

**ORDINANCE NO. 7506**

**AN ORDINANCE ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF GARLAND, TEXAS TO BE HELD ON THE 4<sup>TH</sup> DAY OF MAY, 2024, PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF GARLAND; PROVIDING FOR AUTHORIZATION FOR THE CITY MANAGER AND CITY SECRETARY TO ENTER INTO ELECTION AGREEMENTS WITH DALLAS AND COLLIN COUNTY ELECTION DEPARTMENTS; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR DEADLINE FOR APPLICATION FOR ABSENTEE BALLOT; PROVIDING FOR SEVERIBILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article XVII, Section 15 of the Home Rule Charter for the City of Garland, Texas ("Charter") and Section 9.004 of the Texas Local Government Code, the City Council has received a report from the 2023-2024 City of Garland Charter Review Committee ("CRC") recommending to the City Council proposed amendments to the Charter;

**WHEREAS**, the City Council has reviewed the report from the CRC and the Charter and has determined that certain amendments are in the best interest of the citizens and to comply with state law; and

**WHEREAS**, the City Council, after due consideration, desires to conduct a special election on proposed amendments to the Charter on the uniform election date of May 4, 2024;

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

**Section 1**

**ELECTION ORDER FOR SPECIAL ELECTION AND NOTICE OF ELECTION**

There is hereby ordered a special election to be participated in by the qualified voters of the City of Garland, Texas ("City"), to be held on Saturday, May 4, 2024, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the City the hereinafter proposed amendments to the Charter contained in Exhibit "A," attached hereto and made a part of this Ordinance for all purposes, for their approval or disapproval.

**Section 2**  
**JOINT ELECTION AND ELECTION SERVICES AGREEMENT**

The election shall be held as a joint election pursuant to the joint election agreements by and between the City of Garland, Dallas County, Collin County, and such other political subdivisions as may be participating in the joint election. Pursuant to the joint election agreements, the Dallas County and Collin County Election Administrators shall serve as election administrators for the election for their respective counties, and shall appoint such election officials as may be required by law, according to the terms of the law and the joint election agreement. For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the joint election agreements.

The Central Counting Stations for the tabulation and counting of ballots for this election shall be located at the following locations:

For Garland residents residing in Dallas County:

Dallas County Elections Administration  
1520 Round Table Drive  
Dallas, Texas 75247

For Garland residents residing in Collin County:

Collin County Elections Department  
2010 Redbud Blvd.  
Suite 102  
McKinney, TX 75069

The Manager, Tabulation Supervisor, Presiding Judge, and Alternate Presiding Judge at such Central Counting Stations shall be determined, appointed, and designated in accordance with the joint election agreements. The Manager and Presiding Judge of such Central Counting Stations may appoint clerks to serve at such Central Counting Station, as provided by Texas Election Code, Section 127.006, as amended.

The voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by a personal appearance, by mail, and for election day voting.

**Section 3**  
**ELECTION PRECINCTS AND POLLING PLACES**

The election precincts and the polling places for the election shall be those established by the Dallas County Elections Administrator for Dallas County residents, and by the Collin County Elections Administrator for Collin County residents, by virtue of the joint election agreements.

Residents may use the below websites to locate the polling places and obtain other election information.

All Garland residents  
<https://www.garlandtx.gov/256/Elections>

For Garland residents residing within Dallas County  
<https://www.dallascountyvotes.org/elections-office/>

For Garland residents residing within Collin County  
<https://www.collincountytx.gov/elections/Pages/default.aspx>

**Section 4**  
**EARLY VOTING**

For Garland residents residing within Dallas County, the main early voting place is the **George L. Allen, Sr. Courts Building, 600 Commerce Street, Dallas, Texas 75202**, or such other location as may be authorized and established by the Dallas County Elections Administrator.

For Garland residents residing within Collin County, the main early voting place is **2010 Redbud Blvd., Suite 102, Mckinney, Texas 75069**, or such other location as may be authorized and established by the Collin County Elections Administrator.

For all Garland residents, early voting by personal appearance within the City of Garland may be conducted locally at Richland College - **Garland Campus, 675 W. Walnut Street, Garland, Texas 75040** or the **South Garland Library, 4845 Broadway Blvd., Garland, Texas 75043**.

An application for ballot by mail or for information on obtaining an application for ballot may be obtained by contacting the voting clerk of the resident's county. The official mailing address and other contact information for each county's clerk is listed here.

For Garland Residents residing within Dallas County:

By writing:

Heider Garcia - Early Voting Clerk  
Dallas County Elections  
1520 Round Table Dr.  
Dallas, TX 75247

By email: [earlyvotingmail@dallascounty.org](mailto:earlyvotingmail@dallascounty.org)

By telephone: 214-819-6359

By fax: 214-819-6303

For Garland Residents residing within Collin County:

By writing:

Elections Office  
Collin County Early Voting Clerk  
2010 Redbud Blvd.  
Suite 102  
McKinney, TX 75069

By email: [absenteemailballoting@collincountytexas.gov](mailto:absenteemailballoting@collincountytexas.gov);

By telephone: 972-547-1990

By fax: 972-547-1914

***Applications for ballots by mail for the election must be received no later than the close of business on the 11<sup>th</sup> day before election day.***

**Section 5**

**AUTHORIZATION FOR THE CITY MANAGER AND CITY SECRETARY TO ENTER INTO ELECTION AGREEMENTS**

This City Manager and the City Secretary are authorized to execute an agreement for an Election with the Dallas County and Collin County Election Departments and other entities that will provide for all election appointments, early voting by mail, the voting locations within the City of Garland, payments for election officials and necessary election arrangements.

**Section 6**  
**NOTICE OF ELECTION; PUBLICATION AND POSTING**

This election order shall constitute a notice of election and this notice shall be:

(1) published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth (30th) day, but before the fourteenth (14th) day before the date of the election, in a newspaper of general circulation in the City and include a substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election; and

(2) posted on the bulletin board used for posting notices of the meetings of the City Council, which copy shall also include a substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election, not later than the 21st day before the general election.

A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date, and place of posting.

**Section 7**  
**CANVASS**

The City Secretary shall present the election returns to the City Council at a City Council meeting for the canvassing of said election in accordance with the Texas Election Code.

**Section 8**  
**STATUTORY REQUIREMENTS**

For this special election on proposed charter amendments, each amendment must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote "for" or "against" any amendment or amendments without voting "for" or "against" all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Garland, Texas.

**Section 9**  
**PROPOSITIONS**

The ballot propositions for the proposed amendments to the Charter are as follows:

Proposition 1

Shall Article III, Section 1(D) of the Home Rule Charter be amended to redefine "term" to mean in excess of annual consecutive statutory election dates?

Proposition 2

Shall Article III, Section 1(F) of the Home Rule Charter be amended to mirror state redistricting law of ten (10) year intervals?

Proposition 3

Shall Article III, Section 1(F) of the Home Rule Charter be amended to add protections against gerrymandering?

Proposition 4

Shall Article III, Section 2 of the Home Rule Charter be amended the qualifications of councilmembers?

Proposition 5

Shall Article III, Section 3 of the Home Rule Charter be amended to increase the compensation for Mayor and Councilmembers?

Proposition 6

Shall Article III, Section 4 of the Home Rule Charter be amended to add gender neutral language consistent with the rest of the charter?

Proposition 7

Shall Article III, Section 4 of the Home Rule Charter be amended to add a reference to the Deputy Mayor Pro Tempore position on council?

Proposition 8

Shall Article III, Section 5(A) of the Home Rule Charter be amended to add a thirty (30) day deadline for the Governor to respond to an election petition from the City before the City Council can fulfill the vacancy by appointment?

Proposition 9

Shall Article IV, Section 2 of the Home Rule Charter be amended to clarify the council appointed positions to which the removal procedure applies?

Proposition 10

Shall Article IV, Section 3 of the Home Rule Charter be amended to change the enforcement procedure of improper communication with appointments to be pursuant to the City's Code of Ethics?

Proposition 11

Shall Article IV, Section 8(A) of the Home Rule Charter be amended to change the allowed contract of the City Auditor to not exceed five (5) years?

Proposition 12

Shall Article V, Section 2 of the Home Rule Charter be amended to change the allowed contract of the City Manager to not exceed five (5) years?

Proposition 13

Shall Article VI, Section 1 of the Home Rule Charter be amended to change the allowed contract of the City Attorney to not exceed five (5) years?

Proposition 14

Shall Article XI, Section 1(E) of the Home Rule Charter be amended to clarify the circumstances of the Mayor's appointment to a vacancy on the Plan Commission?

Proposition 15

Shall Article XI, Section 4 of the Home Rule Charter be amended to simplify and clarify the Zoning powers of the City to be consistent with City Ordinances and state law?

Proposition 16

Shall Article XI, Section 7 of the Home Rule Charter be amended to add the allowance of delegation of certain plat approval pursuant to recent changes in state law?

Proposition 17

Shall Article XII, Section 1 of the Home Rule Charter be amended to remove the specific reference to May and be consistent with any statutorily designated uniform election date?

**Section 10  
SEVERIBILITY**

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect.

**Section 11  
EFFECTIVE DATE**

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

**PASSED AND APPROVED** this 6th day of February 2024.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Deputy City Secretary

**Posted:**



## EXHIBIT “A”

### Proposition 1:

#### 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 as set by the State of Texas of the same calendar month in the applicable consecutive years, 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.

### Proposition 2:

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

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

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

### Proposition 3:

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

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

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

- i. **Equal Population:** All districts shall be reasonably equal in population, allowing for minor deviations as needed to achieve other redistricting goals outlined in this Article.

- ii. Contiguity: Each district shall be contiguous, meaning all parts of a district are connected to each other without crossing 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.

## Proposition 4:

### 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 or Class A misdemeanor~~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.

## Proposition 5:

### 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~~and ~~seventy~~and ~~five~~and dollars (\$~~56~~5675.00) per month, and each Councilmember shall receive compensation in the base amount of ~~two~~twothree hundred ~~and~~and ~~eighty~~and ~~eight~~and ~~forty~~and dollars (\$~~288~~288340.00) per month, and In addition, all members of the Council shall receive compensation in the ~~base~~base amount of ~~seventy~~seventy ~~two~~two ~~eighty~~and ~~five~~and dollars (\$~~72~~7285.00) for each Council work session attended by the member preceding a regular Council meeting, ~~and~~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. Compensation shall be limited to a maximum of ~~fifty~~fifty-~~two~~two (~~52~~52) meetings 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.

## Proposition 6:

### 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. 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.

## Proposition 7:

### 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 shall sign all municipal bonds, deeds of conveyances, vouchers, checks and orders as herein prescribed, and all instruments where the executive head of the City shall be required to act and shall perform all other duties as may be imposed on him by law and the ordinances of the City.

The Council shall elect from its members a Mayor Pro Tempore who shall perform the duties of Mayor in case of the absence or disability of the Mayor. 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.

## Proposition 8:

### Article III, Section 5(A)

#### **§ 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 within thirty (30) days of~~after~~ being petitioned by the City to do so, 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.

## Proposition 9:

### 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~~member of any internal or external board, commission, committee, or other body without cause or notice.

## Proposition 10:

### 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.~~

## Proposition 11:

### Article IV, Section 8(A)

#### **§ 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 of twofive~~ (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.

## Proposition 12:

### Article V, Section 2

#### **§ 2 Term and salary.**

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

## Proposition 13:

### Article VI, Section 1

#### **§ 1 Qualification.**

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

## Proposition 14:

### Article XI, Section 1(E)

#### **§ 1 Plan Commission.**

(E) If a vacancy occurs upon the Plan Commission, the Councilmember from the affected district, or the Mayor; ~~asin~~ 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.

## Proposition 15:

### 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.

## Proposition 16:

### 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.

## Proposition 17:

### 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 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.