

**HOME RULE
CHARTER****ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES****Sec. 1. Incorporation.**

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

Sec. 2. Form of government.

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

Sec. 3. Boundaries.

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

Sec. 4. Extension of city limits by petition.

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

Sec. 5. Extension of city limits by Council.

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

Sec. 6. Exclusion and discontinuance of territory.

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

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

ARTICLE II. GENERAL POWERS

Sec. 1. Powers of City.

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

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

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

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

Sec. 3. Powers of a home rule City.

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

Sec. 4. Municipal Court.

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

Sec. 5. No Waiver of Governmental Immunity.

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

ARTICLE III. THE COUNCIL

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

(A) The Council shall consist of nine (9) members consisting of a Mayor and eight (8) Councilmembers. The Mayor and the eight

Councilmembers shall be elected for terms of two (2) years each. The term lengths provided by this paragraph shall become effective upon and after May 15, 2004.

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

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

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

~~seat for a minimum of 364 days. and a~~ period of service shall be considered "consecutive" so long as the person affected has served any amount of time within the preceding term.

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

~~(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.

Sec. 2. Qualifications.

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

Sec. 3. Compensation.

From and after October 1, ~~2000~~2018, the Mayor shall receive compensation in the ~~the base~~ amount of ~~four hundred five hundred and seventy five~~ dollars (\$400575.00) per month, each Councilmember shall receive compensation in the ~~base~~ amount of two hundred ~~and eighty eight~~ dollars (\$200288.00) per month beginning October 1, 2018, and all members of the Council shall receive compensation in the ~~base~~ amount of ~~fifty seventy two~~ dollars (\$5072.00) for each ~~special called meeting attended by the member,~~ work session attended by the member preceding a regular Council meeting, and for each regular meeting of the Council attended by

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

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

Sec. 4. Mayor and Mayor Pro Tempore.

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

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

Sec. 5. Vacancies.

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

Sec. 6. Quorum; voting.

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

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

Sec. 7. Special meetings.

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

Sec. 8. Regular meetings.

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

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

Sec. 9. Rules of procedure.

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

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

Sec. 10. Open meetings.

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

Sec. 11. Resign for candidacy.

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

ARTICLE IV. POWERS VESTED IN COUNCIL

Sec. 1. Powers of the Council.

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

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

(B) Establish other administrative departments and distribute the work of divisions;

(C) Adopt the budget of the City and appropriate municipal funds;

(D) Authorize by ordinance the issuance of bonds, assignments of revenue or warrants;

(E) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;

(F) The Council may only create or abolish a board or commission after May, 1994 by ordinance, or change the tenure of the appointees['] terms of office, except those established by the Charter, by an affirmative vote of 3/4 majority of the members of the Council present. Any board or commission created by ordinance prior to May, 1994 may be abolished or the tenure of appointees['] term of office may be changed by a vote of five concurring Councilmembers.

(G) Adopt and modify the official map of the City;

(H) Approve plats;

(I) Summon and compel the attendance of witnesses and the production of books and papers before it whenever it may deem necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it and for failure to appear before it in response to summons issued by it with the same fines and penalties as the County Judge may punish for contempt before the County Court. All processes shall be signed by the Mayor and attested to by the City Secretary and shall be served by the Director of Police Services or any other Police Officer of the City. The Mayor, City Attorney, City Municipal Judge, City Secretary or any member of the Council shall have the authority to administer oaths in any matter pertaining to municipal affairs;

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

(K) Define and prohibit nuisances within the City and five thousand (5,000) feet beyond;

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

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

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

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

(P) Provide for an independent audit;

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

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

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

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

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

Sec. 2. Removal of appointive officials.

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

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

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

Sec. 4. Creation of new departments or offices.

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

Sec. 5. City Secretary.

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

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

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

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

Sec. 7. Independent annual audit.

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

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

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

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

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

**Sec. 9. ~~City Treasurer-~~
Selection of City Auditor.**

The City Auditor shall be chosen by Council.

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

The City Council may enter into an employment agreement with the City Auditor for a definite term of two (2) years. The City Council may terminate the employment agreement at its will and pleasure by a vote of not less than five (5) members of the City Council. The action of the City Council in removing the City Auditor shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council.

(B) Powers and duties of the City Auditor. The City Auditor shall serve the public interest by providing independent and objective audits, investigations, special projects, overseeing internal audit functions, and performing other duties as assigned by the City Council.

The City Auditor shall have access to all records, personnel, and physical properties owned by the City, as authorized by City Council, relevant to the performance of audits, investigations, or special projects.

(C) The City Auditor shall have such assistants as shall be provided for in the budget from time to time, to be appointed by the City Auditor. Any such assistant may be discharged at any time by the City Auditor. All powers and duties imposed on the City Auditor may be exercised and performed by an assistant, upon City Auditor's designation.

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

Sec. 10. Sale of Public Utility System.

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

ARTICLE V. CITY MANAGER

Sec. 1. Qualifications.

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

Sec. 2. Term and salary.

~~The Council shall appoint a City Manager who shall be the chief administrative officer of the City. The Council may appoint the City Manager for day-to-day without a definite fixed term or may enter into an employment agreement with the City Manager for a definite term not to exceed one (1) of two (2) years. In any event, the Council may remove the City Manager at its will and pleasure by a vote of five (5) members of the Council. The action of the~~

Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council. Nothing in the employment agreement entered into with the City Manager shall conflict with or supercede this Charter and, in the event of a conflict, the provisions of the Charter shall control.

Sec. 3. Powers and duties of City Manager.

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

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

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

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

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

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

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

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

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

Sec. 4. Absence of City Manager.

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

ARTICLE VI. CITY ATTORNEY

Sec. 1. Qualification.

The City Attorney shall be chosen by the City Council on the basis of his ~~or her~~ qualifications as a competent practicing attorney of recognized ability. The City Council may enter into an employment agreement with the City Attorney for a definite term ~~not to exceed one (1) of two (2) years~~. The Council may terminate the employment agreement at its will by a vote of five (5) members of the Council. The action of the City Council in removing the City Attorney shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council.

Sec. 2. Powers and duties of City Attorney.

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

Sec. 3. Assistants.

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

ARTICLE VII. DEPARTMENTS OF CITY GOVERNMENT

Sec. 1. Designation.

Departments shall be established to carry out the following services:

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

Sec. 2. Directors of departments.

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

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

Sec. 3. City Manager acting as Director.

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

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

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

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

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

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

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

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

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

ARTICLE VIII. BUDGET

Sec. 1. Fiscal year.

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

Sec. 2. Preparation and submission of budget.

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

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

Sec. 3. Budget form.

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

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

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

Sec. 4. Budget a public record.

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

Sec. 5. Publication and notice of public hearing.

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

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

Sec. 6. Hearing and adoption of budget.

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

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

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

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

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

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

Sec. 8. Amendment and supplemental budget.

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

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

Sec. 9. Defect shall not invalidate tax levy.

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

ARTICLE IX. COLLECTION OF TAXES

Sec. 1. Power to tax.

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

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

Sec. 2. Where payable; no demand necessary.

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

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

Sec. 3. Power to correct errors.

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

Sec. 4. Ratification.

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

Sec. 5. Payment, delinquency, penalties.

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

Sec. 6. General powers.

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

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

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

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

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

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

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

Sec. 2. Other public improvements.

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

(1) Any water system, including riparian rights, water supply reservoirs, watersheds, dams, water pumping and filtration systems, rights-of-way and all appurtenances and facilities useful in furnishing the inhabitants of this City an abundant supply of wholesome water;

(2) Sewage disposal plants and systems, rights-of-way, sewer lines and all other sewage facilities useful in properly serving this City;

(3) Parks and playgrounds;

(4) Incinerators and garbage disposal plants;

(5) Streets, boulevards, alleys and other public ways serving inhabitants of the City of Garland;

(6) Hospitals;

(7) Drainage systems;

(8) Gas systems;

(9) Electric light and power systems;

(10) Any other public utility;

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

To finance any such project or projects, separately or jointly with any other governmental unit, the City may incur indebtedness, evidenced by notes, warrants, bonds or revenue certificates of this City; provided, however, that any such agreement with other governmental unit or units shall not become effective until twenty (20) days after such agreement be embodied in an ordinance of the Council authorizing its execution, and such ordinance has been

published at least two (2) times in a newspaper having a circulation in Garland.

Sec. 3. Bond elections.

Before submitting a proposition to issue new or additional bonds for approval by the voters, the Council shall first convene a Bond Study Committee, composed of not less than nine (9) residents of the City, to make recommendations to the Council on all such propositions. The Council shall establish the Bond Study Committee at a regular meeting no later than 6 months preceding an election, no later than the second regular meeting of the Council in the September preceding an election in the following May. Any proposition to issue new or additional bonds, payable from the ad valorem taxes as authorized herein, shall be first submitted to a vote of the qualified voters of the City at an election to be held for that purpose. Any such election shall be held and conducted in accordance with state law and the Texas Constitution. Any proposition to issue new or additional bonds, as authorized herein, as well as the amounts of such issuance, the purpose of the same, and an estimate of the impact that the proposed bond or bonds, if adopted, will have on the ad valorem tax rate of the City, shall be first submitted to a vote of the qualified voters of the City at an election to be held for that purpose. The time, place and manner of such election and the making of returns and declaring the results thereof shall be done in accordance with the applicable laws. Unless a majority of the qualified voters, voting thereon in such election, vote in favor of the issuance of such bonds, the same shall not be issued; provided, that the purpose of the issuance of bonds, as submitted at such an election, may include more than one object.

After an issue of bonds has been ordered, the Council shall have power to issue bonds payable serially or otherwise as in its opinion the Council may deem best. All bonds shall specify on their face for what purpose they are issued be issued in accordance with the procedures provided for and required by state law. When any bonds are issued by the City a fund shall be provided to pay the interest and create a sinking fund sufficient to pay the bonds at maturity, and said sinking funds may be invested in accordance with state law, in bonds of the State of Texas, or in bonds or obligations of the United States, or in bonds of the City of Garland, which are not yet due; provided, that in the event it shall be deemed expedient to issue serial bonds payable in annual

~~installments it shall be sufficient to provide for the payment of interest thereon and the annual installments as they mature.~~

Sec. 4. Execution of bonds.

All bonds, warrants, certificates of indebtedness and assignments of revenue shall be signed by the Mayor, countersigned by the City Secretary, and sealed with the seal of the City, and shall be payable at such times and place or places as may be fixed, not more than forty (40) years from their date.

Sec. 5. Bonds transmitted to comptroller.

It shall be the duty of the Mayor, when such bonds are issued, to forward the same to the Comptroller of Public Accounts of the State of Texas for submission, with all information he may have relating thereto, to the Attorney General of the State of Texas.

Sec. 6. Statement furnished to comptroller.

It shall be the duty of the Mayor, at the time of forwarding such bonds for registration, to furnish the same comptroller with a statement of the amount of taxable property, real and personal, in the City, and the amount of tax levied for the payment of interest and the creation of a sinking fund on such bonds.

Sec. 7. Sinking fund.

It shall be the duty of the Council each year to levy a tax sufficient to pay the interest on and provide the necessary sinking fund, required by law on all bonds outstanding, and if a deficiency appears at any time in such fund, then the Council shall, for the next succeeding year, levy an additional tax sufficient to discharge such deficiency.

Sec. 8. Bond register.

The Council shall keep, or cause to be kept, for and on behalf of the City a complete bond registry and books, showing all bonds, warrants, certificates of indebtedness and assignments of revenue issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered and all other transactions of the Council having reference to the refunding of the indebtedness of said City. When bonds or their

coupons are paid, their payment or cancellation shall be noted in said registry. The books shall be safely kept among the records of the City.

Sec. 9. Misapplication of bond funds.

Any officer of the City who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the funds [fund] is created or is herein otherwise authorized shall be deemed guilty of a misapplication of public funds and be subject to prosecution as provided under the laws of the state for the diversion and conversion of funds belonging to any of the municipalities of the state.

Sec. 10. Bond propositions.

Each bond proposition shall expressly state (i) all information required by state law, (ii) the expected maximum tax impact on the ad valorem tax rate for each project, and (iii) the purpose of the proposition and the amount thereof by project or category, as the Council may direct, so that the voters may pass upon each proposition separately and apart from another in order that each voter may vote "for" or "against" any proposition or propositions without voting "for" or "against" all such propositions.

The revenues resulting from an approved bond proposition shall only be used for the project, projects or category of projects, as the case may be, specified in such proposition for or retiring bonds issued for that proposition, as determined by the City Council.

ARTICLE XI. PLANNING, ZONING AND HOUSING

Sec. 1. Plan Commission.

(A) There shall be a Plan Commission composed of nine (9) commissioners who ~~are taxpayers and who own real property~~ reside in the City of Garland. Eight (8) of the commissioners shall reside in the eight (8) Council districts, respectively, while one (1) commissioner may reside anywhere within the corporate limits of the City. Eight of the commissioners shall each be respectively nominated by the Councilmember from the district in which that

commissioner resides, and the at-large commissioner shall be nominated by the Mayor. All nominations shall be subject to and continue until confirmation by a majority vote of the Council.

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

(C) The Plan Commission shall elect its chairman from among its members. Five of the commissioners shall constitute a quorum. The commissioners shall adopt such rules and regulations as they deem best governing actions, proceedings, deliberations, and time and place for meetings.

(D) A commissioner shall serve a term beginning with the date appointed and qualified by the Council and ending when the member of the Council who nominated that commissioner leaves office. The term for the at-large commissioner shall likewise correspond to the term or service in office of the Mayor.

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

(F) Each commissioner shall have been a resident in that commissioner's respective district for a period of at least one (1) year prior to appointment and shall consecutively so reside during the commissioner's term. The at-large commissioner shall have been a resident of the City for at least one (1) year prior to appointment and shall consecutively so reside during that commissioner's term.

(G) At the beginning of each commission term, the Plan Commission shall determine its own rules and order of business by a majority vote of five (5) of the commission. These rules may be amended as required at any time during the term by a majority vote of five (5) of the commission.

Sec. 2. Plan Commission - Powers.

The commission shall have power and shall be required to:

(1) Exercise all the authority and control and have the duties conferred by law relating to platting;

(2) Recommend or disapprove proposed changes in the Zoning Plan and Ordinance of the City of Garland and have all the powers and duties conferred by law and in particular the duties and authorities of a Zoning Commission as provided in the Acts of 1927, 40th Legislature of the State of Texas, Chapter 283;

(3) Promote public interest in and understanding of the planning, zoning, clearance of blighted areas and development of the City;

(4) Hold public hearings for and advise the Council on such matters as the Council may request its advice and on such matters as it may think desirable in the public interest;

(5) Recommend improvement programs after consultation with the Council as to the need of such improvements.

Sec. 3. Recommendations of Plan Commission.

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

Sec. 4. Zoning.

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

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

The City shall have all authority in matters of zoning which are conferred by the statutes of the State of Texas and various legislative acts supplementary to or amendatory thereof.

Sec. 5. Building permits and occupancy permits.

The City shall have power to prohibit the erection, construction or use of any building or structure of any kind within the City without a permit first having been issued by the City for the construction or erection of such building or structure, and without a use and occupancy certificate having been issued for the use actually made of such premises and structure and may authorize a fee to be charged for such permit. In pursuance of said authority, the Council may authorize the inspection of all buildings and structures during the progress of their construction or thereafter and may require all buildings to be constructed in conformity with the building regulations existing in the City or which shall hereafter be passed.

For the purpose of preserving property values, protecting the public health, preventing the blighting of areas within the City, promoting safety and promoting the public welfare, the Council may fix a minimum standard for the construction and use of housing accommodations and other structures within this City and prohibit the construction, erection and use of substandard housing and other substandard structures.

Sec. 6. Board of Adjustment.

The City Council shall appoint a Board of Adjustment with powers and duties conferred by the statutes and legislative acts of the State of Texas.

Sec. 7. Platting or subdivision control.

The City Plan Commission shall have control of the platting or subdivision of land within the City and in relation thereto shall have all of the power and authority conferred by the Acts of 1927, 40th Legislature, Chapter 231, as amended by the Acts of 1949, 51st Legislature, Chapter 154 and Article 6626 Revised Statutes of Texas 1925, as amended.

Sec. 8. Regulations governing subdivision of land.

In exercising the powers granted to it by Section 7 of this article, the City Plan Commission may adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the harmonious development of the City and its environs, for the coordination of streets and other ways within the subdivision land with other existing or planned streets and ways or for conformance to the official map, for adequate open spaces, for spaces for traffic, utilities, recreations, light and air, and for the avoidance of congestion of population. Such regulations may include requirements and the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of a subdivision.

The regulations of the Plan Commission may provide for a tentative approval of the plat prior to such improvements and installation; but any such tentative approval shall not be entered on the plat. In lieu of the completion of such work prior to the final approval of a plat, the City Plan Commission may accept a bond, in an amount and with surety satisfactory to the City Manager, providing and securing to the City the actual construction and installation of such improvements and utilities within a period specified by the City Plan Commission.

Sec. 9. Official map.

The Council may by ordinance adopt an official map of the City, on which shall be shown and indicated all public streets existing and established by law.

Sec. 10. Qualifications and term limits for appointed board members and commissioners.

(A) Qualifications. A person must be a resident of the City for a period of not less than one (1) year prior to his or her appointment to be eligible to serve on a board or commission for the City of Garland.

(B) Commencement and expiration of term. Unless otherwise expressly set by state law or this Charter, a person appointed by a member of Council, including Mayor, to serve on a board or commission for the City of Garland shall serve a term beginning with the date qualified and appointed by the Council and ending when the member of Council who nominated that boardmember or commissioner leaves office.

(C) **Term Limits.** Unless otherwise expressly set by state law or this Charter, a person appointed by a member of Council, including Mayor, to serve on a board or commission for the City of Garland may serve in the office for which he or she was appointed for three (3) consecutive terms, but thereafter shall not again be eligible to serve on the same board or commission until at least one complete term of the office for which he or she held has elapsed. Any term of office for a member of a board or commission beginning prior to May of 2018 shall not count toward the limitation of three (3) consecutive terms. A "term" as used in this paragraph shall be construed in the same manner as in Article III, Section 1(D) of this Charter.

(D) A Person serving as a member of the Council, including Mayor, for three (3) consecutive terms shall not be eligible to serve on any board or commission until at least one subsequent complete term of the office of the City Council for which he or she was elected or appointed has elapsed. Any term of office for a member of the Council, including Mayor, beginning prior to May of 2018 shall not count in determining eligibility to serve on a board or a commission under this section.

ARTICLE XII. NOMINATION, ELECTION AND REMOVAL OF CITY COUNCIL

Sec. 1. City election.

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

Sec. 2. Nominations.

(A) Any person having the qualifications required by this Charter and desiring to become a candidate for a place on the Council, shall be entitled to have his or her name placed on the official ballot, if the person files with the City Secretary in accordance with the filing period set forth in the Texas Election Code a petition or petitions designating the place sought by the candidate and properly signed by qualified voters of the City of Garland equal to, or in excess of, the minimum number prescribed by state law. may be nominated for Mayor by a written petition signed by at least one hundred (100) qualified voters of the City

~~or nominated for Councilmember by a written petition signed by at least twenty five (25) qualified voters from the district which the nominee, if elected, shall serve.~~

(B) Each petition circulated on behalf of each proposed candidate shall designate the office to be filled by such candidate and the name of the candidate shall be placed on the petition before any signatures are placed on the petition.

(C) One or more such petitions shall be circulated and signed for each nominee or candidate. Each candidate shall sign such petition and file it with the Office of the City Secretary in person, or, in lieu of personally filing the petition, the candidate may have filed with the City Secretary an affidavit stating that the person is a candidate for the position on the Council as designated in the petition and accepts the nomination.

(D) Nominating petitions shall be signed and filed in the Office of the City Secretary during regular office hours not earlier than ninety-one (91) days nor later than sixty-two (62) days before the election, unless otherwise set by state law; provided that if the last day of filing falls on a Saturday, Sunday or holiday declared by the City Council, the petitions may be filed on the next succeeding regular business day. Any petitions filed on the last day for filing must be received in the Office of the City Secretary no later than 5:00 p.m., and any petition received after 5:00 p.m. on the last day of filing shall be void and shall not be accepted. Any candidate may withdraw his or her nomination not later than four (4) days succeeding the last day for filing nomination petitions by filing an affidavit in the Office of the City Secretary of the City of Garland, stating that the candidate refuses the nomination and directing that the name be withdrawn from the ballot.

(E) The City Secretary shall as quickly as possible examine each such petition and check the qualifications of the signers thereto. If a petition is found insufficient, the City Secretary shall, upon discovering such insufficiency, immediately deliver to the person who filed it a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, a new petition may be filed for the same candidate. The petition of each candidate nominated to be a member of the Council shall be preserved by the City Secretary until the expiration of the term of office for which the candidate has been nominated. It is the intent of this section that all provisions contained herein comply with the election laws of the State of Texas as they currently exist or are hereafter amended. In the event of conflict

between the provisions of this section and State law, the State law shall prevail.

Sec. 3. Determination of elected candidates; run-off elections.

Run-off elections shall be held following the regular election on a date authorized by State law.

Sec. 4. Official ballot.

The City Secretary shall make up the official ballot from the names presented to him/her in the manner herein set out. The order in which the names of the candidates for each district shall appear on the ballot shall be determined by lot in a drawing held under the supervision of the City Secretary. The election shall be held in conformity with the election laws now in force in the City of Garland or those that may be hereafter enacted. The candidates for Councilmembers or Mayor receiving a majority of all votes cast, as provided in Section 3 hereof, for the position of Councilmember or Mayor under the district number under which his/her name appears, shall be the duly elected Councilmember or Mayor to hold said position.

Sec. 5. Voting machines.

Voting devices deemed most efficient, reliable and practical by the Dallas County Elections Administrator or as otherwise provided by state law shall be used for voting in all City elections and referenda.

Sec. 6. Term of office.

The term of Office of Mayor and Councilmen [Councilmember] shall begin upon taking the oath of office as soon as practicable after the canvass and declaration of election as herein provided.

Sec. 7. Canvassing elections.

Except as otherwise provided by law, returns of all municipal elections, both general and special, shall be made by the election officers to the Council no less than eight (8) days nor more than eleven (11) days after the date of the election, at which time the Council shall canvass and declare the results of such election,

ordering a new election when such election is required by reason of a tie vote.

Sec. 8. Recall of Mayor and Councilmember.

Any member or all members of the Council (including the Mayor) may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent by the following procedure:

(A) —A statement of intent to initiate recall proceedings signed by one or more voters qualified to vote for a successor to the member being recalled, naming the member and stating specific grounds for the recall must be presented to the City Secretary, who shall mark the statement with the date received and retain it for office files.

(B) —Within ~~two (2)~~ five (5) working days, not including the date of submission, after receiving ~~the~~ a statement of intent for each official whose removal is sought, the City Secretary shall prepare and have available at City Hall for delivery to persons who signed the person who submitted the statement of intent, ~~three hundred (300)~~ a sufficient number of sequentially-numbered petition forms. Each form which shall:

(i) —bear the seal of the City Secretary;

(ii) —~~name~~ name the member intended to be recalled;

(iii) ~~setting forth~~ state the grounds for the recall as they appear on the statement of intent;

(iv) ~~and providing~~ space for the each signatory's: (a) printed name, (b) address address of residence, precinct numbers and (c) signature, (d) date of signing, (e) voter registration number number or date of birth of signers; and

(v) contain an affidavit to be signed by the person circulating the petition form swearing that each signature on the respective petition form is that of the person whose name it purports to be.

(C) ~~A Person~~ A Person accepting ~~a delivery~~ the petition forms provided by the City Secretary shall acknowledge delivery by

signing a receipt bearing the date of delivery which shall be retained by the City Secretary for office files. ~~A petitioner must shall~~ take delivery of the prepared petition forms within three (3) working days of notification that they are available. In the event a petitioner does not take delivery of the prepared petition forms within three (3) working days, the statement of intent to initiate recall proceedings shall be deemed to be withdrawn.

(A) _____

(D) _____The petition must be fully and properly completed and signed by qualified voters entitled to vote for a successor to each member sought to be removed, equal in number to twenty-five (25) percent of the number of votes cast at the last regular municipal election for that office which is the subject of the petition; provided, that not less than eight hundred (800) signatures shall be required in the case of the Councilmembers and not less than two thousand (2,000) signatures shall be required in the case of the Mayor. ~~The signatures to the petition need not all be appended to one paper, but each signer shall add to the signature the signer's place of residence, giving the street and number.~~

~~One of the signers to each petition form shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be.~~

(E) _____Within thirty (30) days of the ~~marked~~ delivery date, as indicated on the receipt signed at the time of receiving the petition, the signed petition, with all required information and signatures provided on the petition forms, must be filed with the City Secretary for verification. ~~if in the event the petition is not (i) is not signed by the required number of qualified voters, (ii) in full compliance with this Charter and state law does not contain a fully executed affidavit required by above Section (B), and (iii) is not~~ filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. The City Secretary shall provide additional sequentially-numbered petition forms promptly on request of the initiators of the recall if the original supply is inadequate and if the request is made within the original thirty-day period.

(B) _____

(F) _____Within ten (10) working days from the filing of the petition, the City Secretary shall examine same and, from the list of qualified voters, ascertain whether or not the petition

is signed by the requisite number of qualified voters, and, if requested to do so, the Council shall allow extra help for that purpose. The City Secretary shall attach to the petition a certificate showing the results of such examination. The City Secretary shall not make a determination of the authenticity of the signatures or investigate whether an individual resides at an address purported on the petition form. If by the City Secretary's certificate, the petition is shown to be insufficient, the petition shall be returned to the person or persons who filed the statement of intent. Persons accepting delivery must acknowledge delivery by signing a receipt bearing the date of delivery which will be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) working days of notification, not including the date of notification, that they are available. In the event a petitioner does not take delivery of the petition within three (3) working days, the statement of intent to initiate recall proceedings shall be deemed to be withdrawn. The petition shall be invalid unless amended and refiled within ten (10) working days from the date of accepting delivery by obtaining additional signatures. The City Secretary shall, within ten (10) days after any such amendment is filed, make like examination of the amended petition and, if the City Secretary's certificate shall show same to be insufficient, that petition shall be invalid and shall be returned to the person filing same and shall not be subject to amendment.'

(C) _____
 (G) _____ If a sufficient number of petition forms shall be found to contain the required number of qualified signatures, the City Secretary shall, after being properly posted as an item on the agenda submit, submit the same certificate indicating the results of the examination to the Council without delay at the Council meeting immediately following the completion of the examination by the City Secretary. Upon receipt of the certificate by the Council, and the Council, in the event the Mayor or Councilmember named in said the recall petition shall have ten (10) working days to elect to either resign or be placed on the ballot for a recall election. In the event the Mayor or Councilmember named in the recall petition fails to resign within ten (10) working days, including the date of the Council meeting on which the petition was submitted, the Council shall order and fix a date for holding the said-recall election on the next election date allowed by state law after forty (40) days from the date of the City Secretary's certificate, provided, that if an election is to be held within the City for any purpose within sixty (60) days from the date of said

~~certificate, then the said recall election shall be held on the same day. If in the event the Mayor or Councilmember in question that is the subject of the recall resigns, the vacancy their respective seat shall be considered vacant for purposes of holding a recall election. The resigning officer shall continue to serve in their position until such time as their successor is sworn in to office.~~
~~shall be filled pursuant to Sec. 5 of of this Charter.~~
 (B) —

~~(B) (H) —~~ If a recall election ~~shall be~~ is required, the Council shall make or cause to be made publication of notice and provide the holding of such election and the same shall be conducted, returned and the results thereof declared in all respects as other City elections. Any officer so elected shall hold office only during the unexpired term of the officer's predecessor. Any person sought to be removed may be a candidate to succeed himself or herself, and, unless that person requests otherwise in writing, the City Secretary shall place that person's name on the official ballot without nomination. The names of other candidates for such position shall be placed on the official ballot by petition in the same manner as provided for in other portions of this Charter. At such election, if such person other than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon the qualification of the incumbent's successor. If the incumbent is elected at such election, the incumbent shall continue in office and shall not be subject to any other recall for any grounds existing prior to the filing of the statement of intent to initiate recall proceedings.

Sec. 9. Court may order election.

Should the Council fail or refuse to order an election as provided in this Article XII, as provided in Article XIV (relating to initiative and referendum) or as otherwise provided or required by law, when all requirements for such election have been complied with by the citizens in conformity with this Charter and other applicable law, then any Court of competent jurisdiction, upon proper application being made therefor, may order such election and enforce the carrying into effect the provisions of this Charter.

Sec. 10. Standing to enforce Charter.

Any qualified voter of the City may seek judicial relief in any court of competent jurisdiction to order the discharge of any such duties as may be provided in this Charter to be discharged by the City Secretary or by the Council, or either of them, relating to an election to office, an election for the recall of a member of the Council, or an election for an initiative or referendum.

ARTICLE XIII. ORDINANCES

Sec. 1. Continuance of ordinances.

All ordinances heretofore adopted by any governing body of the City of Garland during the period of its incorporation and in effect at the time this Charter becomes effective shall continue in full force and effect insofar as not inconsistent with this Charter.

Sec. 2. Publication.

Every ordinance passed by the Council prescribing penalties for the violation thereof may provide for punishment by fine not to exceed the maximum allowed by state law. A full text of all penal ordinances may be published at least twice in the official newspaper of the City, or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof may be published. All other ordinances, except those ordinances specifically required by the provisions of this Charter to be published, are not required to be published in either the official newspaper of the City or in any other publication, and such ordinances shall become effective as of the date stated therein, and in the event no particular date is stated said ordinances shall become effective from and after passage and adoption by the Council.

Sec. 3. Style of ordinances.

The style of all ordinances shall be "Be it ordained by the City Council of the City of Garland" but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the Council.

Sec. 4. Printed ordinances admitted in court.

All ordinances of the City of Garland when printed and published and bearing on the title page thereof "Ordained and Published by the City Council of the City of Garland" or words of like import

shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

The Council shall have power to cause the ordinances of the City of Garland to be printed in code form and shall have the same arranged as often as the Council may deem necessary and advisable.

Sec. 5. Approval of Mayor not necessary.

The final passage of an ordinance by the Council and the publication of the same when so required shall be all that is necessary to make such ordinance valid and effective. The approval or signature of the Mayor shall not be necessary.

ARTICLE XIV. INITIATIVE AND REFERENDUM ORDINANCES

Sec. 1. Petition.

If any proposed ordinance, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, or a request for referendum within twenty (20) days after the passage of any ordinance, except an ordinance appropriating money, issuing bonds, or authorizing the levying of taxes, be submitted to the City Secretary with a petition thereon signed by ten (10) percent of the qualified voters of the City of Garland, stating the residence of each signing, and bearing the oath of one of the signers that each signature thereon is the genuine signature of each person whose name purports to be subscribed thereon, the City Secretary shall, with such assistance as the City Manager may assign to the City Secretary forthwith, check the petition with the list of qualified voters in Dallas County for the year ending the thirty-first day of January next preceding.

Within twenty (20) days after the filing of such petition in the Office of the City Secretary, the City Secretary shall attach thereto a certificate showing the results of the examination.

Sec. 2. When petition insufficient.

The person who filed any insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten (10) days after such notice or may file a new initiative petition at any time.

Sec. 3. Council to adopt or submit proposal to election.

Within twenty (20) days after the City Secretary finds any petition proposing an ordinance sufficient, the Council shall either pass the ordinance as submitted or submit the proposed ordinance to a vote of the people.

Sec. 4. Effect of referendum petition.

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect until and unless approved by the voters.

Sec. 5. Publication of proposed ordinances.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the City of Garland, the City Secretary shall cause the ordinance or proposition to be printed and shall send a printed copy thereof to each voter at least ten (10) days prior to the date set for the vote thereon. However, the Council may order such ordinance or proposition to be printed in a newspaper published in the City of Garland having a general circulation in both Dallas and Colling County instead of sending such copies to the voters.

Sec. 6. Results of vote.

If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City of Garland. A referendum on an adopted ordinance which is not approved by a majority of the voters voting thereon shall thereupon be deemed a repeal of such ordinance and it shall be without further force and effect.

ARTICLE XV. UTILITIES

Sec. 1. ~~City may own and acquire.~~ General Powers related to utility systems.

~~The City of Garland may own, acquire, license, regulate, fix the rates, control and supervise public utilities of all kinds.~~

(A) In this section, "utility system" means a water, stormwater, sewer, gas, or electric system.

(B) The City may purchase, construct, or operate a utility system inside or outside the municipal boundaries and may regulate the system in a manner that protects the interests of the City. The City may own land inside or outside its boundaries for these purposes.

(C) The City may extend the lines of its utility systems outside the municipal boundaries and may sell water, sewer, gas, or electric service to any person outside its boundaries. The City may contract with persons outside its boundaries to permit them to connect with those utility systems on terms the City considers to be in its best interest.

(D) The City may prescribe the kind of water or gas mains, sewer pipes, and electric appliances that may be used inside or outside the City. The City may inspect those facilities and appliances, require that they be kept in good condition at all times, and prescribe the necessary rules, which may include penalties, concerning them.

Sec. 2. Franchise ~~tax~~fee.

Each public utility using the public rights-of-way or public property within the City shall be required to reasonably compensate the City for the use thereof. Except as otherwise controlled by state law, as the Council shall in its discretion determine by ordinance or by contract the franchise fees associated with the use of public rights-of-way or public property by a public with any such utility.

Sec. 3. Sale of City-owned utilities.

The Council may sell, convey, assign or transfer the water or sewer system or electrical system owned by the City of Garland pursuant to Texas Revised Civil Statutes Art. 1112, as currently provided or hereafter amended.

Sec. 4. Transportation.

The securing of adequate transportation facilities within the City and to and from the City of Dallas and a transportation service to meet the public convenience of residents of this City is declared

to be a public purpose. To that end the Council may grant franchises and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenue and bonds and use public funds for such purpose.

Sec. 5. Regulation of utilities.

The Council shall regulate by ordinance the rates and compensation to be charged by all persons, companies or corporations using the streets and public grounds of the City and engaged in furnishing transportation, water, gas, telephone, light, power, cable television and sewerage service to the public, and may prescribe rules and regulations.

Sec. 6. Franchises.

The Council may by ordinance grant franchises to public utilities upon charges, terms and conditions fixed by the Council, unless otherwise controlled by state law, but not to exceed twenty-five (25) years' duration. Such ordinance and franchise shall be subject to referendum as herein provided for legislative ordinances and the City Secretary shall cause a notice of the passage of each franchise ordinance fairly stating the substance thereof to be published once each week for four (4) consecutive weeks in a newspaper having a general circulation in the City of Garland both Dallas and Collin County, or as otherwise allowed by state law. The grantee of any franchise shall pay the costs of all publication thereof required by this Charter.

Sec. 7. Reports.

~~(A) Any corporation, partnership or person, who may be engaged in furnishing to the inhabitants of the City any transportation, water, light, telephone, gas, cable television or sewerage service, shall, on or before the first day of March of each year, file with the City Secretary a written report sworn to be the secretary or president of such corporation, by a member of such partnership, or by any such person, which shall show:~~

~~(1) (a) The actual cost of the plant and property devoted to public use in serving customers in the City of Garland, stating the location and cost of each unit thereof, together with the depreciation and present value of each plant and property.~~

~~(b) The other costs or value claimed for such plant or property, showing whether such cost or value is arrived at by book~~

~~costs, purchase costs, appraised value, prudent investment value, reproduction cost new less accrued depreciation or some other described method, if the historical cost is not available.~~

~~(e) The properties shall be listed in detail showing the intangible and tangible properties, such as lands, machinery, buildings, pipes, poles, circuits, mains, etc., each treated separately.~~

~~(d) If any federal or state regulatory authority has prescribed any method or yardstick by which the plant or property has been valued, such value and the name of such authority shall be stated with a reference to the order relied upon.~~

~~(2) The amount of any lien or mortgage upon the properties composing such plant. If the lien or mortgage covers several plants or properties, then the report shall show the relative or comparative value of the plant and property in Garland to all the property covered by the lien or mortgage, and shall state how such comparative values are made whether on actual historical costs, book costs, appraised values or other method, and the report shall further show the comparative number of meters or customers served by the Garland plant and their aggregate use of service in relation to the whole property covered by the lien or mortgage. Likewise, all other indebtedness pertaining to such enterprises shall be shown.~~

~~(3) The report shall give the gross earnings from any such plant or system in Garland, Texas, including separately the gross revenue from Garland, the cost of producing such revenue and the net income from service in Garland as well as a comparative statement of revenue, costs and profits, of other service furnished by the use of properties and costs involved in any allocation, proration or division of costs and expenses for determining the costs, expenses and profits of service in Garland.~~

~~(4) The report shall also contain any other information requested by resolution of the Council.~~

~~(B) Any such corporation or any partnership, partner or any such person mentioned in this article who shall for thirty (30) days willfully refuse or fail to report in the manner provided by this article shall forfeit and pay to the City of Garland the sum of one hundred dollars (\$100.00) for each and every day during which it shall continue in default, or if any such corporation, partnership or person shall file any report knowing that the same does not truly report the facts about the matters mentioned~~

~~therein, it or he shall forfeit and pay to the City of Garland the sum of two hundred and fifty dollars (\$250.00) for each such willfully false report. Such forfeitures and penalties shall be recovered at the suit of the City of Garland brought in the County of Dallas.~~

~~(C) The City shall have the right to test meters as provided by Acts of 1927, 40th Legislature, Page 71, Chapter 47, which is hereby adopted as a part of this Charter.~~

Repealed.

ARTICLE XVI. STREET PAVING

Sec. 1. Adoption of state law.

All of the terms, powers and provisions of the Acts of 1927, 40th Legislature, First Called Session, Chapter 106, relating to street improvements and assessments, amended or as may be hereafter amended, are hereby adopted as a part of this Charter and constitute an alternative authority for said City to act in all respects in accordance with said Act.

All of the terms, powers and provisions of Articles 1086 to 1096, both inclusive, and Articles 1104 and 1105 of the Revised Statutes of the State of Texas, as amended or as they may be hereafter amended, are hereby adopted as a part of this Charter and hereby constitute an alternative and cumulative method of improving streets, alleys and public places and levying assessments therefor.

The City of Garland shall have the power to pay the contractor, the successful bidder, that part of the cost that may be assessed against the owners and their property abutting on such improvements in cash and the City may reimburse itself for that amount by levying an assessment against the abutting owners and their property, after a hearing and notice as provided in said statutes, up to the amount of the enhancement in value represented by the benefits and permitted by said statutes and issue assignable certificates in favor of the City of Garland for the assessment. The certificates shall be enforceable in the same manner as provided for the above-mentioned statutes.

The City shall likewise have the power to do the improvement by its own forces if, in the opinion of the City Council, the work can be done more expeditiously or economically.

ARTICLE XVII. MISCELLANEOUS PROVISIONS

Sec. 1. Property not subject to execution.

No property owned or held by the City of Garland shall be subject to any execution of any kind or nature.

Sec. 2. Not subject to garnishment.

No fund of the City or within the custody of the City or any of its officials in any official capacity shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

Sec. 3. Assignment of wages.

No assignment of wages or other compensation earned, or to be earned, by any employee of the City shall be valid and the City shall never be required to recognize any such assignment or to answer in any proceedings thereon.

Sec. 4. Claims against the City.

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

(B) The City of Garland shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his ~~or her~~ behalf, shall file a claim in writing with the City Manager or the City Secretary within six (6) months after said damage or injury has occurred. The written notice shall expressly state

~~stating specifically facts in sufficient detail so a determination can be made as to~~ when, where and how the injury or damage occurred and the amount of damage claimed.

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

Sec. 5. Not required to give bond.

It shall not be necessary in any action, suit or proceeding in which the City of Garland is party for any bond, undertaking or security to be executed in behalf of said City, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if bonds, undertaking or security had been given, and the City shall be liable as if such obligation had been duly given and executed.

Sec. 6. Disbursement of funds.

All checks, vouchers, warrants or orders drawn on the funds of the City shall be signed by the City Manager or City Secretary and countersigned by either the Mayor or Mayor Pro Tem.

Sec. 7. Continuation of present offices.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the

state shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter expired and discharged by the office, department or agency designated by the Council unless otherwise provided herein.

Sec. 8. Continuation of contracts.

All contracts entered into by the City, or for its benefit prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Any franchise heretofore granted by the City of Garland which has not expired by its own terms prior to the adoption of this Charter shall not be deemed to have been modified, canceled, extended or expanded in any manner by the adoption of this Charter.

Sec. 9. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 10. When general law applicable.

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

Sec. 11. Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except

to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

Sec. 12. Submission of Charter to electors.

~~The Charter Commission, in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Garland at an election to be held for that purpose on the 16th day of October, A.D., 1951. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Garland and after the returns have been canvassed, the same shall be declared adopted.~~

~~An official copy of the Charter shall be filed with the records of the City and the Mayor shall as soon as practicable certify to the Secretary of State an authenticated copy under the seal of the City, showing the approval by the qualified voters of such Charter.~~

~~In not less than thirty (30) days prior to such election the City Council shall cause the City Clerk to mail a copy of this Charter to each qualified voter of the City of Garland as appears from the Tax Collector's roll for the year ending January 31 preceeding said election.~~Repealed.

Sec. 13. City not estopped by acts, representations or omissions of its agents.

No act, representation or omission of the City, its employees, agents or officers shall work to estop the City from the enforcement of its laws or the carrying out of its public duties.

Sec. 14. Liability coverage for City officials.

The City shall provide liability coverage to all officials and officers in a minimum amount of five million dollars (\$5,000,000.00) to provide protection for any claim, judgment or litigation arising out of the official's or officer's active or

alleged error or misstatement of fact or omission or neglect or breach of duty, including misfeasance, malfeasance or nonfeasance, by the official or officer in the discharge of their duties with the City, individually or collectively, or any matter claimed against them solely by reason of their being or having been City officials or officers.

The following claims made against the official or officer are excluded:

(1) Based on acts of the official or officer not authorized by this Charter;

(2) Based upon or attributable to their gaining in fact any profit or advantage to which they were not legally entitled, including remuneration paid in violation of law as determined by the courts;

(3) Brought about or contributed to by fraud or dishonesty of an official or officer; however, notwithstanding the foregoing, the official or officer shall be protected under the terms of this section as to any claims upon which suit may be brought against them by reason of any alleged fraud or dishonesty on the part of any official or officer, unless a judgment or other final adjudication thereof adverse to such official or officer shall establish that acts of active or deliberate dishonesty or fraud committed by such official or officer was material to the cause of action so adjudicated;

(4) Any claim is insured by any valid policy or policies or which shall be deemed uninsurable under the law pursuant to which this section shall be construed;

(5) Claims for any damages arising from bodily injury, sickness, mental anguish, disease or death of any person or for damage to or destruction of any tangible property including loss of use thereof;

(6) Claims for false arrest, libel, slander, defamation of character, invasion of privacy, wrongful eviction, assault or battery;

(7) Any claim based upon or attributable to the rendering or failure to render any opinion, treatment, consultation or service if such opinion, treatment, consultation or service was rendered or failed to have been rendered when such official or officer was engaged in any activity for which they received compensation from

any source other than the City or were gratuitously engaged other than by specific direction of the City;

(8) Claims arising out of the discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste materials or other irritants, contaminations or pollutants into or upon land, the atmosphere or any watercourse or body of water, but this exclusion does not apply if such discharge, dispersal, release or escape is sudden and accidental;

(9) Any claims arising out of the official or officer acting in a fiduciary capacity or as trustee or in any similar capacity;

(10) Any claim against any attorney, architect, engineer or accountant while acting in the scope of his his or her professional duties;

(11) Any claim for any damages arising for inverse condemnation, adverse possession or dedication by adverse use of;

(12) Any claim arising out of the criminal conduct of the official or officer above the level of a Class C misdemeanor;

(13) Any claim for which the City is insured under a policy of insurance involving conduct by the official or officer that is excluded from coverage under the policy of insurance.

Sec. 15. Amendment of Charter.

This Charter may be amended as provided by the Constitution and laws of this State. Before submitting a proposed amendment to this Charter to the voters, the Council shall first convene a Charter Review Committee, composed of not less than nine (9) residents of the City, to make recommendations to the Council on any such amendment. The Council shall establish the Charter Review Committee no later than the ~~second~~ first regular meeting of the Council in the October preceding an election in the following May or in June preceding an election in the following November.

Sec. 16. Meritorious claims.

Subject to [Sec. 4](#), the City Council or their delegate shall have the power and authority to pay claims which it deems to be meritorious for unreimbursed or uninsured damages to real or personal property, suffered by a member of the public through no fault of their own, but which results from direct, positive, affirmative actions or physically doing of something that is contrary to established city policies or procedures by officers, agents, or employees of the city while engaged in the performance of a governmental function or through failure of city property to perform as reasonably expected; provided, however, that no claim may be settled, compromised and paid if such would be barred by applicable statutes of limitations. The City Council may not make or authorize payment in an amount more than \$10,000 per event.

No payment shall be made unless the claimant accepts the amount allowed as full compromise and settlement of all amounts claimed or to be claimed against the City, its officers, or employees, arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the city in any defense that it may have in any suit or action. Nothing contained herein shall be construed as creating a cause of action nor the giving of any right to institute or maintain any suit or action which would not otherwise exist or be cognizable under the law as a legal claim nor as in any manner waiving the City's immunity from suit, liability or both, as the case may be; and provided further that, this section may never be used to pay any claim arising immediately following or concerning claims arising out of floods, war, insurrection, riot, civil disorder or commotion.

Sec. 17. Special accounting for certain electric utility funds.

The City Council shall direct the establishment of a separate account to receive (i) funds resulting from a reduction in the City's funding requirements to Texas Municipal Power Agency or (ii) funds returned to the City by Texas Municipal Power Agency. Any such funds, and all accrued interest, shall only be used to reduce debt obligations of the City incurred in connection with providing electric energy to the City or to mitigate the City's future electric utility rate requirements.