ~~shall be filled pursuant to Sec. 5 of of this Charter.~~

~~(D)~~ —

~~(E)~~ (H) — If a recall election ~~shall be~~ is required, the Council shall make or cause to be made publication of notice and provide the holding of such election and the same shall be conducted, returned and the results thereof declared in all respects as other City elections. Any officer so elected shall hold office only during the unexpired term of the officer's predecessor. Any person sought to be removed may be a candidate to succeed himself or herself, and, unless that person requests otherwise in writing, the City Secretary shall place that person's name on the official ballot without nomination. The names of other candidates for such position shall be placed on the official ballot by petition in the same manner as provided for in other portions of this Charter. At such election, if such person other than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon the qualification of the incumbent's successor. If the incumbent is elected at such election, the incumbent shall continue in office and shall not be subject to any other recall for any grounds existing prior to the filing of the statement of intent to initiate recall proceedings.

Sec. 9. Court may order election.

Should the Council fail or refuse to order an election as provided in this Article XII, as provided in Article XIV (relating to initiative and referendum) or as otherwise provided or required by law, when all requirements for such election have been complied with by the citizens in conformity with this Charter and other applicable law, then any Court of competent jurisdiction, upon proper application being made therefor, may order such election and enforce the carrying into effect the provisions of this Charter.

Sec. 10. Standing to enforce Charter.

Any qualified voter of the City may seek judicial relief in any court of competent jurisdiction to order the discharge of any such duties as may be provided in this Charter to be discharged by the City Secretary or by the Council, or either of them, relating to an election to office, an election for the recall of a member of the Council, or an election for an initiative or referendum.

ARTICLE XIII. ORDINANCES

Sec. 1. Continuance of ordinances.

All ordinances heretofore adopted by any governing body of the City of Garland during the period of its incorporation and in effect at the time this Charter becomes effective shall continue in full force and effect insofar as not inconsistent with this Charter.

Sec. 2. Publication.

Every ordinance passed by the Council prescribing penalties for the violation thereof may provide for punishment by fine not to exceed the maximum allowed by state law. A full text of all penal ordinances may be published at least twice in the official newspaper of the City, or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof may be published. All other ordinances, except those ordinances specifically required by the provisions of this Charter to be published, are not required to be published in either the official newspaper of the City or in any other publication, and such ordinances shall become effective as of the date stated therein, and in the event no particular date is stated said ordinances shall become effective from and after passage and adoption by the Council.

Sec. 3. Style of ordinances.

The style of all ordinances shall be "Be it ordained by the City Council of the City of Garland" but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the Council.

Sec. 4. Printed ordinances admitted in court.

All ordinances of the City of Garland when printed and published and bearing on the title page thereof "Ordained and Published by the City Council of the City of Garland" or words of like import

shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

The Council shall have power to cause the ordinances of the City of Garland to be printed in code form and shall have the same arranged as often as the Council may deem necessary and advisable.

Sec. 5. Approval of Mayor not necessary.

The final passage of an ordinance by the Council and the publication of the same when so required shall be all that is necessary to make such ordinance valid and effective. The approval or signature of the Mayor shall not be necessary.

ARTICLE XIV. INITIATIVE AND REFERENDUM ORDINANCES

Sec. 1. Petition.

If any proposed ordinance, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, or a request for referendum within twenty (20) days after the passage of any ordinance, except an ordinance appropriating money, issuing bonds, or authorizing the levying of taxes, be submitted to the City Secretary with a petition thereon signed by ten (10) percent of the qualified voters of the City of Garland, stating the residence of each signing, and bearing the oath of one of the signers that each signature thereon is the genuine signature of each person whose name purports to be subscribed thereon, the City Secretary shall, with such assistance as the City Manager may assign to the City Secretary forthwith, check the petition with the list of qualified voters in Dallas County for the year ending the thirty-first day of January next preceding.

Within twenty (20) days after the filing of such petition in the Office of the City Secretary, the City Secretary shall attach thereto a certificate showing the results of the examination.

Sec. 2. When petition insufficient.

The person who filed any insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten (10) days after such notice or may file a new initiative petition at any time.

Sec. 3. Council to adopt or submit proposal to election.

Within twenty (20) days after the City Secretary finds any petition proposing an ordinance sufficient, the Council shall either pass the ordinance as submitted or submit the proposed ordinance to a vote of the people.

Sec. 4. Effect of referendum petition.

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect until and unless approved by the voters.

Sec. 5. Publication of proposed ordinances.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the City of Garland, the City Secretary shall cause the ordinance or proposition to be printed and shall send a printed copy thereof to each voter at least ten (10) days prior to the date set for the vote thereon. However, the Council may order such ordinance or proposition to be printed in a newspaper published in the City of Garland having a general circulation in both Dallas and Colling County instead of sending such copies to the voters.

Sec. 6. Results of vote.

If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City of Garland. A referendum on an adopted ordinance which is not approved by a majority of the voters voting thereon shall thereupon be deemed a repeal of such ordinance and it shall be without further force and effect.

ARTICLE XV. UTILITIES

Sec. 1. ~~City may own and acquire.~~ General Powers related to utility systems.

~~The City of Garland may own, acquire, license, regulate, fix the rates, control and supervise public utilities of all kinds.~~

(A) In this section, "utility system" means a water, stormwater, sewer, gas, or electric system.

(B) The City may purchase, construct, or operate a utility system inside or outside the municipal boundaries and may regulate the system in a manner that protects the interests of the City. The City may own land inside or outside its boundaries for these purposes.

(C) The City may extend the lines of its utility systems outside the municipal boundaries and may sell water, sewer, gas, or electric service to any person outside its boundaries. The City may contract with persons outside its boundaries to permit them to connect with those utility systems on terms the City considers to be in its best interest.

(D) The City may prescribe the kind of water or gas mains, sewer pipes, and electric appliances that may be used inside or outside the City. The City may inspect those facilities and appliances, require that they be kept in good condition at all times, and prescribe the necessary rules, which may include penalties, concerning them.

Sec. 2. Franchise ~~tax~~fee.

Each public utility using the public rights-of-way or public property within the City shall be required to reasonably compensate the City for the use thereof. Except as otherwise controlled by state law, ~~as~~ the Council shall in its discretion determine by ordinance or by contract the franchise fees associated with the use of public rights-of-way or public property by a public ~~with any such~~ utility.

Sec. 3. Sale of City-owned utilities.

The Council may sell, convey, assign or transfer the water or sewer system or electrical system owned by the City of Garland pursuant to Texas Revised Civil Statutes Art. 1112, as currently provided or hereafter amended.

Sec. 4. Transportation.

The securing of adequate transportation facilities within the City and to and from the City of Dallas and a transportation service to meet the public convenience of residents of this City is declared

to be a public purpose. To that end the Council may grant franchises and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenue and bonds and use public funds for such purpose.

Sec. 5. Regulation of utilities.

The Council shall regulate by ordinance the rates and compensation to be charged by all persons, companies or corporations using the streets and public grounds of the City and engaged in furnishing transportation, water, gas, telephone, light, power, cable television and sewerage service to the public, and may prescribe rules and regulations.

Sec. 6. Franchises.

The Council may by ordinance grant franchises to public utilities upon charges, terms and conditions fixed by the Council, unless otherwise controlled by state law, but not to exceed twenty-five (25) years' duration. Such ordinance and franchise shall be subject to referendum as herein provided for legislative ordinances and the City Secretary shall cause a notice of the passage of each franchise ordinance fairly stating the substance thereof to be published once each week for four (4) consecutive weeks in a newspaper having a general circulation in the City of Garland both Dallas and Collin County, or as otherwise allowed by state law. The grantee of any franchise shall pay the costs of all publication thereof required by this Charter.

Sec. 7. Reports.

~~(A) — Any corporation, partnership or person, who may be engaged in furnishing to the inhabitants of the City any transportation, water, light, telephone, gas, cable television or sewerage service, shall, on or before the first day of March of each year, file with the City Secretary a written report sworn to be the secretary or president of such corporation, by a member of such partnership, or by any such person, which shall show:~~

~~(1) — (a) — The actual cost of the plant and property devoted to public use in serving customers in the City of Garland, stating the location and cost of each unit thereof, together with the depreciation and present value of each plant and property.~~

~~(b) — The other costs or value claimed for such plant or property, showing whether such cost or value is arrived at by book~~

~~costs, purchase costs, appraised value, prudent investment value, reproduction cost new less accrued depreciation or some other described method, if the historical cost is not available.~~

~~(c) The properties shall be listed in detail showing the intangible and tangible properties, such as lands, machinery, buildings, pipes, poles, circuits, mains, etc., each treated separately.~~

~~(d) If any federal or state regulatory authority has prescribed any method or yardstick by which the plant or property has been valued, such value and the name of such authority shall be stated with a reference to the order relied upon.~~

~~(2) The amount of any lien or mortgage upon the properties composing such plant. If the lien or mortgage covers several plants or properties, then the report shall show the relative or comparative value of the plant and property in Garland to all the property covered by the lien or mortgage, and shall state how such comparative values are made whether on actual historical costs, book costs, appraised values or other method, and the report shall further show the comparative number of meters or customers served by the Garland plant and their aggregate use of service in relation to the whole property covered by the lien or mortgage. Likewise, all other indebtedness pertaining to such enterprises shall be shown.~~

~~(3) The report shall give the gross earnings from any such plant or system in Garland, Texas, including separately the gross revenue from Garland, the cost of producing such revenue and the net income from service in Garland as well as a comparative statement of revenue, costs and profits, of other service furnished by the use of properties and costs involved in any allocation, proration or division of costs and expenses for determining the costs, expenses and profits of service in Garland.~~

~~(4) The report shall also contain any other information requested by resolution of the Council.~~

~~(B) Any such corporation or any partnership, partner or any such person mentioned in this article who shall for thirty (30) days willfully refuse or fail to report in the manner provided by this article shall forfeit and pay to the City of Garland the sum of one hundred dollars (\$100.00) for each and every day during which it shall continue in default; or if any such corporation, partnership or person shall file any report knowing that the same does not truly report the facts about the matters mentioned~~

~~therein, it or he shall forfeit and pay to the City of Garland the sum of two hundred and fifty dollars (\$250.00) for each such willfully false report. Such forfeitures and penalties shall be recovered at the suit of the City of Garland brought in the County of Dallas.~~

~~(C) The City shall have the right to test meters as provided by Acts of 1927, 40th Legislature, Page 71, Chapter 47, which is hereby adopted as a part of this Charter.~~

Repealed.

ARTICLE XVI. STREET PAVING

Sec. 1. Adoption of state law.

All of the terms, powers and provisions of the Acts of 1927, 40th Legislature, First Called Session, Chapter 106, relating to street improvements and assessments, amended or as may be hereafter amended, are hereby adopted as a part of this Charter and constitute an alternative authority for said City to act in all respects in accordance with said Act.

All of the terms, powers and provisions of Articles 1086 to 1096, both inclusive, and Articles 1104 and 1105 of the Revised Statutes of the State of Texas, as amended or as they may be hereafter amended, are hereby adopted as a part of this Charter and hereby constitute an alternative and cumulative method of improving streets, alleys and public places and levying assessments therefor.

The City of Garland shall have the power to pay the contractor, the successful bidder, that part of the cost that may be assessed against the owners and their property abutting on such improvements in cash and the City may reimburse itself for that amount by levying an assessment against the abutting owners and their property, after a hearing and notice as provided in said statutes, up to the amount of the enhancement in value represented by the benefits and permitted by said statutes and issue assignable certificates in favor of the City of Garland for the assessment. The certificates shall be enforceable in the same manner as provided for the above-mentioned statutes.

The City shall likewise have the power to do the improvement by its own forces if, in the opinion of the City Council, the work can be done more expeditiously or economically.

ARTICLE XVII. MISCELLANEOUS PROVISIONS

Sec. 1. Property not subject to execution.

No property owned or held by the City of Garland shall be subject to any execution of any kind or nature.

Sec. 2. Not subject to garnishment.

No fund of the City or within the custody of the City or any of its officials in any official capacity shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

Sec. 3. Assignment of wages.

No assignment of wages or other compensation earned, or to be earned, by any employee of the City shall be valid and the City shall never be required to recognize any such assignment or to answer in any proceedings thereon.

Sec. 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~~ 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 ~~received~~ sustained. The written notice must expressly state facts, stating specifically in sufficient detail so a determination can be made as to such notice when, where and how the ~~exact~~ 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

~~stating specifically 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.

Sec. 5. Not required to give bond.

It shall not be necessary in any action, suit or proceeding in which the City of Garland is party for any bond, undertaking or security to be executed in behalf of said City, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if bonds, undertaking or security had been given, and the City shall be liable as if such obligation had been duly given and executed.

Sec. 6. Disbursement of funds.

All checks, vouchers, warrants or orders drawn on the funds of the City shall be signed by the City Manager or City Secretary and countersigned by either the Mayor or Mayor Pro Tem.

Sec. 7. Continuation of present offices.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the

state shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter expired and discharged by the office, department or agency designated by the Council unless otherwise provided herein.

Sec. 8. Continuation of contracts.

All contracts entered into by the City, or for its benefit prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Any franchise heretofore granted by the City of Garland which has not expired by its own terms prior to the adoption of this Charter shall not be deemed to have been modified, canceled, extended or expanded in any manner by the adoption of this Charter.

Sec. 9. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 10. When general law applicable.

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

Sec. 11. Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except

to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

Sec. 12. Submission of Charter to electors.

~~The Charter Commission, in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Garland at an election to be held for that purpose on the 16th day of October, A.D., 1951. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Garland and after the returns have been canvassed, the same shall be declared adopted.~~

~~An official copy of the Charter shall be filed with the records of the City and the Mayor shall as soon as practicable certify to the Secretary of State an authenticated copy under the seal of the City, showing the approval by the qualified voters of such Charter.~~

~~In not less than thirty (30) days prior to such election the City Council shall cause the City Clerk to mail a copy of this Charter to each qualified voter of the City of Garland as appears from the Tax Collector's roll for the year ending January 31 preceding said election.~~ Repealed.

Sec. 13. City not estopped by acts, representations or omissions of its agents.

No act, representation or omission of the City, its employees, agents or officers shall work to estop the City from the enforcement of its laws or the carrying out of its public duties.

Sec. 14. Liability coverage for City officials.

The City shall provide liability coverage to all officials and officers in a minimum amount of five million dollars (\$5,000,000.00) to provide protection for any claim, judgment or litigation arising out of the official's or officer's active or

alleged error or misstatement of fact or omission or neglect or breach of duty, including misfeasance, malfeasance or nonfeasance, by the official or officer in the discharge of their duties with the City, individually or collectively, or any matter claimed against them solely by reason of their being or having been City officials or officers.

The following claims made against the official or officer are excluded:

- (1) Based on acts of the official or officer not authorized by this Charter;
- (2) Based upon or attributable to their gaining in fact any profit or advantage to which they were not legally entitled, including remuneration paid in violation of law as determined by the courts;
- (3) Brought about or contributed to by fraud or dishonesty of an official or officer; however, notwithstanding the foregoing, the official or officer shall be protected under the terms of this section as to any claims upon which suit may be brought against them by reason of any alleged fraud or dishonesty on the part of any official or officer, unless a judgment or other final adjudication thereof adverse to such official or officer shall establish that acts of active or deliberate dishonesty or fraud committed by such official or officer was material to the cause of action so adjudicated;
- (4) Any claim is insured by any valid policy or policies or which shall be deemed uninsurable under the law pursuant to which this section shall be construed;
- (5) Claims for any damages arising from bodily injury, sickness, mental anguish, disease or death of any person or for damage to or destruction of any tangible property including loss of use thereof;
- (6) Claims for false arrest, libel, slander, defamation of character, invasion of privacy, wrongful eviction, assault or battery;
- (7) Any claim based upon or attributable to the rendering or failure to render any opinion, treatment, consultation or service if such opinion, treatment, consultation or service was rendered or failed to have been rendered when such official or officer was engaged in any activity for which they received compensation from

any source other than the City or were gratuitously engaged other than by specific direction of the City;

(8) Claims arising out of the discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste materials or other irritants, contaminations or pollutants into or upon land, the atmosphere or any watercourse or body of water, but this exclusion does not apply if such discharge, dispersal, release or escape is sudden and accidental;

(9) Any claims arising out of the official or officer acting in a fiduciary capacity or as trustee or in any similar capacity;

(10) Any claim against any attorney, architect, engineer or accountant while acting in the scope of ~~his~~ his or her professional duties;

(11) Any claim for any damages arising for inverse condemnation, adverse possession or dedication by adverse use;~~;~~

(12) Any claim arising out of the criminal conduct of the official or officer above the level of a Class C misdemeanor;

(13) Any claim for which the City is insured under a policy of insurance involving conduct by the official or officer that is excluded from coverage under the policy of insurance.

Sec. 15. Amendment of Charter.

This Charter may be amended as provided by the Constitution and laws of this State. Before submitting a proposed amendment to this Charter to the voters, the Council shall first convene a Charter Review Committee, composed of not less than nine (9) residents of the City, to make recommendations to the Council on any such amendment. The Council shall establish the Charter Review Committee no later than the ~~second~~ first regular meeting of the Council in the October preceding an election in the following May or in June preceding an election in the following November.

Sec. 16. Meritorious claims.

Subject to [Sec. 4](#), the City Council or their delegate shall have the power and authority to pay claims which it deems to be meritorious for unreimbursed or uninsured damages to real or personal property, suffered by a member of the public through no fault of their own, but which results from direct, positive, affirmative actions or physically doing of something that is contrary to established city policies or procedures by officers, agents, or employees of the city while engaged in the performance of a governmental function or through failure of city property to perform as reasonably expected; provided, however, that no claim may be settled, compromised and paid if such would be barred by applicable statutes of limitations. The City Council may not make or authorize payment in an amount more than \$10,000 per event.

No payment shall be made unless the claimant accepts the amount allowed as full compromise and settlement of all amounts claimed or to be claimed against the City, its officers, or employees, arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the city in any defense that it may have in any suit or action. Nothing contained herein shall be construed as creating a cause of action nor the giving of any right to institute or maintain any suit or action which would not otherwise exist or be cognizable under the law as a legal claim nor as in any manner waiving the City's immunity from suit, liability or both, as the case may be; and provided further that, this section may never be used to pay any claim arising immediately following or concerning claims arising out of floods, war, insurrection, riot, civil disorder or commotion.

Sec. 17. Special accounting for certain electric utility funds.

The City Council shall direct the establishment of a separate account to receive (i) funds resulting from a reduction in the City's funding requirements to Texas Municipal Power Agency or (ii) funds returned to the City by Texas Municipal Power Agency. Any such funds, and all accrued interest, shall only be used to reduce debt obligations of the City incurred in connection with providing electric energy to the City or to mitigate the City's future electric utility rate requirements.



GARLAND POLICY REPORT

City Council Work Session Agenda

3.b.

Meeting Date: January 8, 2018

Item Title: Texas Department of Housing and Community Affairs 9% Tax Credit Competitive Application Local Support Resolution Presentations

Submitted By: Rick Vasquez, Managing Director

Council Goal: Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs
Defends Rightful Powers of Municipalities
Fully Informed and Engaged Citizenry
Consistent Delivery of Reliable City Services
Safe, Family-Friendly Neighborhoods
Embrace Diversity

ISSUE

City Council adopted policies and application processes for the review and approval of request for Resolutions of Support for the Texas Department of Housing and Community Affairs (TDHCA) competitive Tax Credit for Affordable Housing application process.

The Low-Income Housing Tax Credit (LIHTC) is the largest federal resource for creating affordable housing in the United States. The tax credits are an attractive housing development tool as the credits provide a dollar-for-dollar reduction in a taxpayer's federal income tax, whereas a tax deduction only provides a reduction in taxable income.

The Texas Department of Housing and Community Affairs (TDHCA) is the only entity in the State of Texas authorized to allocate tax credits under this program. TDHCA must develop a plan for the selection of eligible developments; this plan is known as the Qualified Allocation Plan and Rules (QAP). The QAP defines a series of point based selection criteria to ensure the housing proposed in the application is consistent with the program's goals. The QAP is revised annually and is formalized for the following year when signed by the Governor.

Texas' Tax Credits are allocated on a regional basis. The State is divided into 13 state service regions; each of the state service regions is then further divided into Rural and Urban/Exurban areas each of which is targeted to receive a pre-determined amount of tax credits each year. The amount of tax credits per area is based on a regional allocation formula (RAF) which is created by the TDHCA.

OPTIONS

The City Council received twelve applications for resolutions of support for the development affordable housing projects within the City of Garland. To accommodate a change in TDHCA's application deadline applicable to projects located in State declared disaster counties, Staff is moving up the review of all twelve applications from March to January 9th. Based on City Council's adopted policy and application process, Staff created a ranking and scoring methodology to assist City Council with the review and issuance of resolution of support for TDHCA tax credit applications. The resolution applications were scored on a scale of 0 to 39, based on the following variables: Redevelopment of a substandard multi-family project, access to medical services, access to public transportation, access to grocery, access to senior nutrition services, senior restricted and community support.

Attachments

Tax Credit Resolutions of Support

[illegible]

[illegible]

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>Gardner Capital Texas</u>
Project Location:	<u>NW Corner of W. Walnut/Peggy Lane</u>
Number of Units:	<u>120</u>
Percentage Affordable:	<u>92%</u>
Age Restricted:	<u>No</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

2

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max

5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 5 points

0

Received Council Person support = 5

points

Conducted Public Meetings = 2

points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

18

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>Overland Property Group</u>
Project Location:	<u>1201 Rowlett Rd</u>
Number of Units:	<u>87</u>
Percentage Affordable:	<u>not provided</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site. - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>4</u>

**Access to Senior Centers/Nutrition
Programs - Max 5 points**

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

**Age Restricted Development - Max
5 points**

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

0

*Received Council Person support = 5
points*

*Conducted Public Meetings = 2
points*

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

16

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>Overland Property Group</u>
Project Location:	<u>2 Bunkhouse Rd, - Centerville/Miller</u>
Number of Units:	<u>126</u>
Percentage Affordable:	<u>not provided</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 pPoints

5 points

<u>0</u>

Access to Hospitals - Max 5 points

*0 - .50 miles = 5 points
.51 - 1 mile = 4 points
1.1 - 1.5 miles = 3 points
1.6 to 2 miles = 2 points
2.1 and over = 1 point*

<u>1</u>

Access to Transportation - Max 5 points

*0 - .25 miles = 5 points
.26 - 1 mile = 4 points
1.1 - 1.5 miles = 3 points
1.6 to 2 miles = 2 points
2.1 and over = 1 point*

<u>1</u>

Access to Grocery - Max 5 points

*0 - .50 miles = 5 points
.51 - 1 mile = 4 points
1.1 - 1.5 miles = 3 points
1.6 to 2 miles = 2 points
2.1 and over = 1 point*

<u>1</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max

5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

0

*Received Council Person support = 5
points*

*Conducted Public Meetings = 2
points*

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

9

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>Overland Property Group</u>
Project Location:	<u>5023 Rosehill Rd</u>
Number of Units:	<u>126</u>
Percentage Affordable:	<u>not provided</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
------------------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

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<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>4</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

5

Received Council person support = 5 points

Conducted Public Meetings = 2 points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

21

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>AMTEX Multi-Housing, LLC</u>
Project Location:	<u>902 Lavon Drive</u>
Number of Units:	<u>120</u>
Percentage Affordable:	<u>83%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

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<u>1</u>

Access to Transportation - Max 5 points

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1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>4</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>3</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

2

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max

5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 5 points

2

*Received community/Council person
support = 5 points*

*Conducted public Meetings = 2
points*

No community support = 0 points

Located in a TIF District - Max 2 points

2

TOTAL Points

19

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>AMTEX Multi-Housing, LLC</u>
Project Location:	<u>500 E I-30</u>
Number of Units:	<u>120</u>
Percentage Affordable:	<u>83%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

2

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Located in a TIF District - Max 2 points

2

TOTAL Points

17

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>AMTEX Multi-Housing, LLC</u>
Project Location:	<u>615 Rowlett Rd</u>
Number of Units:	<u>120</u>
Percentage Affordable:	<u>83%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

0

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Special Districe - Max 2 points

0

TOTAL Points

17

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>OM Housing</u>
Project Location:	<u>510 E Oates Road</u>
Number of Units:	<u>138</u>
Percentage Affordable:	<u>67%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

0

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

17

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>OM Housing</u>
Project Location:	<u>5000 Broadway</u>
Number of Units:	<u>148</u>
Percentage Affordable:	<u>67%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>4</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

0

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

16

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>OM Housing</u>
Project Location:	<u>1717 I-30</u>
Number of Units:	<u>150</u>
Percentage Affordable:	<u>67%</u>
Age Restricted:	<u>no</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

2

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

5

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

15

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>Churchill Residential</u>
Project Location:	<u>1102 N. Shiloh Rd</u>
Number of Units:	<u>120</u>
Percentage Affordable:	<u>90%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>5</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>4</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 7 points

7

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

23

Scoring for Low Income Housing Tax Credit Application

Developer Name:	<u>Churchill Residential</u>
Project Location:	<u>1901 State Hwy 66</u>
Number of Units:	<u>120</u>
Percentage Affordable:	<u>90%</u>
Age Restricted:	<u>yes</u>

Scoring Criteria

Applications are scored per category and may receive points on a scale of 1 to 5 with 5 being the maximum points awarded. There are 8 different scoring categories.

Maximum Points:	<u>39</u>
-----------------	-----------

Redevelopment of substandard multi-family site - Max 5 points

5 points

<u>0</u>

Access to Hospitals - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>1</u>

Access to Transportation - Max 5 points

0 - .25 miles = 5 points

.26 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>4</u>

Access to Grocery - Max 5 points

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

<u>2</u>

Access to Senior Centers/Nutrition

Programs - Max 5 points

1

0 - .50 miles = 5 points

.51 - 1 mile = 4 points

1.1 - 1.5 miles = 3 points

1.6 to 2 miles = 2 points

2.1 and over = 1 point

Age Restricted Development - Max 5 points

5

Senior 55+ = 5 points

Non age redistricted = 2 points

Community Support - Max 7 points

2

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Special District - Max 2 points

0

TOTAL Points

15



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.c.

Meeting Date: January 8, 2018

Item Title: Administrative Services Committee Report

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider a report from the Administrative Services Committee regarding the following items:

- Combining the Building, Fire, Electrical and Plumbing boards into a single board;
- Providing a template and a process for requests (regarding spending, budget or appropriations) and quarterly reporting to the City Council;
- Publishing all board and commission meetings to the Garland web calendar;
- Standardizing orientation and training for new appointees to boards and commissions.

NOTE: Revisions to Council policies and City ordinances necessary to implement the foregoing will follow, if the City Council concurs in the recommendations of the Administrative Services Committee.

Recommendation/Action Requested and Justification

Discussion only.

Attachments

Draft B&C Quarterly Report

Orientation Process

Board and Commission Report

Quarterly Report

Board: **Lake Ray Hubbard Board**

September 21, 2017

Board Summary

Attendance:

- [To add a bullet for any status, on the Home tab, in the Styles gallery, click the name of the status of you need.]
- [To replace any placeholder text (such as this) just click it and start typing.]
- [Additional status item.]

Funding Requests:

- Request No. 1
- Request No. 2

Report to Council

- Issue No. 1
- Issue No. 2

Request for Policy Decisions

- Decision No. 1
- Decision No. 2

Council Notes

Recap of Quarter 2:

[List/summarize topics here.]

Contact Information

Board Chairperson

Office: [Office Phone]

Mobile: [Cell Phone]

Email: [Email address]

Staff Liaison

Office: [Office Phone]

Mobile: [Cell Phone]

Email: [Email address]

DRAFT



Orientation Proc

- Welcome letter from the Mayor
- Introductory call from the board liaison
- Meeting schedule
- Copies of board specific printed materials
- Bylaws
- Link to the mandatory Open Meetings and
Act Training
- Code of Ordinances information

Our Mission

We are committed to preserve public trust, deliver quality services, promote economic growth, protect our community and enhance the quality of life for the good of our city and our future.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.d.

Meeting Date: January 8, 2018

Item Title: Internal Audit Committee Report

Submitted By: Jed Johnson, Internal Auditor

Summary of Request/Problem

Council Member Rich Aubin, chair of the Internal Audit Committee, will provide a committee report on the following items:

- Sports League Contracts Audit
- Fire Inventory Management Audit
- Kraft Employee Retention Agreement Audit

Recommendation/Action Requested and Justification

Council discussion.
