



# GARLAND

## NOTICE OF MEETING CITY OF GARLAND, TEXAS

### CHARTER REVIEW COMMITTEE

Work Session Room of City Hall  
200 N. Fifth Street  
Garland, Texas  
December 5, 2023 at 6:30 p.m.

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

#### AGENDA:

#### 1. APPROVAL OF MINUTES

- a. Approval of the minutes from the November 28, 2023 meeting.

#### 2. PUBLIC COMMENTS

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

#### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

- a. Article XI, Section 1(E), related to clarification regarding appointments to fill vacancies.
- b. Review and Discuss Summary of Recommendations previously approved by the Committee.
- c. Discuss Recommendation Reporting to City Council.

**4. ADJOURN**

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



GARLAND

**Charter Review Committee Agenda**

**3. a.**

**Meeting Date:** 12/05/2023

**Item Title:** Article XI, Section 1(E), related to clarification regarding appointments to fill vacancies

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**Summary:**

Article XI, Section 1(E), related to clarification regarding appointments to fill vacancies.

**Background/Additional Information:**

Article XI, Section 1(E), related to clarification regarding appointments to fill vacancies:

**§ 1 Plan Commission.**

(E) If a vacancy occurs upon the Plan Commission, the Councilmember from the affected district, or the Mayor, ~~as in the case of the at-large member~~ may be, shall nominate a commissioner, subject to confirmation by a majority vote of the Council, to fill the unexpired term.

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**GARLAND**

**Charter Review Committee Agenda**

**3. b.**

**Meeting Date:** 12/05/2023

**Item Title:** Review and Discuss Summary of Recommendations previously approved by the Committee

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**Summary:**

Review and Discuss Summary of Recommendations previously approved by the Committee.

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**Attachments**

Charter Provision Language Revisions Recommended by CRC - Compilation  
CRC Recommendation Summary in Charge Order

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**Charter Provision Language Revisions Recommended by CRC**

**Article III, Section 1(D)**

**[Council Item 15: Staff Recommended because of sliding election dates;  
Council Item 2: Wait time between service in one elected role and running  
for another office – No change recommended;  
Council Item 3: Wait time between service in an elected role and  
appointment – no change recommended]:**

**§ 1 Number, terms, Council districts, etc.**

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

**Article III, Section 1(F)**

**[Committee Initiated Changes – Redistricting and Gerrymandering]:**

**§ 1 Number, terms, Council districts, etc.**

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

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

## Article III, Section 2

[Committee Initiated Change – add felony prohibition to run for council;  
Staff Initiated Change – Remove arrears language]:

### **§ 2 Qualifications.**

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

## Article III, Section 3

[Council Item 4: Compensation to Mayor and Councilmembers]:

### **§ 3 Compensation.**

From and after October 1, 20~~18~~<sup>24</sup>, the Mayor shall receive compensation in the base amount of ~~five~~<sup>six</sup> hundred ~~and~~<sup>and</sup> ~~seventy~~<sup>and</sup> ~~five~~<sup>five</sup> dollars (\$~~56~~<sup>56</sup>75.00) per month, ~~and~~ each Councilmember shall receive compensation in the base amount of ~~two~~<sup>two</sup> ~~three~~<sup>three</sup> hundred ~~and~~ ~~eighty~~<sup>and</sup> ~~eight~~<sup>eighty</sup> ~~forty~~<sup>forty</sup> dollars (\$~~288~~<sup>288</sup>~~340~~<sup>340</sup>.00) per month~~;~~ ~~and~~ ~~In addition~~, all members of the Council shall receive compensation in the ~~base~~ amount of ~~seventy~~<sup>seventy</sup> ~~two~~<sup>two</sup> ~~eighty~~<sup>eighty</sup> ~~five~~<sup>five</sup> dollars (\$~~72~~<sup>72</sup>~~85~~<sup>85</sup>.00) for each Council work session attended by the member preceding a regular Council meeting, ~~and~~ for each regular Council meeting ~~of the Council~~ attended, ~~by the member~~ ~~and for up to four (4) special called meetings or workshops of the Council attended, with a maximum of fifty-two (52) during any calendar year~~. Each Councilmember shall be entitled to reimbursement of reasonable expenses incurred in the performance of their official duties when approved by the Council.

## Article III, Section 4

[Council Item 5: Reference to Deputy Mayor Pro-Tem Position]:

### **§ 4 Mayor and Mayor Pro Tempore.**

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

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

## Article IV, Section 2

### [Council Item 9: Council removal of appointed officials]:

#### **§ 2 Removal of appointive officials.**

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

## Article IV, Section 3

### [Council Item 10: Councilmember Communications with Staff]:

#### **§ 3 Council not to interfere with appointments.**

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

## Article IV, Section 8(A)

### [Committee Initiated Change Related to Council Item 11: Length of allowed contract]:

#### **§ 8 Selection of City Auditor.**

The City Auditor shall be chosen by Council.

##### (A) Qualifications and Term.

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

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

## Article V, Section 2

### [Council Item 11: Length of allowed contract for City Manager]:

#### **§ 2 Term and salary.**

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

## Article VI, Section 1

### [Committee Initiated Change Related to Council Item 11: Length of allowed contract]:

#### **§ 1 Qualification.**

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

## Article XI, Section 1(E)

### [Committee Initiated Change: for clarity of appointment to fill vacancies;

### Committee Initiated Change discussion: adding alternate members to Plan Commission - No change recommended]:

#### **§ 1 Plan Commission.**

(E) If a vacancy occurs upon the Plan Commission, the Councilmember from the affected district, or the Mayor, ~~as in~~ the case ~~of the at-large member may be~~, shall nominate a commissioner, subject to confirmation by a majority vote of the Council, to fill the unexpired term.

## Article XI, Section 4

### [Council Item 14: Powers Granted to Council regarding Planning and Zoning]:

#### **§ 4 Zoning.**

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

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

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

## Article XI, Section 7

### [Council Item 15: Staff Recommended Change to be consistent with State Law Change]:

#### **§ 7 Platting or subdivision control.**

The City Plan Commission shall have control of the platting or subdivision of land within the City and in relation thereto shall have all of the power and authority conferred by the Acts of 1927, 40th Legislature, Chapter 231, as amended by the Acts of 1949, 51st Legislature, Chapter 154 and Article 6626 Revised Statutes of Texas 1925, as amended. The City Council may delegate approval of certain plats to the Planning Director, as allowed within Chapter 212 of the Texas Local Government Code. Any plat conditionally approved or disapproved by the Planning Director would be appealable to the Plan Commission for reconsideration.

Article XII, Section 1

[Council Item 15: Staff Recommended Change to allow future compliance in event of law changes, acts of force majeure, and/or vacancies]:

**§ 1 City election.**

Except as otherwise provided by law, there shall be a regular City election each year on ~~the first~~ Saturday in Maya state declared uniform election day to elect candidates for expired terms of office or to fill vacancies due to resignations or removal from office, as needed, provided that the Council shall, if authorized by State law, declare unopposed candidates elected.

**Charter Provision Language Sections With No Change Recommended by CRC**

**Article III, Section 1(A)**

**[Council Item 1: Councilmember Term Length]:**

**§ 1 Number, terms, Council districts, etc.**

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

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

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

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

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

(F) Within one year after a decennial federal census as mandated by Article I § 2 of the United States Constitution has been performed and finalized, and each five years thereafter, prior to the calling of the regular City election, the Council shall redivide and readjust by ordinance the boundaries of the eight Council districts of the City for the purpose of keeping such districts as nearly equal in population as is practical.

## Article III, Section 5

### [Council Item 6: Waiting Period for Appointed Interim Councilmember]:

#### **§ 5 Vacancies.**

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

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

## Article III, Section 11

### [Council Item 7: Resignation to Run Requirement]:

#### **§ 11 Resign for candidacy.**

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

## Article IV, Section 1(J)

### [Council Item 8: Alignment of Streets, Thoroughfares, and Alleys]:

#### **§ 1 Powers of the Council.**

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

(J) Open, widen, extend or straighten public streets, thoroughfares and alleys;

Article XI, Section 1(B)

[Council Item 12: Adding a wait time between service in an elected role and service on the Plan Commission]:

**§ 1 Plan Commission.**

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

Article XI, Section 3

[Council Item 13: Vote necessary to override Plan Commission Recommendation]:

**§ 3 Recommendations of Plan Commission.**

Except to the extent it is precluded by statutes of the State of Texas from doing so, the Council may thereafter adopt any plans, projects or methods recommended by the City Plan Commission or any other plans, projects or methods the Council may deem most advisable; provided, however, that any public improvement undertaken hereunder, or otherwise, by the Council shall not be deemed invalid because the City Plan Commission has not been consulted or has not furnished any advice thereon, or because the Council has failed to submit its plans thereon for consideration by said City Plan Commission.

## CRC Summary in Charge Order

### Council Item 1: Councilmember Term Length – No change.

#### Article III, Section 1(A)

##### **§ 1 Number, terms, Council districts, etc.**

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

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

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

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

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

(F) Within one year after a decennial federal census as mandated by Article I § 2 of the United States Constitution has been performed and finalized, and each five years thereafter, prior to the calling of the regular City election, the Council shall redivide and readjust by ordinance the boundaries of the eight Council districts of the City for the purpose of keeping such districts as nearly equal in population as is practical.

## Council Item 2: Wait time between service in one elected role and running for another office – No change (though other change made to section)

Article III, Section 1(D):

### **§ 1 Number, terms, Council districts, etc.**

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

## Council Item 3: Wait time between service in an elected role and appointment – No change (though other change made to section)

Article III, Section 1(D):

### **§ 1 Number, terms, Council districts, etc.**

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

## Council Item 4: Compensation to Mayor and Councilmembers – Changes Recommended

### Article III, Section 3:

#### **§ 3 Compensation.**

From and after October 1, 20~~18~~24, the Mayor shall receive compensation in the base amount of ~~five~~six hundred ~~and seventy-five~~ dollars (\$~~56~~75.00) per month, and each Councilmember shall receive compensation in the base amount of ~~two~~three hundred ~~and eighty-eight~~forty dollars (\$~~288~~340.00) per month; and In addition, all members of the Council shall receive compensation in the ~~base~~ amount of ~~seventy-two~~eighty-five dollars (\$~~72~~85.00) for each Council work session attended by the member preceding a regular Council meeting, ~~and~~ for each regular Council meeting ~~of the Council~~ attended, ~~by the member~~ and for up to four (4) special called meetings or workshops of the Council attended, with a maximum of fifty-two (52) during any calendar year. Each Councilmember shall be entitled to reimbursement of reasonable expenses incurred in the performance of their official duties when approved by the Council.

## Council Item 5: Reference to Deputy Mayor Pro-Tem Position – Changes Recommended

### Article III, Section 4:

#### **§ 4 Mayor and Mayor Pro Tempore.**

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

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

## Council Item 6: Waiting Period for Appointed Interim Councilmember – No Change.

### Article III, Section 5:

#### **§ 5 Vacancies.**

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

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

## Council Item 7: Resignation to Run Requirement – No change.

### Article III, Section 11:

#### **§ 11 Resign for candidacy.**

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

## Council Item 8: Alignment of Streets, Thoroughfares, and Alleys – No change.

Article IV, Section 1(J):

### **§ 1 Powers of the Council.**

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

(J) Open, widen, extend or straighten public streets, thoroughfares and alleys;

## Council Item 9: Council removal of appointed officials – Changes Recommended.

Article IV, Section 2:

### **§ 2 Removal of appointive officials.**

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

## Council Item 10: Councilmember Communications with Staff – Changes Recommended.

Article IV, Section 3:

### **§ 3 Council not to interfere with appointments.**

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

## Council Item 11: Length of allowed contract for City Manager – Changes Recommended.

### Article V, Section 2:

#### **§ 2 Term and salary.**

The Council shall appoint a City Manager who shall be the chief administrative officer of the City. The Council may appoint the City Manager for day-to-day without a definite fixed term or may enter into an employment agreement with the City Manager for a term not to exceed ~~of three~~<sup>five</sup> (3~~5~~) years. In any event, the Council may remove the City Manager at its will and pleasure by a vote of five (5) members of the Council. The action of the Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council. Nothing in the employment agreement entered into with the City Manager shall conflict with or supercede this Charter and, in the event of a conflict, the provisions of the Charter shall control.

## Council Item 12: Adding a wait time between service in an elected role and service on the Plan Commission – No change.

### Article XI, Section 1(B):

#### **§ 1 Plan Commission.**

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

## Council Item 13: Vote necessary to override Plan Commission Recommendation – No change.

### Article XI, Section 3:

#### **§ 3 Recommendations of Plan Commission.**

Except to the extent it is precluded by statutes of the State of Texas from doing so, the Council may thereafter adopt any plans, projects or methods recommended by the City Plan Commission or any other plans, projects or methods the Council may deem most advisable; provided, however, that any public improvement undertaken hereunder, or otherwise, by the Council shall not be deemed invalid because the City Plan Commission has not been consulted or has not furnished any advice thereon, or because the Council has failed to submit its plans thereon for consideration by said City Plan Commission.

## Council Item 14: Powers Granted to Council regarding Planning and Zoning – Changes recommended.

### Article XI, Section 4

#### **§ 4 Zoning.**

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

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

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

## Council Item 15: Staff Recommended Changes.

### Article III, Section 1(D):

#### **§ 1 Number, terms, Council districts, etc.**

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

### Article III, Section 2

#### **§ 2 Qualifications.**

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

### Article XI, Section 7:

#### **§ 7 Platting or subdivision control.**

The City Plan Commission shall have control of the platting or subdivision of land within the City and in relation thereto shall have all of the power and authority conferred by the Acts of 1927, 40th Legislature, Chapter 231, as amended by the Acts of 1949, 51st Legislature, Chapter 154 and Article 6626 Revised Statutes of Texas 1925, as amended. The City Council may delegate approval of certain plats to the Planning Director, as allowed within Chapter 212 of the Texas Local Government Code. Any plat conditionally approved or disapproved by the Planning Director would be appealable to the Plan Commission for reconsideration.

### Article XII, Section 1:

#### **§ 1 City election.**

Except as otherwise provided by law, there shall be a regular City election each year on ~~the first Saturday in May~~state declared uniform election day to elect candidates for expired terms of office or to fill vacancies due to resignations or removal from office, as needed, provided that the Council shall, if authorized by State law, declare unopposed candidates elected.

## Committee Initiated Change Recommendations:

### Article III, Section 1(F)

#### [Redistricting and Gerrymandering]:

##### **§ 1 Number, terms, Council districts, etc.**

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

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

### Article III, Section 2

#### [Add felony prohibition to run for council]:

##### **§ 2 Qualifications.**

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

## Article IV, Section 8(A)

### [Related to Council Item 11: Length of allowed contract]:

#### **§ 8 Selection of City Auditor.**

The City Auditor shall be chosen by Council.

#### **(A) Qualifications and Term.**

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

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

## Article VI, Section 1

### [Related to Council Item 11: Length of allowed contract]:

#### **§ 1 Qualification.**

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

## Article XI, Section 1(E)

### [Change Recommended for clarity of appointment to fill vacancies; Committee Initiated Change discussion: adding alternate members to Plan Commission - No change recommended]:

#### **§ 1 Plan Commission.**

(E) If a vacancy occurs upon the Plan Commission, the Councilmember from the affected district, or the Mayor, ~~as in~~ the case ~~of the at-large member~~ ~~may be~~, shall nominate a commissioner, subject to confirmation by a majority vote of the Council, to fill the unexpired term.



**GARLAND**

**Charter Review Committee Agenda**

**3. c.**

**Meeting Date:** 12/05/2023

**Item Title:** Discuss Recommendation Reporting to City Council

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**Summary:**

Discuss Recommendation Reporting to City Council.

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