

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 18, 1985, an election was called for the purpose of submitting proposed amendments to the City Charter to the voters at the April 6, Municipal Election; and

WHEREAS, on April 6, 1985, the following propositions were voted upon by the qualified voters of the City of Mesquite.

AMENDMENT NO. 1

That Section 28 of Article III of the Charter shall be amended so as to hereafter provide as follows:

In addition to the powers hereinbefore specifically enumerated, the city council of the City of Mesquite shall have the power to license any lawful business, occupation or calling that is susceptible to the control of the police power; to license, regulate, control, or prohibit the erection of signs or billboards within the corporate limits of said city; to provide for a public library and the maintenance thereof; to provide for the regulation and control of electricians, plumbers and gas fitters and electrical and plumbing works, and to require efficiency in the same; to provide for the inspection of weights, measures and meters and fix a standard of such weights, measures and meters, and to require conformity to such standards and to provide penalties for failure to use or conform to the same; to provide for the issuance of permits for erecting all buildings, for the inspection of the construction of buildings in respect to proper wiring for electric lights and other electrical appliances, piping for gas, flues, chimneys, plumbing, and sewer connections; and to enforce proper regulations in regard thereto; to require the construction of fire escapes for all public buildings, and to determine the sufficiency and regulate the safety of all exits and fire escapes provided for public buildings, of every kind and character; to provide for license, permit and inspection fees; and to provide for the enforcement of all ordinances enacted by the city by a fine not to exceed one thousand dollars (\$1,000.00); provided, that no ordinance shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this state.

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AMENDMENT NO. 2

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, 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 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 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. 3

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 twenty-five (25) 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____.

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AMENDMENT NO. 4

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

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, unless another party is authorized by the city council, 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. 5

That Section 26 of Article IV of the Charter shall be amended so as to hereafter provide as follows:

The city finance director or such person acting in such capacity shall serve as city treasurer and shall be appointed by the city manager or person acting in such capacity. The residency requirements for city treasurer shall be the same but not greater than those for finance director or such person acting in such capacity. He shall sign all checks or vouchers given by said city and perform any other duties required by the general laws of the State of Texas.

AMENDMENT NO. 6

That Section 27 of Article IV of the Charter shall be amended so as to hereafter provide as follows:

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There is hereby created and established a court to be the corporation court of the City of Mesquite, which court shall have jurisdiction within the territorial limits of said city of all criminal cases arising under the ordinances of such city, and shall have concurrent jurisdiction with the justice of the peace of the precinct in which the city is or may be situated of all criminal cases arising under the criminal laws of the state, where the offense is committed within the territorial limits of said city and the punishment is by fine only and the maximum of said fine, under the laws of this state, may not exceed one thousand dollars (\$1,000.00) in all instances wherein such increase is permitted by State Law. Said court shall have no civil jurisdiction, except for the forfeiture and collection of bonds given in proceedings therein. It shall also have jurisdiction of violations of ordinances of the city enacted for the preservation of its water system, watersheds of the city's water supply and the purity of the water supply, its sewage disposal plant and its garbage dumping grounds, whether such offenses are committed inside or outside of the corporate limits of the City of Mesquite, and the commission of any nuisance within five thousand feet of the corporate limits of the city, outside of the city limits.

(a) The corporation court shall be presided over by a judge, who shall be known as the city judge.

(b) The judge of said corporation court, regardless of what his title may be, shall have power to punish for contempt to the same extent and under the same circumstances as the justice of the peace may punish for contempt of criminal cases.

(c) The judge of said court shall be a qualified voter of the city, shall be appointed by the city council, and shall hold his office at the pleasure of the city council.

(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.

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(e) The clerk of said court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by clerks of courts in issuing process of said courts and conducting the business thereof.

AMENDMENT NO. 7

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 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, or where otherwise prohibited by State law.

AMENDMENT NO. 8

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. However, the phrases "financially interested in any contract with the city" and "financially interested in the sale to the city of any land" shall not be deemed to

preclude donations to city of right-of-way, easements or other thing of value without payment or other consideration from city. 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. 9

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

The city manager, if one is appointed, shall see that the laws and ordinances of the city are enforced. He shall appoint all appointive officers, or employees of the city (such appointments to be made upon merit and fitness alone), and may at will remove any officers or employees appointed by him, except that the city judge, city attorney, city secretary and city health officer shall be appointed and removed from office by the city council. The city manager shall exercise control and supervision over all departments and offices that may be created by the council, and all officers and employees appointed by him. He shall attend all meetings of the council with the right to take part in the discussion, but having no vote. He shall recommend in writing to the council such measures as he may deem necessary or expedient. He shall keep the council fully advised as to the financial condition and needs of the city, and perform such other duties as may be prescribed by this Charter or which may be required of him by ordinance or resolution of the council.

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

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AMENDMENT NO. 1

FOR
AGAINST

Shall the City Charter, Article III, Section 28, be amended by providing for an increase in the maximum fine for violation of city ordinances from two hundred (\$200.00) dollars to one thousand (\$1,000.00) dollars.

AMENDMENT NO. 2

FOR
AGAINST

Shall the City Charter Article IV, Section 3, be amended by deleting the requirement of payment of a (\$10.00) dollar filing fee as a prerequisite to becoming a candidate for the position of Mayor or Council Member.

AMENDMENT NO. 3

FOR
AGAINST

Shall the City Charter, Article IV, Section 4c, be amended by reducing the number of signatures required on a petition to become a candidate for Mayor or Council Member from seventy-five (75) to twenty-five (25) as provided by State law.

AMENDMENT NO. 4

FOR
AGAINST

Shall the City Charter, Article IV, Section 13, be amended by providing that the Mayor shall sign all contracts and conveyances made or entered into the city "unless another party is authorized by the City Council."

AMENDMENT NO. 5

FOR
AGAINST

Shall the City Charter, Article IV, Section 26, be amended by providing that the City Finance Director or such person acting in such capacity shall serve as City Treasurer and shall be appointed by the City Manager or person acting in such capacity. The residency requirements for City Treasurer shall be the same but not greater than those for Finance Director or such person acting in such capacity.

AMENDMENT NO. 6

Shall the City Charter, Article IV, Section 27, be amended by providing for an increase in the maximum fine within the jurisdiction of the Municipal Court from Two Hundred (\$200.00) dollars to one thousand (\$1,000.00) dollars in all instances wherein such increase is permitted by State law.

AMENDMENT NO. 7

Shall the City Charter, Article IV, Section 34, be amended by providing that no member of the City Council may be excused from voting except on matters where his financial interests are involved "or where otherwise prohibited by State law."

AMENDMENT NO. 8

Shall the City Charter, Article IV, Section 34, be amended by providing that the phrases "financially interested in any contract with the City" and "financially interested in the sale to the City of any land" shall not be deemed to preclude donations to City of right-of-way, easements or other thing of value without payment or other consideration from City.

AMENDMENT NO. 9

Shall the City Charter, Article VIII, Section 3, be amended by providing for deletion of the position of City Treasurer and the addition of the position of City Health Officer as positions not subject to appointment or removal by the City Manager.

and

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

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<u>PROPOSITION</u>	<u>FOR</u>	<u>AGAINST</u>
I	1,560	1,863
II	1,253	2,060
III	1,297	2,106
IV	2,409	869
V	2,239	1,013
VI	1,615	1,641
VII	2,740	634
VIII	2,116	945
IX	1,981	1,190

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

SECTION 1. That Proposition Numbers IV, V, VII, VIII, IX 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 6th day of April, A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney