



GARLAND

NOTICE OF MEETING CITY OF GARLAND, TEXAS

ADMINISTRATIVE SERVICES COMMITTEE

**Work Session Room of City Hall
200 N. Fifth Street
Garland, Texas
February 24 at 2:30 p.m.**

A meeting of the Administrative Services Committee of the City of Garland, Texas will be held Thursday, February 24 at 2:30 p.m. at City Hall, 200 N Fifth Street, in the Work Session Room, Garland, Texas.

AGENDA:

1. APPROVAL OF MINUTES

Approval of the minutes from the October 28, 2021 and December 2, 2021 meetings.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

A) Public Comments

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

B) Council Ethics Policy

At the October 2021 and December 2021 meetings, staff and the committee reviewed and proposed changes to the City Council's Ethics policy.

C) Annual Review of Council Policy

By policy, the Administrative Services Committee is tasked with reviewing the City

Council's Policies on an annual basis. Proposed changes are forwarded to the full council for review and approval.

D) Annual Review of Homestead and Senior Tax Exemptions

By policy, the Administrative Services Committee is tasked with reviewing the Homestead and Senior Tax exemptions on an annual basis. Proposed changes are forwarded to the full council for review and approval.

3. PENDING ITEMS FOR DISCUSSION

These items are currently in the committee's backlog and may be briefly discussed for clarification or research direction.

- Community Special Events Policy (Moore)
- Policy on Remote Attendance by Council Members (Aubin)
- Policy on non-profit access to purchasing equipment prior to auction (Smith)
- Policy on use of message boards by council as allowed by state law (Aubin)

4. PENDING REPORTS TO COUNCIL

The committee has acted on these items. They have not yet been reported to the full council.

- There are no pending reports.

5. ADJOURN

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



GARLAND

Administrative Services Committee Agenda

1.

Meeting Date: February 24, 2022

Item Title: Draft Minutes October 18 and December 2

Summary:

APPROVAL OF MINUTES

Approval of the minutes from the October 28, 2021 and December 2, 2021 meetings.

Attachments

10-18-21 Draft ASC Minutes

12-02-21 Draft ASC Minutes

DRAFT



GARLAND

MINUTES

The Administrative Services Committee of the City of Garland convened in regular session at 2:30 p.m. on Thursday, October 28, 2021, in the Work Session Room, 200 North Fifth Street, Garland, Texas, with the following members:

Present: Ed Moore, Member
Deborah Morris, Member
Robert John Smith, Chair

Staff Present: Mitch Bates, Deputy City Manager
Brian England, Interim City Attorney
Elisa Morales, Staff

1. APPROVAL OF MINUTES

Approve the minutes of the July 15, 2021, meeting.

Motion was made by Member Moore to approve the minutes as presented, seconded by Member Morris. Motion carried: 3 ayes, 0 nays.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

a. **Public Comments:** There were no speakers on this item.

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

b. **Council Ethics Policy**

Brian England, Interim City Attorney, gave a redlined copy to the committee of the Ethics Policy (Ordinance). He presented an overview of changes to the language that were included to provide consistency with State and case law.

Mr. England and the Committee discussed the following sections of the policy:

- Section 10:50: General Principles used for interpretive purposes.
- Section 10:51: Definitions, changed to be consistent with State law.
- Section 10:52 (g): Conflict of Interest
- Section 10:52 (3) (b) There was discussion to clarify the use of "title" to endorse candidates or applicants. This item will be discussed in the future to finalize and Mr. England will review to determine if it what legally defensible.
- Section 10:52 (h): Substantial Interest (marked for removal), committee will decide at a later date.
- Section 10:53: Original language covered in state law.
- Section 10:53 (a) (1): Outside employment (marked for removal)
- Section 10:53 (a) (2): Discussion regarding employment with the City after Council or board service. Mr. England will provide sample language on this item next month.
- Section 10:54: Advancement of Private Interest (cleaned up, no substantial changes)
- Section 10:54 (b) (4): Consanguinity and Affinity.
- Section 10:55: Former City officials representing a group before the City Council. Mr. England will create language to exclude entities created by or on behalf of the City.
- Section 10:55 (b) (1): Former member of Council or a board or commission of which the official was a member for a period of one year after termination of his or her duties. A former official may not represent a group, person or entity other than himself, herself or his or her relative before the city council. Mr. England will provide additional language for review.
- Section 10:55 (e): Discussion on revolving door issue(s).
- Section 10:58: Confidential Information, improper disclosure of information.
- Section 10:59: Public property and resources (clean up language)
- Section 10:60: Removed this Disclosure language because it is covered in State Law.
- Section 10:60 (c): Complaints against Council members and other Officers; shall the City Attorney rule in these matters.
- Section 10:61: Ethics Hearing Board; committee to consider appointed an ad hoc Ethics review board. Mr. England will develop language to combine subsections (a) and (b) here.
- Section 10:68 (6): Referral for Council Action (page 18); Mr. England will provide options to consider.
- Section 10:68 (11): Criminal penalties, not needed
- Section 10:69: Statements by Council Member to Ethics Board, will roll this section into the Ad hoc Ethics Committee (Section 10:61).
- Section 10:71: Adoption of State Law (removed)
- Section 10:72: Statute of Limitation; Mr. England developing language for this section.

3. Future Agenda Items

- Community Special Events Policy (Moore)
- Policy on Remote Attendance by Council Members. Chair Smith will provide documentation on previous decision sent to Council. (Smith)
- Policy on non-profit access to purchasing equipment prior to auction (Smith)
- City Council Policies - Review
- Senior Tax Exemption
- Homestead Tax Exemption

These items are currently in the committee's backlog and will not be discussed at this meeting.

4. ADJOURN

CITY OF GARLAND, TEXAS

/s/ Robert John Smith, Chair

/s/ Eloyce René Dowl, Recording Secretary

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GARLAND

MINUTES

The Administrative Services Committee of the City of Garland convened in regular session at 2:00 p.m. on Thursday, December 2, 2021, in the Work Session Room, 200 North Fifth Street, Garland, Texas, with the following members:

Present: Robert John Smith, Chair
Deborah Morris, Member
Ed Moore, Member

Staff Present: Matt Watson, Chief Financial Officer
Brian England, Interim City Attorney
Twane Duckworth, Managing Director, Risk Management
Carma Potter, Council Assistant

1. APPROVAL OF MINUTES

The Committee will approve the minutes of the October 28, 2021, meeting at the next Administrative Services Meeting.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

a. Public Comments

There were no public comments.

b. Council Ethics Policy

This item was brought to the committee by the Mayor and was discussed at the October 28 meeting. The policy has been reviewed by legal with changes submitted. Brian England, Interim City Attorney, gave a redlined copy to the committee of the Ethics Policy (Ordinance). He presented an overview of changes to the language that were included to provide consistency with State and case law.

A. Campaign Contribution Disclosure

If a person or an entity donates more than \$1000 to a campaign and that person/entity comes before the Council, the council member should disclose in that meeting the

campaign contribution amount. There was discussion among the committee members and Mr. England provided feedback on language to the committee. Chairman Smith stated that he would like to clarify a way to report any contribution that would affect the outcome of a vote. Chairman Smith suggested keeping a copy Campaign Finance Reports on the City's website.

Member Morris is fine with posting the Campaign Finance Reports to the website and/or creating a policy that outlines information on campaign contributions. She would like the City Attorney to draft language for both and then decide which option to use.

There was consensus amongst the committee to give Mr. England more time to tinker with the language regarding posting Campaign Finance Reports to the City's website and language in the Council's Ethics Policy to ensure that both capture what the committee wants to convey.

B. Employment for Past and Current Council Members

The current policy reads that it is within one year of their official duties. Should this be kept in place? There was a discussion among the Committee.

Chair Smith stated that we have a resign-to-run policy. If you desire to run for an office you must resign-to-run. Due to the Texas Constitution, a council member is held over in their position even if they do resign until the position can be lawfully filled or a person is disqualified from office. Chair Smith stated that it was suggested that a similar rule set should be applied for employment at the City.

Member Morris stated the person is still held over in this position and able to vote on issues and remains in an unfair advantage over the people to which they would be applying.

Chair Smith asked if the committee would like to leave no rule in place today or do they want to include a resign-to-apply rule?

Member Moore stated that resigning to apply would fix the issue.

Mr. England suggested the language could denote a person isn't eligible to be an employee until they have been off Council for at least one year.

The Committee agreed to treat the issue as an employment decision and create the policy that person isn't eligible to be an employee until they have been off Council for at least one year.

C. Time for Lobbying

City Attorney England asked should it be one year from the time of termination off Council to be able to lobby in front of Council?

Members Morris and Moore agreed that lobbying should be defined. After committee discussion, Chair Smith suggested that they remove this item.

The Committee agreed that Mr. England should draft language in that would be inclusive of nonprofit and outside entities.

B. Stepping out Policy

Should Council recuse themselves from an issue and step out of the room or sit and listen to the issue, but not contribute to the conversation?

After discussion, there was consensus among the Committee to keep the policy as is and have members of Council leave the room when an item poses a conflict.

D. Ethics Hearing Board/Ethics Hearing Panel

Mr. England presented this information on the Ethics Hearing Board/Panel to the Committee members. He stated that the Ethics Hearing panel members are pulled from the Ethics Review Board. Instead of doing this, it may be easier to create an ad hoc Ethics Hearing Board for cases as they arise.

Mr. England proposes that the board should not consist of an appointee of Council or municipal judges. He posed the question of from whom do we draw when there is an ethics complaint against a Council Member? He suggests that the Chairs of the Boards and Commissions are qualified to listen to the complaint (unless that Chair has been appointed by the person the complaint was filed against). Mr. England proposed that the review board would consist of the Chairs from the Plan Commission, Property Standards Board, Board of Adjustment, and two other members selected by lot by the City Secretary from a pull of members from the Plan Commission and Board of Adjustment. An appointee may not be on an Ethics Hearing Boards; however, if the council member that appointed him or her is the subject of the investigation. In the event the complaint is against the council member appointed the Chairs from the Plan Commission, Property Standards Board, Board of Adjustment, the Ethics board should be filled by lot by the City Secretary by a pull of members from the Plan Commission or Board of Adjustment.

Member Moore wanted Mr. England to discuss the appeals process once a decision has been made by the Ethics Review panel.

Mr. England stated that appeals process would be discussed under the Penalties section of the policy. The Ethics Review Panel would bring forth a recommendation to the Council and the Council would decide what the sanctions would be.

Chair Smith asked if there was a legal liaison for the Ethics Panel, since the City Attorney is appointed by Council. Mr. England stated that outside Council would likely be hired.

Member Morris wanted to make sure that was language included in the policy to distinguish the date the complaint was discovered and the date the incident occurred. She agrees that having an ad hoc Committee makes sense.

Chair Smith liked the idea of the selection process for the ad hoc Committee. The idea of the committee consisting of members who are used to making quasi-judicial decisions. The Plan Commission is used to reviewing large documents and making sense of that information.

Mr. England stated that it is important to have a panel that understands city governance, particularly, the standards of this city. He will include in the policy language on the date of discovery.

E. Penalties

Mr. England stated that recommends that the Committee not remove salaries because the salary is granted through the City Charter. There are other means to penalize like removing them from committees, leadership roles, removing them from invitations to formal events (groundbreakings), and depending on the severity of the issue, you can remove them from City plaques.

Member Moore stated that as long as the Committee does not do anything that violates

the citizens electing a person to office.

Mr. England stated that this Committee does not have an impeachment process. The Committee can remove other officials but cannot remove City Council members and Judges from office.

Chair Smith likes the list of examples provided by Mr. England. The power is given to the public to do a recall and these sanctions would alert the citizens that there is a problem.

Twane Duckworth, Risk Managing Director, asked if this policy would apply to Council or all City personnel.

Member Moore clarified that the policy would only apply to Council since all other personnel is covered under the employment policy. Mr. England agreed and stated that employees would be removed from their positions and a board/committee member would be removed from office.

F. Declaratory Ruling

Mr. England stated this section of the policy addresses the issue of if there are public allegations against a Council Member then the Council Member has the right to file a statement with the City Secretary affirming innocence, request a hearing from the Ethics Board, and make known the findings of that hearing to the public.

Member Morris would like to keep this language in the policy.

Chair Smith stated if the Ethics Board is a weapon that can be used then it should also be a shield. He stated that the focus should be discovering the truth.

Member Moore stated putting out a public statement in an attempt to declare innocence gives validity to those claims.

There was consensus among the Committee to keep in the declaratory statement.

Member Morris had a question on rules about campaign use title, city, and property.

Mr. England confirmed that state law reads that you cannot use public funds or images or resources in any campaign.

Chair Smith stated that the Committee will convene in January to finalize this policy with the language that was discussed.

3. Future Agenda Items

- *Community Special Events Policy*
- *Policy on Remote Attendance by Council Members*
- *Policy on non-profit access to purchasing equipment prior to auction*
- *Council Policy on License Plates Readers*
- *Community Message Boards*
- *Senior Homestead Exemption*

These items are currently in the committee's backlog and will not be discussed at this meeting.

4. ADJOURN

The Meeting was adjourned at 3:27pm.

CITY OF GARLAND, TEXAS

/s/ Robert John Smith, Chair

/s/ Eloyce René Dowl, City Secretary



GARLAND

Administrative Services Committee Agenda

2.

Meeting Date: February 24, 2022

Item Title: Items for Individual Consideration

Summary:

/ITEMS FOR INDIVIDUAL CONSIDERATION

A) Public Comments

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C) Annual Review of Council Policy

By policy, the Administrative Services Committee is tasked with reviewing the City Council's Policies on an annual basis. Proposed changes are forwarded to the full council for review and approval.

D) Annual Review of Homestead and Senior Tax Exemptions

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Attachments

DRAFT Ethics Ordinance

2021 Council Meeting Dates

CHAPTER 10

ARTICLE V. CODE OF ETHICS

Sec. 10.50 Policy and general principles

(A) Purpose. It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:

- (1) Public officials be independent, impartial, and responsible only to the people, ~~without regard for self-interest of the City;~~
- (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
- (3) No City official have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of his or her duties in the public interest;
- (4) Public office not be used for personal gain; and
- (5) The City Council at all times be maintained as a nonpartisan body.

(B) Principles of conduct.

(1) The City Council further believes that an elected or appointed official of the City assumes a public trust and should recognize the importance of high ethical standards within the organization ~~of which they are a part they lead or support~~. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:

- (a) Commitment beyond self;
- (b) Obedience and commitment ~~to beyond~~ the law;
- (c) Commitment to the public good;
- (d) Respect for the value and dignity of all individuals;
- (e) Accountability to the public;
- (f) Truthfulness;
- (g) Fairness; and
- (h) Responsible application of resources.

(2) In keeping with the values set forth above, and to assist in the fulfillment of responsibilities to the persons they serve~~individuals and communities served~~, each elected or appointed official should subscribe to the following principles:

- (a) To conduct himself or herself and to operate with integrity and in a manner that merits the trust and support of the public;
- (b) To uphold all applicable laws and to abide by all governing policies of the City Council~~regulations~~, going beyond the letter of the law to protect or enhance the City's ability to accomplish its missions;
- (c) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances;
- (d) To be a responsible steward of the taxpayer resources;
- (e) To take no actions that could benefit the official personally at the unwarranted expense of the City, avoiding even the appearance of a conflict of interest ~~, or an appearance of impropriety~~, and to exercise prudence and good judgment at all times;
- (f) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the City's reputation both in the community and elsewhere; and
- (g) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.

(3) In order t~~To~~ implement the policy and principles set forth in this section, the City Council has determined that it is advisable to enact this Code of Ethics for all City officials, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers of the City shall at all times strive to avoid even the appearance of impropriety.

(4) This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action against an official under this article.

Sec. 10.51 Definitions

The following words, terms, and phrases, when used in this article, shall have the meaning subscribed to them in this section, except where the context clearly indicates a different meaning:

Ad hoc means a temporary body formed for a specific purpose and for a short duration.

Affinity means a relationship by “affinity” (by marriage) as determined and computed defined in sections 573.024 and 573.025 of the Texas Government Code, ~~as amended.~~

Benefit means anything reasonably regarded as a gain or advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity ~~means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, unincorporated association, or any other entity recognized by law, has the meaning provided by Sec. 572.002 of the Texas Government Code.~~

City Council means the legislative and governing body of the City consisting of the Mayor and Councilmembers. Under the City Charter, the Mayor is a member of the City Council and, unless otherwise expressly provided in this article, the term “City Council” shall necessarily include the Mayor.

Clear and convincing evidence means that measure or degree of proof that produces in a person's mind a firm belief or conviction ~~as to the truth of the allegations sought to be established~~ that the evidence is highly and substantially more likely to be true than untrue.

Compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with ~~an act or decision or forbearance of an act or decisions such representation.~~

Confidential information includes, without limitation, the following information; however ~~obtained or transmitted, other than information that has lawfully been disclosed to the public~~ provided that it is not, at the time, a matter of public record or public knowledge:

- (1) All information held by the City that is not available to the public under the Texas Public Information Open Records Act or other law providing for a privilege, exemption from disclosure, or requirement that such information not be released to the public;
- (2) Any information ~~from~~ pertaining to a subject that will be or was discussed at a meeting closed to the public pursuant to the Texas Open Meetings Act;
- (3) Any information protected by attorney-client, attorney work product, or other applicable legal privilege; and
- (4) Any information deemed confidential by law;
- ~~(5) All information pertaining to personnel matters, litigation, contractual negotiations or competitive matters, and prospective purchase or sale of property.~~

Consanguinity means a relationship by “consanguinity” (by blood) as determined and computed defined in sections 573.022 and 573.023 of the Texas Government Code, ~~as amended.~~

Frivolous complaint means a sworn complaint filed under the provisions of this article that is groundless and brought in bad faith or groundless and brought for the purpose of harassment to the subject or subjects of the complaint~~defendants~~.

Indirect substantial interest means a substantial interest or benefit gained through a third party, ~~such as an individual, company, or corporation~~.

Just cause means such cause as is found to exist upon a reasonable inquiry that would lead a reasonably intelligent and prudent person to believe that a person has committed an act constituting an ethical violation under this article.

~~Official~~Officer or official means any member of the City Council, any appointed member of a board ~~or~~ commission, ~~or any committee~~ established by ordinance, Charter or state law, and any member of a committee created, appointed or established by the City Council whether on a permanent or ad hoc basis but excepting those; except that this definition shall not apply to members of boards, commissions, or organizations/entities not operating under the direct authority and/or subject to the direct control of, the City Council. As used in this article, the term "official" always includes a member of the City Council.

Relative means any person related ~~to an officer~~within the first degree of consanguinity or affinity, to an official, to ~~an officer~~an official's spouse ~~or~~ and to a resident of the same household of an official, within the first degree of consanguinity or affinity, in conformity with article 5996h, VTCS, as currently enacted or subsequently amended.

Resident of the same household means an individual who, on a continuous basis, lives in the same household and shares the common resources of life with an ~~official~~officer or official.

Substantial-economic interest.

~~(1) — means a~~ A person has a "substantial economic interest" in a business entity-substantial interest in a business entity or real property as determined under Chapter 171 of the Texas Local Government, if:

~~(a) — The person owns 10 percent or more of the voting stock, shares, or other ownership interest in the business entity;~~

~~(b) — The person owns \$15,000.00 or more of the fair market value of the business entity; or~~

~~(c) — Funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.~~

~~— Investment or ownership in a publicly held company whose stock is publicly traded on the New York Stock Exchange or any other public stock exchange, in an amount less than \$10,000.00 does not constitute a substantial economic interest in a business entity under this Code of Ethics.~~

~~(2) — A person has a substantial economic interest in real property if:~~

~~(a) — The interest is an equitable or legal ownership with a fair market value of \$2,500.00 or more; or~~

~~(b) — The official has ownership, a lease, or right of first refusal on any real property located within the City; including any partnership; any joint or corporate ownership; or any equitable or beneficial interest as a beneficiary of a trust.~~

~~For purposes of this article, an officer is considered to have a substantial economic interest in real property or a business entity if a person related to the officer in the first degree of consanguinity or affinity has a substantial economic interest in such real property or a business entity under this article.~~

Sec. 10.52 Conflicts of interest

(A) No ~~officer official may of the City shall~~ participate in any vote or decision if the official or a relative of the official has a where:

~~(1) — A conflict of interest exists;~~

~~(2) — The officer has a direct or indirect substantial interest; or~~

~~(3) — A relative of the officer has a direct or indirect substantial interest in the subject of the vote or decision and is or would be required to abstain under the provisions of Chapter 171 of the Texas Local Government Code.~~

(B) No ~~City Council member shall~~ member of the City Council may:

(1) Represent or appear on behalf of a private interest of ~~others another~~ before any department or agency of the City or any City board, commission, or committee;

(2) Represent for compensation or other benefit any private interest of ~~others another~~ in any action or proceeding involving the City; or

(3) Voluntarily participate on behalf of others in any litigation to which the City might be a party.

(C) No other official ~~shall may~~, for compensation or other benefit:

(1) Represent or appear on behalf of the private interests of ~~others another~~ before the board, commission, or committee of which the official is a member; or

(2) Appear before the City Council or before any other board, commission, or committee on appeal from such board, commission, or committee concerning such matter.

(D) No ~~officer of the City shall~~official may accept any compensation, benefit, gift or favor from any person or business entity that might reasonably tend to:

(1) Influence the official in the discharge of official duties; or

(2) Influence the official in the discharge of those official duties to grant any improper favor, service, or thing of value.

(E) No ~~official may officer of the City shall~~ use the ~~official~~ position of the office to improperly influence others or to secure privileges or exemptions to themselves or others.

(F) No ~~officer of the City shall~~official may engage in any activity as an official that may~~ties which will conflict with, or be incompatible with, a position as an officer of the City, which will~~ give the ~~officer~~official an advantage over others engaged in a similar business, vocation, or activity as the official in a private capacity.

(G) In any zoning matter which may come before the City Council, any ~~Councilmember who owns~~member of the City Council who has, or had within the twelve-month period preceding the vote or decision, a substantial interest in any property within 200 feet of the zoning request (or within the area of official notification of the zoning matter, whichever is greater) shall:

(1) Disclose, in writing, the existence of such interest to the City Secretary and the City Attorney in conformance with the provisions of Chapter 171, Texas Local Government Code; and

(2) Thereafter abstain from voting on the matter.

(H) ~~In the event that any matter comes before the City Council, board, or commission involving, directly or indirectly:~~

~~(1) The interest of a present business client/customer of any officer or a person or entity who has been a business client/customer of any officer within the prior twelve months;~~

~~(2) Funds received by the officer, or the entity for which the officer is employed, from the past/present business client/customer amount to the sum of \$5,000.00 or more in gross income during such twelve-month period; and~~

~~(3) Such fact is known to the officer.~~

~~Then that officer shall disclose the existence of such interest, in writing, to the City Attorney and thereafter abstain from voting in the matter, and refrain from attempting to influence the vote of any other officer. For purposes of this article, a substantial interest is considered to exist if the official had a substantial interest in the subject of a vote or decision within the twelve-month period preceding the vote or decision.~~

~~(I) — No Councilmember or officer who is an officer of or serves on the board of directors of a nonprofit organization may vote on any request by that nonprofit organization to the City, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the City Council.~~

~~(J) — A candidate for the office of Mayor or City Council shall not accept any political contribution or contributions from any person, other than the candidate or a political action committee, in any one election of more than \$600.00.~~

Sec. 10.53 Campaign contribution disclosure for matters before the City Council

(A) The acceptance of a campaign contribution in excess of one thousand dollars (\$1,000.00) by any city council member(s) may create an appearance of impropriety with regard to any matter that would materially benefit a campaign contributor or any business entity in which said campaign contributor has a substantial interest. Campaign contributions shall include loans, offsets to expenditures, and in-kind donations. For purposes of this section, a substantial interest in a business entity shall have the same meaning for campaign contributors as set out in V.T.C.A. Local Government Code, § 171.002 for local public officials.

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(B) In the event a campaign contributor that has made a contribution in excess of one thousand dollars (\$1,000.00) to a member of City Council appears before Council for an item in which the campaign contributor has a substantial interest, the city council member that received the contribution shall disclose the campaign contribution in the same public meeting before any official vote on the item is taken by City Council.

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10.54 — Improper economic benefit

~~(A) — Economic interests affected. To avoid the appearance and risk of impropriety, a City official shall not take any official action that he or she knows will or is likely to affect particularly the substantial economic interests of:~~

Commented [NB1]: This is all covered in various provisions of State law. There is no reason to duplicate those laws here.

- ~~(1) — The official;~~
- ~~(2) — The official's outside client;~~
- ~~(3) — The official's outside employer;~~
- ~~(4) — A business entity in which the official knows that he or she holds an economic interest;~~
- ~~(5) — A business entity that the official knows is an affiliated business or partner of a business entity in which he or she holds an economic interest;~~
- ~~(6) — A business entity for which the City official serves as an officer or director or in any other policy making position;~~
- ~~(7) — The official's family member within the first degree of consanguinity or affinity;~~
- ~~(8) — A resident of the same household as the official;~~
- ~~(9) — An outside employer of the official's family member within the first degree of consanguinity or affinity, or resident of the same household as the official, but only if the official knows the family member or resident of the same household has a substantial economic interest in the outside employer;~~
- ~~(10) — A business entity in which the official knows that a substantial economic interest is held by his or her;~~

~~(a) Family member within the first degree of consanguinity or affinity; or~~
~~(b) Resident of the same household;~~
~~(11) A business entity that the official knows is an affiliated business or partner of a business entity in which a substantial economic interest is held by his or her:~~
~~(a) Parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or~~
~~(b) Resident of the same household.~~
~~(B) A City official whose conduct or action on a matter would violate subsection (A) must step aside. From the time that the conflict is recognized, the City official shall:~~

~~(1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and~~

~~(2) Promptly file with the City Secretary and City Attorney a written statement disclosing the conflict on a form provided by the City Secretary.~~

~~(C) In addition to the requirements of subsection (B) above:~~

~~(1) A board or commission member shall promptly disclose his or her conflict to the board or commission of which he or she is a member and shall not be present during any discussion or voting on the matter; and~~

~~(2) A City Councilmember shall promptly disclose his or her conflict to the City Council and shall not be present during any discussion or voting on the matter.~~

~~Sec. 10.54~~—Conflicting outside employment

(A) General rule. A City official shall not:

(1) Receive any fee, compensation, or benefit for services as an officer of the City from any source other than the City, except as may otherwise be provided by law or as approved by the City Council;

(2) Solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties; or

(3) Personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation, or determination from the body or department of which the official is a member.

(B) Exception. Subsection (A)(3) does not apply to a wages, salary, or employment benefits received by member of the City Council from a vendor who is required to file a vendor's conflicts disclosure statement under Sec. 176.003 of the Texas Local Government Code if the wages, salary, or employment benefits are received in the ordinary course of employment without regard to the vendor's relationship with the City and are the primary source of income for the official. The

~~restriction above does not apply to outside employment of a City official if the employment is the official's primary source of income.~~

Sec. 10.5~~54~~⁵⁵ Unfair advancement of private interests

(A) General rule. ~~A City~~An official may not use his or her official position to unfairly advance or impede the personal interests of the official or another person by granting or securing, or by attempting to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to a member of the public under the same or similar circumstances~~every other person or organization.~~

(B) Special rules. The following special rules apply in addition to the general rule set forth above:

(1) Acquisition of interest in impending matters. ~~A City~~An official ~~shall~~may not acquire an interest in any matter if the official knows that the interest will be affected by impending official action of the City.

(2) Acquisition of interest in decided matter. ~~A City~~An official ~~shall~~may not acquire an interest in any matter affected by an official action of the City for a period of one year after the date of the official action.

(3) Reciprocal favors. ~~A City~~An official may not enter into an agreement or understanding with any other person that a vote or other official~~official~~ action by the official will be rewarded or reciprocated by the other person other than by that person's favorable, lawful vote in an election in which the official is a candidate.

(4) Appointment of relatives. No person ~~related to the Mayor or any member of the City Council, within the first degree by consanguinity or affinity, who is a relative of a member of the City Council~~ shall be appointed to any board or commission by the City Council other than as a member of the Garland Youth Council. Provided, however, any person who, before the effective date of this article, was appointed to a quasi-judicial board or commission within the City by a City official who was either a resident of the same household or a relative within the first degree of consanguinity or affinity may complete his or her term on the board or commission.

Sec. 10.5~~56~~⁵⁷ Former City officials

(A) Duty of continuing confidentiality. A former City official shall not use or disclose the City's confidential ~~government~~ information acquired during service as ~~a City~~an official. This rule does not prohibit:

(1) Any disclosure of information that ~~is~~ no longer constitutes confidential ~~government~~ information;

(2) The ~~confidential~~lawful reporting of illegal or unethical conduct to authorities designated by law as having authority to investigate the alleged illegal or unethical conduct; or

(3) Any disclosure, not otherwise prohibited by law, in furtherance of public safety. A disclosure required by a court order or otherwise required as a matter of law.

Commented [NB2]: I have never been quite sure of the intent of this exception. It is so broad that it threatens to swallow the rule of non-disclosure. I would delete it.

(B) Time limit for lobbying. For a period of one year after termination of his or her duties, a former ~~City~~ official ~~shall~~may not represent any person, group, or entity (other than himself, herself or his or her relative) before:

(1) The City Council (if the official was a member of the City Council) or that the board, or, commission, or body, of which the official was a member unless the board, commission, or body of which the former City official was a member is only advisory in nature; or

(2) A City department staff (including, without limitation, the Office of the City Manager) having responsibility for making recommendations to, or taking any action on behalf of, the City Council or that the board or commission of which the former official was a member.

(C) Participation in litigation. Without the express consent ~~from the City of the City Council~~, a former ~~City~~ official ~~may not participate shall not represent any person, group, or entity (other than himself, herself or a relative)~~ in any litigation to which the City is a party, in a manner if the interests of that person, group, or entity are adverse to the interests of the City if and the matter is one in which the former City official personally participated prior to termination of his or her official duties, or is a matter substantially related to such a matter, and the former official supported or advocated the action or conduct that is the basis for the litigation.

Commented [NB3]: This new limitation is important because a former member of the city council may have a constitutional right to participate in litigation against the city arising from something the former member opposed during his or her tenure. Indeed, that may even relate to the reasons why the former member is no longer on the city council.

(D) Improper statements. In connection with the representation of private interests, a former ~~City~~ official shall not state or imply that he or she is able to influence City action on any basis other than the merits.

(E) No revolving door. ***Some of the conduct described by this subsection is already addressed in the required vendor disclosures and Form 1295 filings mandated under State law. *** Also, this would be the section to amend to address applying for employment with or being employed by the City, if Council desires to address that issue.*** Within one year after the termination of official duties, a former ~~City~~ official shall not have any financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, ~~materials, supplies, or service~~goods, or services. Any violation of this subsection, with knowledge, express or implied, of the person or corporation contracting with the City will render the contract involved voidable by the City Manager or the City Council. This subsection applies only to contracts or sales made on a discretionary basis and not to contracts or sales made on a competitive bid basis.

(F) For a period of one year after termination of his or her official duties, a former City official may not, either individually or as the officer or principal of a ~~private~~ business entity:

- (1) Submit a proposal; on behalf of the ~~former~~ official or on behalf of ~~the~~ ~~private~~ business entity for any City contract unless that contract is required by state law to be competitively bid; or
- (2) Negotiate or enter into any City contract unless that contract is required by state law to be competitively bid.

Sec. 10.57~~67~~ Prohibited political campaign activity

No ~~official Councilmember or~~ candidate for City Council ~~or officer shall~~ may meet with any employee, employees or group of employees of the City for political campaign purposes while any such employee is on duty unless part of an approved City Council activity. (~~Ordinance 5813, sec. 1, adopted 3/16/04~~)

Sec. 10.58 Confidential information

(A) Improper access. With respect to confidential information, a City official shall not use his or her position to obtain confidential ~~secure official~~ information ~~about any person or entity~~ for any purpose other than the performance of official responsibilities.

(B) Improper disclosure or use. A City official shall not intentionally or knowingly disclose any confidential ~~government~~ information gained by reason of the official's position. This rule does not prohibit:

- (1) ~~Any~~ disclosure of information that ~~is~~ no longer constitutes confidential ~~government~~ information; or
- (2) The ~~confidential~~ lawful reporting of illegal or unethical conduct to authorities designated by law as having authority to investigate the alleged illegal or unethical conduct; ~~or~~
- (3) ~~Any disclosure, not otherwise prohibited by law, in furtherance of public safety.~~

Sec. 10.59 Public property and resources

No ~~officer of the City official~~ shall ~~may~~ use City resources, supplies, equipment, facilities, or expend City funds (including, without limitation, the use of City personnel) for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance, or City policy.

~~Sec. 10.60 Disclosure of interest~~

Commented [NB4]: The original intent of this provision may have been to prohibit unauthorized snooping into private matters using city resources. If that is the case, there are already federal and state laws that criminalize the improper use of governmental information, and the use of city resources to snoop around for non-official purposes would constitute the misuse of city personnel and property. As re-written, this section would only prohibit obtaining confidential information, not necessarily any information.

Commented [NB5]: Again, the meaning of this exception is not clear. I would delete it.

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Commented [NB6]: This is covered by state law.

~~(A) — Any officer, whether elected or appointed, who has a substantial interest in any matter pending before the City, shall disclose, in writing, such interest to the City Attorney and shall refrain from further discussion of the matter.~~

~~(B) — In addition to the above disclosure, the officer:~~

~~(1) — Shall not be physically present when the subject is discussed in executive session unless requested by a majority of the City Council; and~~

~~(2) — Shall not vote on the matter.~~

Sec. 10.61 — Disclosure of property interest

~~(A) — When filing for election and within thirty days of any substantial change in any required disclosure, every candidate for City Council, Councilmember, or officer shall file with the City Secretary or City Attorney, in writing, a disclosure of the existence and location of any real property in the City in which the Councilmember or officer has any substantial interest, including any interest of one percent (1%) or more in any business entity.~~

~~(B) — The disclosure shall include the identity and location of all real property within the City in which the Councilmember or officer has acquired or conveyed any interest since the filing of the last similar report required by this section.~~

~~(C) — If any Councilmember or officer has an interest in real property by way of right of first refusal, or as part of a trust, this information must also be disclosed.~~

~~(D) — If a Councilmember or officer has interest in a business entity that will not disclose to the Councilmember or officer whether or not the business entity has a substantial interest in real property located in the City, the Councilmember or officer may satisfy in the disclosure requirements of this section by stating such fact in writing to the City Secretary or City Attorney.~~

~~(E) — The Councilmember or officer must disclose the ownership interest of a business entity and real property in which the Councilmember or officer has a controlling interest.~~

~~(F) — The members of the City Council holding office or officers serving as of the effective date of this section shall file such disclosure within thirty days of the effective date hereof as provided by this section. All officers shall complete and file a financial disclosure statement in the form as set out in exhibit “A” to the ordinance from which this section derives.~~

Sec. 10.602 — Complaints against Councilmembers or other officers

(A) Who may file a complaint. Any person who believes that there has been a violation of this Code of Ethics article may file a complaint alleging an ethics violation with the City Secretary.

(B) Form of the complaint. A complaint filed under this section ~~should~~ must be:

Commented [NB7]: The “no physical presence” rule is an oddity, and not part of state law. It has created some awkward situations over the years and unnecessary shuffling during meetings. There is nothing in state law that preempts us from keeping the rule – the question is do we really want to keep it.

Commented [NB8]: This is covered by state law. Duplication of effort has created conflicts over the years. This needs to be deleted.

- (1) Be in writing;
 - (2) ~~Sworn~~ Be sworn to before a notary public;
 - (3) Cite the specific provision of ~~the Code of Ethics~~ this article which the complainant believes has been violated; and
 - (4) State the approximate date of the alleged violation, or the date on which the alleged violation became known to the complainant; and.
- (5) —Supporting documentation, if it exists, should be included with the complaint.

(C) Anonymous and frivolous complaints. Anonymous complaints will not be accepted for filing or further action. Frivolous complaints, as determined from the allegations of the complaint, or complaints filed in bad faith, will not be accepted for filing or for further action. A person who files a frivolous complaint may not file another complaint under this article for a period of one year from the date of filing of the complaint stricken as frivolous. A person who knowingly makes a false statement in a complaint is subject to criminal prosecution for perjury.

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(D) City Secretary's action. Upon acceptance, the City Secretary will forward a copy of the complaint to the following persons within one business day:

- (1) The ~~officer~~ official against whom the complaint is filed;
- (2) The City Attorney; and
- (3) The City Council.

The City Secretary may not accept or process any complaints within ninety days prior to an election.

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(E) City Attorney's review and action. The City Attorney shall conduct a preliminary review of the complaint to determine whether:

- (1) The complaint is timely filed as set forth in this article; and
- (2) The complaint complies with the requirements of this ~~Code of Ethics~~ article as to the form of the complaint.

If in the judgment of the City Attorney the complaint is defective as to form or appears to be frivolous on its face, the complainant shall be given an opportunity to amend and resubmit the complaint to cure the deficiencies. If, in the judgment of the City Attorney, the complaint is not timely filed in accordance with this article, the City Attorney shall forward the complaint directly to the ***Ethics Hearing Board [See notes below]*** with the recommendation that it be dismissed summarily. If in the judgment of the City Attorney the complaint is correctly submitted

as to form and is timely filed, the City Attorney shall ~~make these facts known in writing to~~ notify the Ethics Hearing Board in writing, and shall forward the complaint for further action.

(F) ~~Officer~~Official's response. The ~~officer~~official complained against may file a written response to the complaint within fourteen days after the complaint is filed with the City Secretary. If the ~~officer~~official files a response admitting to the violation, the City Secretary shall then forward the complaint, with the ~~officer~~official's response, to the City Council for action. If the ~~officer~~official files a response denying any portion of the complaint, the City Secretary shall then forward the complaint, with the ~~officer~~official's response, to the Ethics Hearing Board. If the ~~officer~~official declines to file a response within the 14-day timeframe for doing so, the City Secretary shall then forward the complaint to the Ethics Hearing Board.

Sec. 10.613 Ethics Hearing Board ~~and Ethics Review Panel~~

~~*** I recommend that these provisions be re-written to provide only for the appointment of an ad hoc Ethics Review Board. As it stands, the Ethics Hearing Board is ostensibly a permanent board. Then, when a complaint is filed, five of the Board serve on a panel. It has never worked that way because it is cumbersome and unnecessary. ***~~

(A) ~~Creation and composition of the an Ethics Hearing Board. Upon receipt of an ethics' complaint, an ad hoc~~ The Ethics Hearing Board consisting of five (5) members shall be formed to consider and investigate the complaint ~~is hereby created, to be composed of 9 members.~~

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(B) Composition. The Ethics Hearing Board shall be composed of the chair of the Plan Commission, chair of the Board of Adjustment, chair of the Property Standards Board, and two other members selected by lot by the City Secretary from a pool of members of the Plan Commission and Board of Adjustment. However, an appointee may not be a member of an Ethics Hearing Board if the councilmember that appointed him or her is the subject of the investigation. In the event a complaint is filed against a councilmember that appointed the chair of the Plan Commission, Board of Adjustment, or Property Standards Board, the position(s) shall be filled by lot by the City Secretary from a pool of members of the Plan Commission and Board of Adjustment. Mayor and City Council may each appoint a member to the board who shall serve a term to coincide with that of the appointing member of the City Council. The Mayor shall appoint the chair, and the full City Council shall appoint the vice chair. No member of the board may be:

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(1) ~~A candidate for public office in the City, a City official, or the spouse or resident of the same household of a City official;~~

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(2) ~~A City employee or the spouse or resident of the same household of a City employee;~~

(3) ~~A person who, for compensation, represents the private interests of others before the City Council; or~~

(4) ~~A paid campaign worker or a paid political consultant of a current City Councilmember.~~

(B) ~~Composition of an Ethics Review Panel. Upon receipt of an ethics complaint, an Ethics Review Panel consisting of five members of the Ethics Hearing Board will be formed to consider~~

~~and investigate the complaint. The panel shall be composed of the chair or the vice chair of the Ethics Hearing Board, with the other four members selected by lot by the City Secretary. If the complaint was filed against a Councilmember, that Councilmember's appointee to the Ethics Hearing Board will be removed from the pool of potential panel members from which the City Secretary will select the panel. The chair must step aside from serving on the panel when a complaint is filed against the Mayor. If the chair must step aside, the vice chair shall sit on the panel, with the other four members selected by lot by the City Secretary. The chair of the Plan Commission shall serve as the chair of the Ethics Hearing Board, unless the councilmember that appointed him or her is the subject of the investigation; in which case, the chair of the Board of Adjustment shall serve as the chair of the Ethics Hearing Board. In the event that neither the chair of the Plan Commission nor the chair of the Board of Adjustment is eligible, or able, to serve as the chair of the Ethics Hearing Board, the position shall be filled by a majority vote of the Ethics Hearing Board.~~

Commented [NB9]: "Step aside" is not a legal term of art. I think they meant "recuse" or something similar.

(C) Jurisdiction. The Ethics ~~Review Panel~~Hearing Board shall have jurisdiction to review and make findings concerning any alleged violation of this article by any person subject to those provisions, if a complaint is filed within one year after the date of the alleged violation. The ~~panel~~Board may not consider any alleged violation that occurred more than one year before the date of the filing of a complaint. The termination of a City official's duties does not affect the jurisdiction of the ~~Ethics Review Panel~~Ethics Hearing Board with respect to alleged violations occurring prior to the termination of the official's official duties.

(D) Powers. The ~~Ethics Review Panel~~Ethics Hearing Board has the following powers only:

- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article;
- (2) To meet as often as necessary to fulfill its responsibilities;
- (3) To request from the City Manager through the City Council the appointment of such staff as is necessary to carry out its duties;
- (4) To review, index, maintain on file, and dispose of sworn complaints;
- (5) To make findings of fact as necessary for the disposition of a complain;
- (6) To make notifications, extend deadlines, and conduct investigations; and
- (7) Such other powers as are specifically granted in this article.

Sec. 10.64 Preliminary investigation of ethics complaint by ~~Ethics Review Panel~~Ethics Hearing Board

(A) Preliminary consideration of the complaint. Each complaint that is filed shall be evaluated to determine whether the complaint states an ethical violation, and whether the alleged violation is supported by just cause.

(B) Preliminary investigation. Within 21 days after receipt of a complaint, a preliminary finding shall be made as to whether or not the complaint states a claim under this article and is supported by just cause.

(C) Summary dismissal of a complaint after preliminary investigation. If, by the affirmative vote of a simple majority of the total members, it is determined that the complaint does not state a claim under this article or does not have just cause, based upon the statements and evidence submitted, the complaint ~~is~~ shall be dismissed. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal. If the complaint is not dismissed, it will be fully and fairly investigated by hearing.

Sec. 10.65 ~~Hearing procedures by Ethics Review Panel~~ Ethics Hearing Board Procedures

(A) Evidentiary hearing. Not less than 10 days before the hearing, written notice shall, by certified mail or personal service, be given of the hearing to both the person who made the complaint and the person about whom the complaint was made. The notice must state the specific provision or provisions of this article alleged in the complaint to have been violated.

(B) Ex parte communications. Ex parte communications are those communications that do not involve all parties in the complaint. It is a violation of this article for:

(1) The complainant, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any ex parte communication about the subject matter of a complaint with a member of the Ethics Hearing Board; or

(2) A member of the Ethics Hearing Board to:

(a) Knowingly entertain an ex parte communication prohibited by the subsection above; or

(b) Knowingly communicate, directly or indirectly, with any person, other than a member of the hearing board, its staff, or its legal counsel, about any issue of fact or law relating to the complaint.

Sec. 10.66 ~~Hearing rules of the Ethics Review Panel~~ Ethics Hearing Board

(A) The rules contained in this section apply to all hearings on complaints not summarily dismissed under this article.

(B) General rules.

(1) A determination that a violation of this article has occurred can be made only upon an affirmative vote of a simple majority of the total members, otherwise the complaint must be dismissed.

(2) A finding that a violation occurred must be supported by clear and convincing evidence.

(C) Procedural rules.

(1) A majority of the total members must be present for a hearing.

(2) Any member of the [panelBoard](#) who is not present at a hearing on a complaint may not participate in any discussion, voting, or disposition regarding the complaint.

(3) All witnesses must be sworn, and the members of the [panelBoard](#) or its legal counsel shall conduct questioning of witnesses.

(4) The [panelBoard](#) may consider any and all relevant, probative evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to subsections (D) and (E) of this section.

(5) The [panelBoard](#) may request the presence of and hear testimony from witnesses on its own motion.

(D) Rights of the official charged. The person charged in the complaint has the following rights:

(1) To attend the hearing;

(2) To make a statement;

(3) To present and cross-examine witnesses; and

(4) To be represented by legal counsel or another advisor.

(E) Rights of the complainant. The complainant has the following rights:

(1) To attend the hearing;

(2) To make a statement;

(3) To be accompanied by legal counsel or another advisor.

The legal counsel or other advisor to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except to represent the complainant while testifying. The complainant may not present or cross-examine witnesses, except with the permission of the [panelBoard](#).

Sec. 10.67 Disposition of complaints

(A) Written decision required. All reasonable efforts shall be made to issue a written decision within 45 days after receipt of a complaint. The written decision must either:

- (1) Dismiss the complaint, with the grounds for dismissal set forth; or
- (2) Find that there has been a violation of this article and identify in the decision the particular provision or provisions violated.

(B) Copies of the findings and decision must be forwarded to the following persons:

- (1) The complainant;
- (2) The official charged in the complaint;
- (3) The City Attorney; and
- (4) The City Council.

A copy of the findings and decision must also be forwarded to the City Secretary, who shall make it available to the public as authorized by law.

(C) Similar charges barred. If the complaint is dismissed because the evidence failed to establish a violation of this article, another complaint shall not be accepted for filing if based upon substantially the same evidence.

Sec. 10.68 Referral for council action

If after a full investigation and hearing it is determined that a violation of this article has occurred, the City Council may consider the following sanctions:

- (1) Letter of notification. A letter of notification may be issued when the City Council finds that a violation of this article was clearly unintentional or when the action or conduct found to have been a violation of this article was performed by the official in reliance on an opinion of the City Attorney. A letter of notification must advise the official to whom the letter is directed of any steps to be taken to avoid future violations.
- (2) Letter of admonition. A letter of admonition may be issued when the City Council finds that the violation of this article was minor or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.
- (3) Reprimand. A reprimand may be issued when the City Council finds that a violation of this article was committed intentionally or through disregard of this article.

(4) Censure. A resolution of censure may be issued when the City Council finds that a serious or repeated violation of this article has been committed intentionally or through culpable disregard of this article ~~by a member of the City Council~~.

(5) Removal or suspension from office. Any ~~officer~~official, other than a City Councilmember, may be removed or suspended from office when the City Council finds that a serious or repeated violation of this article was committed intentionally or through culpable disregard of this article. Removal shall be in compliance with the City Charter and other applicable law. Any term of suspension shall be set by the City Council.

(6) [Consider sanctions short of removal that may be lawfully applied to members of the city council, e.g., loss of pay, loss of committee memberships, etc.]

Sec. 10.69 Petition for declaratory ruling

Any ~~City~~ official against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the Ethics Hearing Board to review the allegations and make known its findings to the public.

~~Sec. 10.70~~ Violations Councilmembers or other officer~~officials~~

~~(A) — The failure of any member of the City Council or other officer~~official to comply with one of more of these sections shall constitute grounds for prosecution under this article.

~~(B) — A violation of the provisions of this article is a class C misdemeanor punishable in municipal court by a fine not to exceed \$2,000.00.~~

~~***I have no clue what the following provision means so I would strike it*** (C) — Nothing contained in this article shall be deemed to prohibit any officer~~official from serving on any board or committee appointment, or representing the City Council in any meeting or conference.

Commented [NB10]: I'd strike this entire section. We have a general provision in the code of ordinances that provides for penalties. This is duplicative and doesn't necessarily even square with the general penalty provision of Sec. 10.05 of the Code of Ordinances.

~~Sec. 10.71—Adoption of state statute and changes to ordinances~~

~~Section 171.001, et seq., of the Local Government Code of the state, as amended, being the statute which regulates conflicts of interest of officers of municipalities of the state, is hereby adopted and made a part of this Code of Ethics for all purposes with the proviso that, in the case of a conflict between the provisions of this Code of Ethics and the referenced statute, the statute shall govern. (Ordinance 5813, sec. 1, adopted 3/16/04)~~

~~Sec. 10.72—Effective date; limitation~~

~~This article shall apply only to acts occurring after the effective date of the ordinance which adopts this article, and no complaint alleging a violation of this article may be filed later than one year after the alleged date of violation or the complaint is barred. (Ordinance 5813, sec. 1, adopted 3/16/04)~~

~~Sees. 10.73–10.79—Reserved~~

2021
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, in the absence of the Mayor Pro Tem, the Deputy Mayor Pro Tem, if any) 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 provided that residents of Garland shall be given priority in the order of speakers if it appears to the chairperson that not all speakers will be able to speak within the allotted time. 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, again provided that residents of Garland will be given first priority in the order of speakers regardless whether such citizens were present at the previous meeting. In such event, at the subsequent meeting the chair shall provide additional time, not to exceed 30 minutes, to accommodate all of the speakers then present. It is not the intent of the City Council to limit or control the content of any speaker's message, but to hear first from residents of Garland.

(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
- ☐ Transportation/Infrastructure/Mobility 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, county, state and national legislative changes as they relate to or may affect public safety
- ☐ Updates on policy modifications relating to public safety

Transportation/Infrastructure/Mobility Committee

Items that may typically be directed to the Transportation [Infrastructure/Mobility] Committee include, but are not limited to:

- ☐ Reviewing regular reports and updates regarding current street, mobility, or other transportation projects and future areas of focus
- ☐ Reviewing current policies and programs regarding infrastructure replacement means, methods, funding, or cost-sharing.
- ☐ Discussing research and policy considerations concerning transportation mobility
- ☐ Working with staff to explore new ideas to improve infrastructure and mobility initiatives

(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.

A "notice of potential quorum" or other appropriate posting that complies with the requirements of the Texas Open Meetings Act shall, at the request of any councilmember, be posted for meetings and events sponsored by entities other than the City in a manner that allows for the lawful attendance and participation 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.
 - 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.
 - Airline reservations should be made well in advance of the trip in order to take advantage of any discounted fares.
 - 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:
 - A laptop computer or tablet with Wi-Fi or other remote access capabilities;
 - Business cards
 - A cell phone or a cell phone stipend, payable monthly
 - 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
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 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 Meals for boards and commissions

The City Council shall budget for, and the City Manager shall cause to be provided, suitable meals for all meetings of the City’s boards and commissions.

Section 11 Appointments to boards and commissions; minimum meeting schedules; terms of appointment; annual election of officers; sub-committees; agendas; public comment

(A) 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.*

(B) Unless otherwise provided by the ordinance that creates the board or commission or by controlling State law, all boards and commissions shall meet at least twice per calendar year, with a quorum of members present.

(C) Notwithstanding subsection (A) and unless otherwise provided by the ordinance that creates the board or commission or by controlling State law, the term of office of a member of a board or commission ends upon the resignation, disqualification, recall or other removal of the appointing Councilmember. A person appointed to fill a vacancy in such circumstances shall be appointed only for the unexpired term of office of the vacancy created. Provided, however, that a member of a board or commission whose term of appointment has ended may, if otherwise eligible to hold the position and subject to the provisions of Sec. 10.28 of the Code of Ordinances (providing for the automatic termination of appointment when a member files for elective office) holdover in the position until a successor is appointed by the City Council. A term of appointment ends immediately if the member of the board or commission is removed or replaced by the City Council which, as provided by Article IV, Sec. 2 of the City Charter, may be done without cause or notice.

(D) All boards and commissions, the members of which are solely appointed by the City Council, shall elect officers at the first meeting held by the board or commission on or after October 1 in each calendar year.

(E) A board or commission may, subject to the approval of the chair, create subcommittees that may include members of the public provided the subcommittee is chaired by an appointed member of the parent board. Members of such subcommittees who are not also members of the parent board shall serve *ex officio*, may not participate in official voting, and are not counted towards a quorum. To the extent practicable, subcommittees shall endeavor to abide by the policies applicable to the parent board, including the location of the meeting, the recording of proceedings, the keeping of minutes, and the like.

(F) With the exception of any board or commission that serves in a quasi-judicial capacity or other than purely as an advisory body, an item may be placed on the agenda of a board

or commission by: (1) City staff; (2) the Mayor or any two or more members of the City Council; and (3) any two or more members of the board or commission. No item may be considered by the board or commission that is not directly germane to its expressed functions and duties as provided by law. An agenda will provide a section for pending matters and a section for future agenda items to be announced, without debate, for consideration by the board or commission. Pending items will be posted to each agenda of the board or commission until action is taken on the item or the item is withdrawn by the submitter. The person designated by the City Manager as the staff liaison to the board or commission will assemble the agenda with input from staff, the members of the board or commission, and the chair, and is responsible for timely posting agendas in accordance with the Texas Open Meetings Act.

(G) With the exception of any board or commission that serves in a quasi-judicial capacity or other than purely as an advisory body, every board and commission shall allow members of the public at least three minutes to speak on matters relating to the functions and duties of the board or commission or matters on a posted agenda. The board or commission shall, to the extent practicable, abide by the provisions of these policies and the practices of the City Council with respect to public speakers.

Section 12 Boards and commissions to meet at City Hall

All regularly scheduled meetings of boards and commissions and of Council committees shall be held at City Hall except (1) when City Hall is unavailable for reasons such as multiple meetings and scheduling conflicts between meetings, inadequate space, construction and repair activities or similar circumstances which make the use of City Hall impracticable (in which event a suitable location as near as practicable to City Hall shall be used instead, and the meeting facility should be a municipal building); (2) for meetings of groups comprised primarily of minors; or (3) for non-traditional meetings such as retreats, tours, and social gatherings. Generally, all such meetings except for meetings of groups comprised primarily of minors should be held in the Work Session Room of City Hall and shall be recorded at least by audio means. The chair of the board, commission, or committee shall coordinate with the staff liaison for that board, commission or committee and with the City Secretary for the scheduling of rooms and the availability of recording equipment.

Section 13 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.

Sec. 14 Duty to maintain the integrity of sensitive or confidential information

The members of the City Council are entitled to be appropriately and timely informed of matters that may affect their ability to duly represent the interests of their constituents. However, while emergencies, police and fire activities, and similar events (“Emergency Events”) may generate significant public interest, they may not be appropriate for communications by individual members of the City Council or they may be of such a nature that City personnel cannot be expected to divert attention to providing information to members of the City Council in particular, as opposed to providing general public information. When information is provided by City personnel to the City Council in such circumstances, the information may be particularly sensitive or even confidential and its release to the public could compromise public safety, result in the release of information eventually determined to be inaccurate or may constitute confidential information that may not be released in any event due.

It is the policy of the City Council that a member of the City Council is limited to disseminating only such information regarding Emergency Events as has been officially cleared for public dissemination. No member of the City Council may insist upon a particularized briefing of developing or on-going Emergency Events to the extent that any City personnel may be distracted from fully attending to the Emergency Event. Until information has been officially released to the public, the members of the City Council shall maintain the confidentiality of all information obtained through City sources.

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 7 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:
 - 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.
 - 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 meet the daily cash flow demand of the City with their stated final maturities and have 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 trailing average of the constant maturity treasury ("CMT") (as published by the Federal Reserve) that most closely matches the weighted average maturity of the portfolio. For Operating Funds, it is expected this will be the six month trailing average of the six-month CMT.

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 funds 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 trailing average of the CMT that most closely matches the weighted average maturity of the portfolio. For Debt Service Funds, it is expected this will be the three month trailing average of the three-month CMT.

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 trailing average of the CMT that most closely matches the weighted average maturity of the portfolio. For Reserve Funds, it is expected this will be the one year trailing average of the one-year CMT.

(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 Cash and Debt Manager and the Controller. 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) An Investment Committee comprised of the City Manager, the Director of Financial Services, the Cash and Debt Manager, the Controller, and the City's investment advisor, if the City has contracted with an advisor, will meet on a quarterly basis. The investment advisor is a non-voting member of the Investment Committee.

The primary objective of the Committee will be to review general strategies and policies, monitor investment program results, select independent training sources, and authorize securities dealers.

(4) Each investment officer shall attend not less than ten hours of instruction relating to investment responsibilities during the first year of employment and not less than 8 hours of instruction relating to investment responsibilities every two years thereafter. Training must be provided by an independent source approved by the Investment Committee.

(5) The City may contract with an investment advisor, who shall adhere to the spirit, philosophy and specific term of this Statement of Investment Policy. The investment advisor shall invest on behalf of the City using the standard of care described in Sec. 2256.006 of the Texas Government Code and in this Statement of Investment Policy. The investment advisor must be registered with the Securities and Exchange Commission (SEC) under the Investment Advisors Act of 1940 as well as with the Texas State Securities Board. Investment advisors may assist the City with the management of the City's funds and similar responsibilities including, but not limited to, the review of investment policy, development of appropriate investment strategies, security analysis, trade execution, security clearance, broker-dealer compliance, investment reporting and security documentation.

(6) 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.

(7) 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.

(8) The City's investment officers shall be governed by the standard of care applicable to a prudent investor as described in Sec. 2256.006 of the Texas Government Code and in this Statement of Investment Policy. 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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 or Fannie Mae), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac), Federal Agricultural Mortgage Corporation (FarmerMAC), Export-Import Bank of the United States (EXIM Bank), and the

Private Export Funding Corporation (PEFCO).

- ☐ 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:
 - 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
 - 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 Texas Government Code; or
 - 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 Texas Government Code.
- ☐ SEC registered no-load money market mutual funds with a dollar-weighted average portfolio maturity of 60 days or less. Assets will consist exclusively of those securities listed 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 60 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 270 days or less from the date of purchase. No more than 5% 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.

(13) 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.

(14) 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.

(15) 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

(16) 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.

(17) 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.

(18) 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.

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

(20) 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.

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

(22) 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.

(23) If the City has contracted with an investment advisor it shall be the responsibility of the investment advisor to solicit competitive quotations from at least three securities dealers, to document and disclose those offers to the City, and to ensure a fair market price is obtained.

(24) 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.

(25) 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.

(26) 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 the city boundaries may be considered to participate in the request for application process provided the City has adopted a policy permitting it.

(27) 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 the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code.

(28) Consistent with the requirements of State law, the City requires all bank and savings bank deposits to be federally insured, fully secured through an FHLB standby letter of credit or collateralized with eligible securities in accordance with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code. Eligible securities as defined in Chapter 2257 shall be deposited with a third party custodian prior to the deposit of City funds. The City reserves 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.

(29) 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.

(30) 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 the City's Statement of Investment Policy. A prospective securities broker/dealer must provide evidence of registration with FINRA and the State of Texas Securities Commission. 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.

(31) If the City has retained a registered investment advisor for the management of its funds, the advisor shall be responsible for performing due diligence on and maintain a list of broker/dealers with which it shall transact business on behalf of the City. The advisor shall annually present a list of its authorized broker/dealers to the City for review. The advisor shall confirm in writing that the advisor has reviewed the City's investment policies and has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities on behalf of the City. The advisor shall obtain and document competitive bids and offers on all transactions and present those to the City as part of its standard trade documentation.

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

(33) 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 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.

(34) 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.

(35) 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
- ☐ Impropriety 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 Facility naming and dedication plaques

(A) This policy applies to all public buildings, spaces, objects, property, organizational units, and grounds (collectively, “facilities”) owned or controlled by the City. The naming of a city facility vests in the sole discretion of the City Council.

(B) Unless otherwise contractually or legally obligated, the following criteria shall apply:

(1) Generally, for a person (or persons) to be considered eligible for the privilege of having a facility named after him or her, they must have made a significant contribution to the City, the field of government, or human betterment.

(2) To preserve the integrity and reputation of the City, no facility may bear the name of an individual convicted of a felony, impeached, removed from office, or dismissed from city service.

(3) Generally, facilities shall not be named for current City employees or those who currently hold public office.

(4) Special consideration shall be given to:

- a. The historical significance of the contribution of the person(s) to the facility, program, or City;
- b. The association of the person(s) with the facility to be named;
- c. Any financial contribution of the person(s) to the facility to be named; and
- d. Regional, state, national, or international recognition of the person(s)’ contributions and achievements.

(5) Naming rights shall be in effect for the duration of the effective and typical useful life of the facility, and not in perpetuity. It is expected and appropriate to rename or rededicate a facility upon completion of a significant renovation.

(6) The Council reserves the right to remove a name associated with any facility at any time in the event the naming gift pledge is unfulfilled, it is in the best interest of the City or donor, as determined by Council in its sole discretion, or to protect the reputation of the City or the donor.

(C) In the event the City Council determines it is appropriate to name a facility after a

qualified person(s), the Mayor shall request that the City Manager assemble a list of candidate names for the facility, and provide recommendation(s). The City Manager shall consider the opinions and nominations of relevant stakeholders, including members of City Council, in compiling the list of candidates. The list shall be presented to the Council for public discussion and debate. A candidate shall be approved upon a simple majority affirmative vote of Council.

(D) The City may erect a dedication plaque or comparable marking upon naming approval. In addition to the facility name, the dedication plaque shall identify the general contractor, architect, mayor, city manager, and members of the city council at the date of ground-breaking. Additionally, the plaque should contain a section available for the names of those who significantly contributed to the success of the project. This may include, but is not limited to: members of the community, former council members, current and former staff, donors, and members of boards and commissions relevant to the project.

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.

Section 9 Reporting of certain offers of donations to the City

The City Manager shall endeavor to obtain from the City Council approval of any offer of a donation to the City or a department or agency of the City that, in the professional judgment of the City Manager may, because of the type, value or conditions of acceptance, create an issue of concern to the City Council or call into question the independence and reputation of the City.

Section 10 Prohibiting City assistance to businesses that engage in the creation of economic brownfields

It is the practice of some businesses to thwart competition by imposing deed restrictions on property owned by the business that prohibit future owners of the property from engaging in any business the initial owner determines to potentially compete with the current or future business interests of the initial owner – a practice known as the creation of “economic brownfields”. The City and its citizens are harmed by such practices because later businesses are unable to use the property for economically viable purposes long after the initial owner has left the area. City assistance, such as by way of economic development agreements, tax abatements, sales and property tax rebates, and similar assistance, should not be used to assist businesses that engage in such practices. The City Manager is directed to refuse any such assistance to any business that is unable or unwilling to certify that it does not impose, and will not enforce, any deed restriction or similar land use restriction that has the effect of creating an economic brownfield as that term is used in this section.

ATTACHMENTS:

Council Committee Interest Form

Special Events Assistance Program Application

Dignitary Recognition Protocol

City Facilities Usage Guidelines – Non-Profits and Sports Fields

PROTOCOL FOR RECOGNITION OF ELECTED OFFICIALS, DIGNITARIES, AND OTHER PERSONS OF IMPORTANCE AT CITY-SPONSORED EVENTS

Protocol for Non-City Elected Officials and Other Persons of Importance (“Dignitaries”) at City-Sponsored Events

- 1) Dignitaries may be recognized during their attendance at City-sponsored meetings and functions in the traditional manner. Dignitaries should not be given any expectation of inclusion or recognition unless an event is specifically designed to include them in the agenda for the event or to recognize them or to promote a non-profit activity that compliments the City’s non-profit use policy.
- 2) For municipal events and celebrations such as, but not limited to: the Summer Concert Services, Star-Spangled Fourth, Oktoberfest, Dia de los Muertos, and Christmas on the Square, elected representatives that represent any part of the physical or political borders of the City of Garland or its utilities should be given an invitation to attend.
- 3) If a municipal event or celebration sets aside time for dignitaries to speak, all dignitaries personally in attendance will be given an amount of time to speak that is appropriate to the event, and speech topics will be limited to introductions and the purpose of the event. Persons, such as staff members, who are attending an event on behalf of a dignitary may be recognized but will not be invited to speak unless they are delivering a public service announcement of a type approved in advance. Speeches that directly promote candidacy for office are prohibited.
- 4) The City Council must approve the budget for events that are hosted on behalf of dignitaries or outside political or policy-making entities.



GARLAND

Administrative Services Committee Agenda

3.

Meeting Date: February 24, 2022

Item Title: Pending Items

Summary:

PENDING ITEMS FOR DISCUSSION

These items are currently in the committee's backlog and may be briefly discussed for clarification or research direction.

- Community Special Events Policy (Moore)
 - Policy on Remote Attendance by Council Members (Aubin)
 - Policy on non-profit access to purchasing equipment prior to auction (Smith)
 - Policy on use of message boards by council as allowed by state law (Aubin)
-