

ORDINANCE NO. 632

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CALLING FOR AN ELECTION TO BE HELD ON APRIL 5, 1966 FOR THE PURPOSE OF CONSIDERING PROPOSED CHARTER AMENDMENTS, SAID DATE BEING THE DATE OF THE REGULAR MUNICIPAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY OF MESQUITE, DESIGNATING THE POLLING PLACES AND HOURS OF VOTING, PROVIDING THAT THE REGULAR MUNICIPAL ELECTION JUDGES SHALL SUPERVISE SAID ELECTION, AND MAKING THIS ORDINANCE NOTICE OF SAID ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That in accordance with the provisions of Article 1170 of Vernon's Revised Civil Statutes of the State of Texas proposed Home Rule Charter amendments shall be submitted to the voters of the City of Mesquite at the regular municipal election to be held in the City of Mesquite, Texas, on the 5th day of April, 1966, for the purpose of submitting to the qualified voters of the City amendments to the Home Rule Charter of the City of Mesquite, Texas.

SECTION 2. The said amendments to the Home Rule Charter to be submitted to the qualified voters are as follows:

Amendment No. 1

That Section 10(a) of Article IV of the Charter shall be amended so as to hereafter provide as follows:

"(a) In the event of a vacancy existing in the office of Mayor or Councilman from any cause whatsoever, the remaining members of the City Council shall by a majority vote thereof at a regular meeting elect a member or members to fill the vacancy or vacancies thus existing; and such member or members so elected by the City Council shall serve in such position until the next municipal election, at which time the candidate then elected shall serve for the remaining term of office or for the succeeding term of office. Where any member of the City Council shall be absent for three regular consecutive meetings of the Council, without first having obtained leave of absence at a regular meeting, the City Council may, by a majority vote of the entire Council, declare the office vacant and proceed to fill such vacancy in the same manner as other vacancies in said Council."

Amendment No. 2

That the Charter shall be amended by adding a new section to be known as Section 3 a of Article IV, which Section 3 a of Article IV shall provide as follows:

"Section 3 a. Holding Other Office

"If a member of the Council shall become a candidate for any place on the City Council other than the specific place he is then holding, he shall forfeit his place on the Council as of the date of the next regular municipal election. No person elected to the City Council shall, during the term for which he is elected to the Council, be appointed to any office, position, or employment in the service of the City, and no former member of the City Council shall hold any compensated, appointive city office or employment until one year after the expiration of the term for which he is elected to the City Council. If any member of the City Council shall become a candidate for election to any public office except for a place on the City Council or as Mayor, he shall immediately upon his becoming a candidate forfeit his place on the Council. If any member of a Board or Commission appointed by the City Council shall become a candidate for election to any public office he shall immediately upon his becoming a candidate forfeit his place as a member of such Board or Commission. Appointive officers or employees of the City who shall become a candidate for election to any public office shall immediately upon becoming a candidate forfeit the office or employment held with the City."

Amendment No. 3

That Article VIII of the Charter shall be amended by adding a Section 6 as follows:

"Section 6. Absence of the City Manager

"At the time of any temporary absence or disability, by letter filed with the City Secretary, the City Manager shall designate a qualified city administrative officer to exercise the power and perform the duties of Manager during his temporary absence or disability. In the event of the incapacity or failure of the City Manager to make such an appointment, it may be made by the governing body. During such absence or disability the Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return or his disability shall cease."

"During any vacancy in the office of City Manager, the governing body shall designate by letter filed with the City Secretary a qualified administrative officer of the City to serve as Acting City Manager during the existence of such vacancy."

Amendment No. 4

That Article IV of said Charter shall be amended by adding Section 34 as follows:

"Section 34. Personal Financial Interest

"No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, or to a contractor supplying the City, except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the City shall render the contract involved voidable by the City Manager or governing body.

"No member of the City Council shall be excused from voting except on matters where his financial interests are involved."

Amendment No. 5

That Section 2(a) of Article V of the Charter be amended so as to hereafter provide as follows:

"(a) The City Council shall have the power and it is hereby authorized and made its duty to levy, assess, and collect annually for general purposes authorized by laws and for the purpose of paying the interest and providing the sinking fund on the bonded indebtedness of the City of Mesquite now in existence or which may hereafter be created an ad valorem tax on real, personal or mixed property in such amounts and at such rates as shall be determined by the City Council subject to applicable limitations and prohibitions now or hereafter contained in the Constitution

of the State of Texas. If for any cause the City Council shall fail, neglect or refuse to pass a tax ordinance for any one year levying taxes for that year, then in that event the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the City Council failed, neglected or refused to pass such ordinance, and the failure so to pass such ordinance for any year shall in no wise invalidate the tax collections for that year."

Amendment No. 6

That Section 7 of Article IV of the Charter be amended so as to hereafter provide as follows:

"Section 7. Date of Election

"The regular municipal election for the City of Mesquite shall be held annually on the first Saturday in April, and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by the general election laws of the State of Texas, and said general election laws shall control all municipal elections as otherwise herein provided."

Amendment No. 7

That Section 5(b) of Article IV of the Charter be amended so as to hereafter provide as follows:

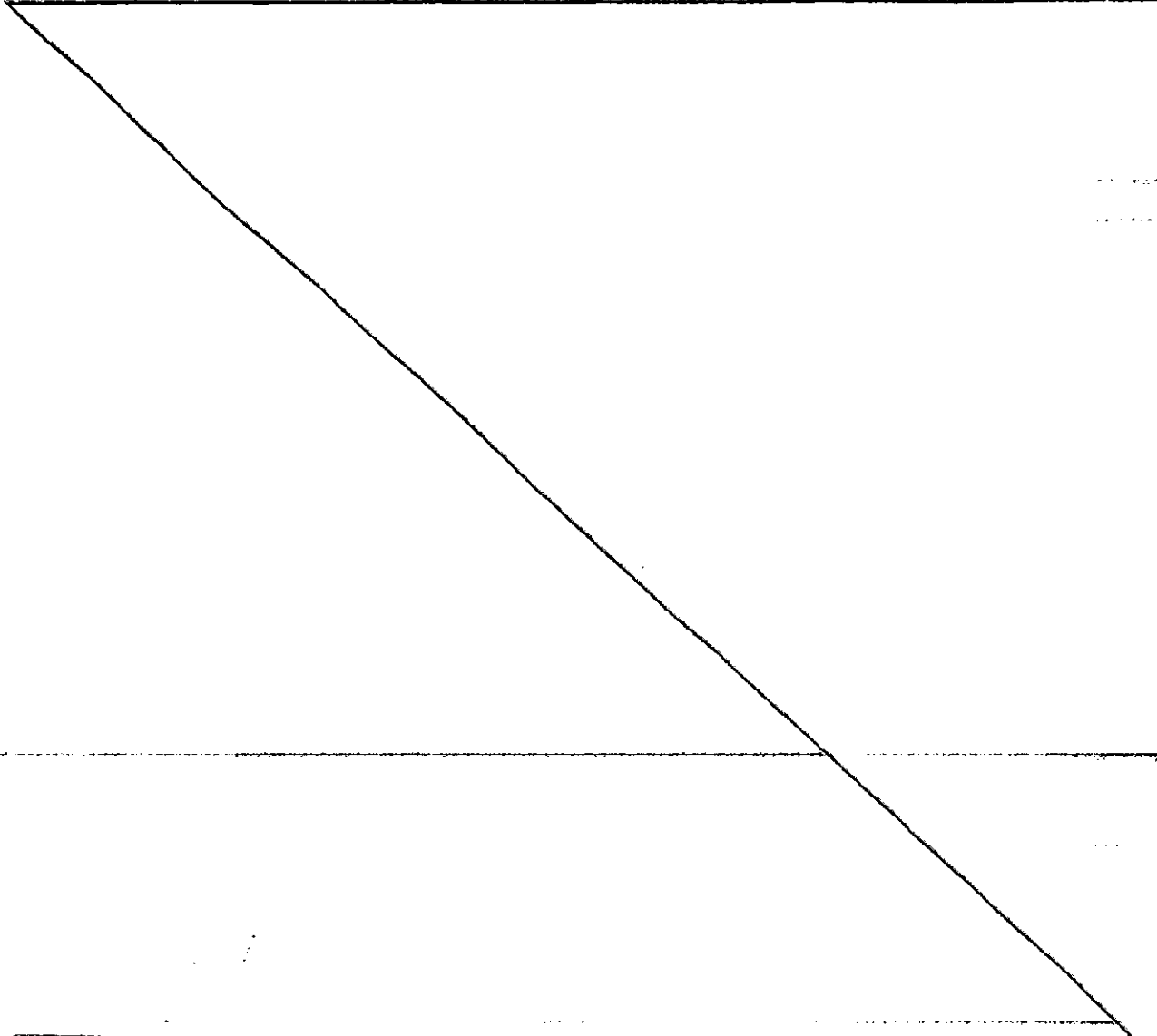
"(b) Should any candidate running for mayor or Councilman fail to receive a majority vote of all votes cast for that office in said election, then in that event it shall be the duty of the Mayor to order a second election for the candidate or candidates failing to receive a majority vote, said election to be held on the date two weeks from the date that the City Council has canvassed the returns and declared the results."

Amendment No. 8

That Sections 27(a) and 27(d) of Article IV be amended so as to hereafter provide as follows:

"(a) The Corporation Court shall be presided over by a judge, who shall be known as the City Judge.

“(d) There shall be a Clerk and deputy Clerk of said Court, which clerks shall be appointed by the City Manager. The City Manager may require such clerk or deputies to perform such other duties, in addition to the duties of clerk or deputy clerk, as may be prescribed, or may provide that some other employee or employees of the City, in addition to their duties, may perform the duties of such clerk or deputy clerk without extra compensation.”



Amendment No. 9

That Section 14 of Article IV of the Charter be amended by adding subsections c, d, e, and f as follows:

"(c) All powers of the City shall be vested in the Council except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

"(d) The City Council or any person or committee authorized by it may and shall have the power to make inquiry into the conduct of any City department or agency; to make investigations as to City affairs, and for that purpose may subpoena witnesses, administer oaths, take testimony, and require the production of books, papers, and other evidence material to said inquiry. The Council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers, and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

"(e) The City Council shall hold the City Manager responsible for the proper administration of all City affairs placed in his charge by or under this Charter but neither the City Council nor any Board or Committee created by it nor any member thereof shall:

(1) Interfere with appointments of subordinates of the City Manager. They shall not in any manner dictate the appointment or removal of any City administrative officer or employee whom the Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment or removal of such officers and employees.

(2) Interfere with administrative and executive duties of the City Manager. Except for the purpose of inquiries and investigations under Section 2, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager and neither the Council nor its members shall give orders to any such officer or employee either publicly or privately.

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"(f) 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 2/3 of its entire 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. The City Council, in judging the qualifications and forfeiture of office, shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with misconduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be publicized in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts."

Amendment No. 10

That Section 13 of Article IV of the Charter be amended so as to hereafter provide as follows:

"Section 13. Duties of Mayor

"The Mayor of the City of Mesquite shall preside at meetings of the Council, and shall be recognized as head of the City Government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. He shall perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed in pursuance hereof. He may participate in the discussion of all matters coming before the Council and shall be entitled to vote as a member thereof on all legislative and other matters, but shall have no veto power. He shall sign all contracts and conveyances made or entered into by the City, and all bonds issued under the provisions of this Charter. He shall be recognized as the official head of the City by the courts for the purpose of serving civil process. In time of danger or emergency, the Mayor may with the consent of the Council take command of the police and govern the City by proclamation and maintain order and enforce all laws."

Amendment No. 11

That a new Article IXA, Civil Service, be added to the Charter, said Article to provide as follows:

"Section 1. Personnel System

"Merit Principle. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated, as far as possible, by examination or other evidence of competence.

"Section 2. Personnel Board

"There shall be a Personnel Board consisting of three (3) members appointed by the Council for terms of three (3) years from among the qualified voters of the City. Members of the Board shall hold no other City office. All such members of the Board shall be of good moral character, resident citizens of the City of Mesquite, shall be more than twenty-five (25) years of age, and shall not have held any public office of the City of Mesquite within the preceding three years. Each member of the Board shall be known to be in sympathy with the application of merit principles to public employment, and shall neither hold nor be a candidate for any other public office or position.

"Section 3. Personnel Director

"There shall be a Personnel Director, who shall have had training and experience in personnel administration, appointed by the City Manager, and who shall administer the Personnel System for the City. The Personnel Director or such other person as may be provided by the City Council shall provide the necessary staff assistants for the Personnel Board.

"Section 4. Powers of Personnel Board

"The Personnel Board shall have the power and shall be required to:

(1) Perform the services hereinafter provided with respect to the Civil Service Rules.

(2) Perform such other duties with reference to Personnel Administration not inconsistent with this Charter, as the City Council may require.

7/11/53

"Section 5. Civil Service Establishment

"Classified Service. No officer, employee, member of a Board, or other person, who is to be appointed by the City Council under this Charter, and no department head, shall be included within the Classified Service of the City, but all other persons in the administrative services of the City shall be included therein unless specifically excluded therefrom by the ordinance providing for a system of Classified Services.

"Section 6. Civil Service Rules

"The Personnel Director shall prepare the Civil Service Rules and shall refer such proposed rules to the Personnel Board which shall make its recommendations thereon. The City Manager shall then present the Civil Service Rules to the City Council, and the Council may by ordinance adopt them with or without amendments.

"Section 7. Discharge of Employee

"Any officer or employee in the Classified Service may be removed, suspended, laid off or reduced in grade; but, if demanded by such officer or employee, it shall be the duty of the officer discharging him to furnish him with a written statement of the reasons therefor and the said discharged or reduced officer or employee shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the Trial Board.

"Section 8. Trial Board

"There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the City in the Classified Service, a Board to be known and designated as the Trial Board, which shall be composed of two members of the Governing Body of the City, selected by said Governing Body, and either the Chairman or Vice-Chairman of the Personnel Board. The said Board shall have final jurisdiction to hear and decide all appeals made to them by any discharged, suspended, or reduced officer or employee in the Classified Service, and the judgment or decision of a majority of said Board shall be final. Any aggrieved officer or employee,

who desires to avail himself of the right to appeal to said Board, must do so promptly and within ten (10) days from the date of his notification of dismissal or reduction. He may be represented by counsel and shall have the right to an open hearing and to compel the attendance of such witnesses as he may require to testify in his behalf. The appeal to said Board shall not suspend the execution of the order of dismissal or reduction pending said hearing. The Trial Board may either sustain or reverse the action of the City Manager or the head of the department, as the case may be, or modify and amend the same as to them may seem just and equitable under all the facts and circumstances of the particular case.

"Section 9. Compensation

"The salary or compensation of persons in the Classified Service shall be established by ordinance, which may provide minimum, maximum and intermediate steps as compensation for each class of service.

"Section 10. Status of Appointive Officers and Employees When this Charter Amendment Becomes Effective

"All appointive officers and employees in the service of the City, other than the officers and employees excepted from the Classified Civil Service, and having completed their probationary period, shall be subject in all respects to the Classified Civil Service provisions of this Charter Amendment and shall continue in their respective offices or employment without preliminary or probationary tests."

Amendment No. 12

That Article IV of the Charter be amended by adding a Section 4 c as follows:

"Section 4 c. Nominations

"Any person, having the qualifications required by this Charter, may be nominated for the Council by petition of at least fifty (50) and not more than seventy-five (75) qualified voters, who shall be designated as his sponsors. No voter shall sign more than one such petition for the same office or place, and should a voter do so, his signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of

the signer, giving the street and number or other description sufficient to identify it. Nominating petitions shall be signed and filed not earlier than ninety (90) days nor later than thirty (30) days before the election with the City Secretary. Nominations shall be accepted in writing by the nominees, and shall be acknowledged by such nominee before the City Secretary or other person authorized to administer oaths under the law of the State of Texas. The petition shall be in substantially the following form:

"We, the undersigned voters of the City of Mesquite, hereby nominate and sponsor _____, whose residence is _____, for the office of _____, place _____, to be voted for at the election to be held on the _____ day of _____, 19____; and we individually certify that we are qualified to vote for a candidate for the Council and that during the current election we have not signed any other nominating petition for that office.

Name	Street & No.	Address from which last registered (if different)	Date of Signing
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(SPACES FOR SIGNATURES AND REQUIRED DATA)

Acceptance of Nomination

"I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the City of Mesquite, a resident of the United States, and have been a resident of the City of Mesquite or an area now within the corporate limits of the City for at least one year. I am not in arrears in the payment of any taxes or other liability due the City. At the present time I reside at _____ Street in the City of Mesquite.

Signature of candidate _____
 Date and hour of filing _____
 Received by _____

(Signature of City Secretary) _____

"THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his free act and deed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 19____.

SECTION 3. The polling places for said election shall be located at Fire Station No. 1 and Fire Station No. 2, City of Mesquite, Texas, being the same polling places for the general municipal election held on the said date, and shall be open from 7:00 A.M. to 7:00 P.M. on the day of the election.

SECTION 4. That Leonard Burris be and he is hereby appointed Presiding Judge of the election at polling place No. 1, Fire Station No. 1; that Herbert Goodenough be and he is hereby appointed Presiding Judge of the election at polling place No. 2, Fire Station No. 2, and they shall appoint such other judges and clerks as may be necessary to assist them in the holding of said election.

SECTION 5. That the City Secretary is hereby ordered and directed to publish this ordinance in some newspaper of general circulation, published in the City of Mesquite, Texas, on the same day in each of two consecutive weeks. The date of the first publication shall not be less than fourteen (14) days prior to the date set for said election. That such publication shall constitute the notice of said election as the law in such cases provides.

SECTION 6. That the said Charter election shall be held in accordance with the Charter of the City of Mesquite and the Election Code of the State of Texas.

SECTION 7. The fact that it is necessary that this ordinance calling an election to consider amendments to the Home Rule Charter of the City of Mesquite must be passed at least thirty (30) days prior to the election creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance

shall take effect immediately from and after its passage,
as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite,
Texas, on the 3 day of March, 1966.

George B. ...
MAYOR

ATTEST:

Norm D. M. Laughlin
CITY SECRETARY

APPROVED AS TO FORM:

H. Louis ...
CITY ATTORNEY