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ORDINANCE NO. 1309

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DECLARING THE RESULTS OF THE CHARTER AMENDMENT ELECTION AND ADOPTING THOSE PROPOSITIONS RECEIVING A MAJORITY VOTE AS AMENDMENTS TO THE CITY CHARTER AND DECLARING AN EMERGENCY.

WHEREAS, by ordinance duly adopted by the City Council on February 2, 1976, an election was called for the purpose of submitting proposed amendments to the City Charter to the voters at the April 3, Municipal Election; and

WHEREAS, on April 3, 1976, the following propositions were voted upon by the qualified voters of the City of Mesquite.

AMENDMENT NO. 1

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

"(a) The city council shall have power, by ordinance, to fix the boundary limits of the City of Mesquite and to provide for the alteration and the extension of said boundary limits and the annexation of additional territory lying adjacent to the city, with or without the consent of the inhabitants of the territory annexed. Upon the annexation of any additional territory, however, the City of Mesquite must, within a reasonable time after such annexation, wherever reasonable and practicable make available sewer and water lines in designated streets and alleys of such territory so annexed. (Before an ordinance for annexation shall be considered the city council shall conduct a public hearing at which all interested parties may be heard at a time not more than twenty (20) nor less than ten (10) days prior to consideration of such ordinance. Notice of such public hearing shall be given as provided by State law, Article 970a, Vernon's Annotated Civil Statutes;) and upon final passage of any such ordinance in the original or amended form, 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 Mesquite and the property situated therein shall bear its prorata part of the taxes levied by the city and thereafter the inhabitants thereof shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the city."

AMENDMENT NO. II

That Section 3 of Article IV of the Charter shall be amended so as to hereafter provide as follows:

"No person shall be a candidate for the office of mayor or councilman unless he is a qualified voter of the City of Mesquite as of the time of filing of petition, and shall not serve as Mayor or Councilman unless he or she is a qualified voter of the City of Mesquite at the time of his or her election; and shall not be in arrears in the payment of any taxes or other liabilities due the city. The names of candidates for city councilmen and for mayor shall be placed on the official ballot upon the sworn application of the candidate filed with the city secretary not later than 5:00 P.M. of the last business day at least thirty days before an election, stating the office for which he is a candidate, and if for councilman, the place for which he is running, and stating that the candidate has resided in the City of Mesquite for at least one year next prior to the election and paying a filing fee of ten dollars, and thereupon the names of such candidates shall be printed upon the official ballot. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the city secretary."

AMENDMENT NO. III

That Section 4a of Article IV of the Charter shall be amended so as to hereafter provide as follows:

"The city shall, by ordinance, be divided into four districts known as District 1, District 2, District 3 and District 4. Commencing with the year 1977 and each 3rd year thereafter and at least 120 days prior to the General Municipal Election, the governing body shall review and where necessary and permissible, alter or change the boundaries of the existing Council Districts for the purpose of preserving and maintaining the equal apportionment of inhabitants in each such district."

AMENDMENT NO. IV.

That Section 4c of Article IV of the Charter shall be amended so as to hereafter provide as follows:

"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 and voter registration certificate number. Voters signing a petition for nomination shall be registered and eligible to vote in the City of Mesquite at the time of the signing of the petition and at the time of the filing of said petition. Nominating petitions shall be signed and filed not earlier than ninety (90) days nor later than 5:00 P.M. on the last business day 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 and 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 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____.

AMENDMENT NO. V

That the Charter shall be amended by adding a new section to be known as Section 9b of Article IV, which Section 9b of Article IV shall provide as follows:

"Section 9b. Terms of mayor and council members

Beginning with the Mesquite Municipal Election to be held on April 2, 1977, the terms of office of the mayor and council members elected on that date and thereafter shall be for a period of three years and shall serve until their successors have qualified."

AMENDMENT NO. VI

That Section 11 of Article IV of the Charter shall be amended so as to hereafter provide as follows:

"The mayor pro tem shall be selected from among the members of the council and shall perform all duties of the mayor in his absence or disability. The mayor pro tem shall serve for a term of one (1) year."

AMENDMENT NO. VII

"The mayor and council members shall receive a salary to be fixed by the city council but which shall not exceed the sum of:

\$200.00 per month for mayor.
\$100.00 per month for each council member."

AMENDMENT NO. VIII

That Section 34 of Article IV of the Charter shall be amended so as to hereafter provide as follows:

"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.

Provided, however, that city employees, excluding the city manager, the city secretary and the city purchasing agent, may purchase unclaimed and surplus items sold at city auction where the sale is advertised by publication as provided by law and the sale is by open competitive bidding.

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

AMENDMENT NO. IX

That the Charter shall be amended by adding a new section to be known as Section 8 of Article IX, which Section 8 of Article IX shall provide as follows:

"Section 8. Independence of City Boards and Commissions.

All appointed board and commissions of the City of Mesquite shall exercise their powers and duties as may be prescribed by this Charter, City Ordinance or State Statutes without interference by the City Council or individual members thereof, or the City Manager or other employees of the City and shall be independent bodies within the areas committed to such board or commission. No member of the City Council or City staff shall attempt to influence a member of a City board or commission in a decision committed to such board or commission other than through the established procedures of such board or commission for the presentation of issues and evidence before such board or commission."

AMENDMENT NO. X

That Section 8 of Article IX-A of the Charter shall be amended so as to hereafter provide as follows:

"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 as the Trial Board whose members shall be the members 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."

WHEREAS, the proposed amendments to the City Charter were placed on the ballot in substantially the following form:

YES AMENDMENT NO. I NO

Amendment to Article II, Section 2(a), conforming annexation procedures to State law.

YES AMENDMENT NO. II NO

Amendment to Article IV, Section 3, prescribing qualifications for candidates filing for election and establishing the filing deadline as 5:00 P.M. on the last business day of the filing period.

YES AMENDMENT NO. III NO

Amendment to Article IV, Section 4a, providing for review of City Council Districts every three years.

YES AMENDMENT NO. IV NO

Amendment to Article IV, Section 4c, prescribing procedures for the nomination of candidates for City Council and establishing the filing deadline as 5:00 P.M. on the last business day of the filing period.

YES AMENDMENT NO. V NO

Amendment to Article IV, adding Section 9b, providing three year terms for Mayor and Council members beginning with the 1977 election.

YES AMENDMENT NO. VI NO

Amendment to Article IV, Section 11, providing for a term of one year for the mayor pro tem.

YES AMENDMENT NO. VII NO

Amendment to Article IV, Section 12, providing for a maximum salary of \$200.00 per month for Mayor and \$100.00 per month for members of the City Council.

YES AMENDMENT NO. VIII NO

Amendment to Article IV, Section 34, allowing City employees other than the City Manager, City Secretary and Purchasing Agent to bid at City auctions where the sale is advertised by publication as provided by law.

YES AMENDMENT NO. IX NO

Amendment to Chapter IX providing for the independence of City Boards and Commissions.

YES AMENDMENT NO. X NO

Amendment to Article IX-A, Section 8, providing that the members of the Personnel Board shall serve as the Trial Board when an employee appeals an order discharging, suspending or reducing the grade of such employee.

and

WHEREAS, the City Council has canvassed the returns of said election as required by law and determined that the following votes were cast:

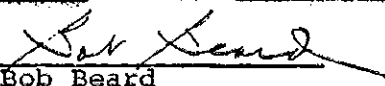
PROPOSITION	FOR	AGAINST
I	1,075	417
II	1,286	329
III	1,129	510
IV	1,231	363
V	751	920
VI	1,146	473
VII	814	882
VIII	886	745
IX	920	643
X	987	610

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

SECTION 1. That Proposition Numbers I, II, III, IV, VI, VIII, IX and X are hereby adopted as Amendments to the City Charter.

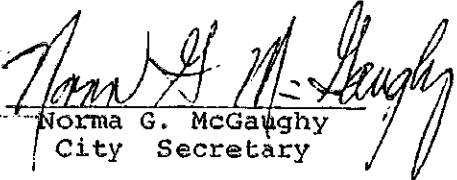
SECTION 2. The fact that the existing City Charter does not adequately express the will of the voters of the City creates an urgency and an emergency and requires that this ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of April, A.D., 1976.


Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

SECRET

