

## ORDINANCE NO. 2397

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS CALLING FOR AN ELECTION TO BE HELD ON APRIL 4, 1987 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MESQUITE FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF MESQUITE, DESIGNATING THE POLLING PLACES AND HOURS OF VOTING FOR SAID ELECTION, AND MAKING THIS ORDINANCE NOTICE OF SAID ELECTION.

NOW, THEREFORE, 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 Vernons Revised Civil Statutes of the State of Texas, proposed Home Rule Charter amendments to the existing Charter of the City of Mesquite shall be submitted to the voters of the City of Mesquite for adoption or rejection at the regular municipal election to be held in the City of Mesquite on the 4th day of April 1987.

SECTION 2. The following proposed amendments to the existing Charter of the City of Mesquite shall be submitted to the qualified voters of Mesquite for adoption or rejection:

1. Amend Article III, Section 28 of the Charter of the City of Mesquite so that the portion of said section referring to a fine for enforcement of City Ordinances shall read as follows:

"... and to provide for the enforcement of all ordinances enacted by the City by a fine not to exceed one thousand (\$1,000.00) dollars; ..."

2. Amend Article IV, Section 27 of the Charter of the City of Mesquite so that the portion referring to a fine for an offense punishable by fine only shall read as follows:

"... and the punishment is by fine only and the maximum of said fine, under the laws of this state, may not exceed one thousand (\$1,000.00) dollars. ..."

3. Amend Article IV, Section 3 of the Charter of the City of Mesquite by deleting the following language:

"... and paying a filing fee of ten (\$10.00) dollars ..."

and amend Article IV, Section 3 by changing that portion which reads:

"... filed with the City Secretary not later than 5:00 p.m. of the last business day at least thirty (30) days before an election, ..."

to read as follows:

"... filed in the office of the city secretary at such time as to comply with the filing requirements of the election laws of the State of Texas as they currently exist or are hereafter amended, ..."

4. Amend Article IV, Section 4c of the Charter of the City of Mesquite by changing the section to read as follows:

"Any person having the qualifications required by this Charter may be nominated for the council by a petition signed by twenty five (25) qualified voters or such number as may be prescribed by State law. No voter shall sign more than one 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. The nominating petition shall be filed in the office of the city secretary at such time as to comply with the election laws of the State of Texas as they currently exist or are hereafter amended and the form of the nominating petition filed by a candidate for mayor or council shall conform to the requirements prescribed by State law for such nominating petitions."

5. Amend Article IV, Section 5(b) of the Charter of the City of Mesquite so that the portion referring to the date for a second election, should no candidate receive a majority vote, shall read as follows:

"... said election to be held on the third (3rd) Saturday following the date that the city council has canvassed the returns and declared the results."

6. Amend Article IV, Section 6 of the Charter of the City of Mesquite so that the portion referring to when the return is to be canvassed shall read as follows:

"The return is to be canvassed and the results declared on the first Monday following the election."

7. Amend Article IV, Section 14(b) of the Charter of the City of Mesquite to read as follows:

"The compensation of all appointive officers and employees shall be fixed by the city council, which may increase or diminish such compensation at will. The city council may dispense with the service of any appointive employee at any time upon a majority vote of the members of the city council."

8. Amend Article IV, Section 33 of the Charter of the City of Mesquite to read as follows:

"The city manager shall have prepared on or before the 15th day of August in each year a budget to cover all proposed expenditures of the city for the succeeding fiscal year which begins on

October 1, and ends on September 30 of each calendar year. The budget shall be prepared in conformity with the laws of the State of Texas. No public money shall ever be spent or appropriated, except in case of an emergency or public calamity, unless funds are currently in the possession of the city to cover said expenditures or appropriation. No expenditure shall ever be made by the city except upon check drawn upon the account, for which a previous appropriation shall have been made, signed by the city treasurer and counter signed by the city manager or mayor."

9. Amend Article V of the Charter of the City of Mesquite by deleting Section 9. Board of equalization.

10. Amend Article IX, Section 1 of the Charter of the City of Mesquite to read as follows:

"A 'qualified voter' within the meaning of the terms of this Charter, is one who possesses the qualifications required for voters by the election laws of the State of Texas as they currently exist or are hereafter amended."

SECTION 3. The said proposed amendments to the Home Rule Charter to be submitted to the qualified voters shall be placed on the ballot in substantially the following form:

1. Shall the City Charter Article III, Section 28 be amended by providing the minimum fine of One (\$1.00) dollar and maximum fine of Two Hundred (\$200.00) dollars for violation of City Ordinances be changed to a minimum fine of One (\$1.00) dollar and a maximum fine of One Thousand (\$1,000.00) dollars for a violation of City Ordinances?

Yes  
No

2. 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 by providing the minimum fine of One (\$1.00) dollar and a maximum fine of Two Hundred (\$200.00) dollars be changed to a minimum fine of One (\$1.00) dollar and a maximum fine of One Thousand (\$1,000.00) dollars in all instances where such increase is permitted by state law?

Yes  
No

3. Shall the City Charter Article IV, Section 3 be amended by deleting, as required by State law, the requirement of a ten (\$10.00) dollar filing fee as a prerequisite to becoming a candidate for mayor or council member?

Yes  
No

4. Shall the City Charter Article IV, Section 3 be amended by changing the requirement of filing for mayor or council member from the last business day at least thirty (30) days before an election to require filing at such time so as to comply with the filing requirements of the State election laws?

Yes  
No

5. Shall the City Charter Article IV, Section 4c be amended by changing the requirement of filing for mayor or council member from not earlier than 90 days nor later than the last business day 30 days before an election to require filing at such time so as to comply with the filing requirements of State election laws?

Yes  
No

6. Shall the City Charter Article IV, Section 4c be amended by changing 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) or such number as may be prescribed by state law?

Yes  
No

7. Shall the City Charter Article IV, Section 4c be amended by changing the form of the nominating petition filed by a candidate for mayor or city council member to conform to the requirements prescribed by state law?

Yes  
No

8. Shall the City Charter Article IV, Section 5(b) be amended to provide for the date for run-off elections to be changed from two (2) weeks from the date the votes from a regular or special election are canvassed to the third (3rd) Saturday from the date the votes are canvassed?

Yes  
No

9. Shall the City Charter Article IV, Section 6 be amended to change the date of election return canvassing from within two days after the election to the first Monday following the election?

Yes  
No

10. Shall the City Charter Article IV, Section 14(b) be changed to clarify the employees whose service may be dispensed with by majority vote of the city council are only those employees who are directly appointed by the city council?

Yes  
No

11. Shall the City Charter Article IV, Section 33 be amended by changing the language designating the date for preparation of the budget from the 1st day of January or as soon thereafter as possible to on or before the 15th day of August in each year for the succeeding fiscal year which begins on October 1st and ends on September 30th of each calendar year and change the responsibility for the preparation of the budget from the city council to the city manager?

Yes  
No

12. Shall the City Charter Article V, Section 9 which created a Board of equalization be deleted?

Yes  
No

13. Shall the City Charter Article IX, Section 1 be amended to define a qualified voter as one who possesses the qualifications required for voters by the election laws of the State of Texas as they currently exist or are hereafter amended?

Yes  
No

SECTION 4. That the texts of the forgoing Articles and Sections shall be conformed to reflect the above changes upon adoption hereof by a majority of the electorate voting hereon.

SECTION 5. Voting shall take place at Polling Place No. 1, being located at the Mesquite High School, 300 East Davis; Polling Place No. 2, being located at the Galloway Elementary School, 2329 Candleberry; Polling Place No. 3, being located at Wilkinson Middle School, 2100 Crest Park Street; Polling Place No. 4, being located at Tosch Elementary School, 2424 Larchmont Drive; Polling Place No. 5, being located at Florence Park Community Center, 2501 Whitson Way; and Polling Place No. 6, being located at Beasley Elementary School, 919 Green Canyon. The polls shall be open from 7:00 a.m. to 7:00 p.m.

- Precinct Nos. 2268, 2269 & 3373 - Polling Place No. 1
- Precinct No. 2267 - Polling Place No. 2
- Precinct Nos. 2248, 2249 & 2288 - Polling Place No. 3

Precinct Nos. 2247, 2258, 2259 & - Polling Place No. 4  
2291  
Precinct Nos. 2234, 2235, 2300 & - Polling Place No. 5  
2282  
Precinct Nos. 2284, 2294, 2303 & - Polling Place No. 6  
2316

None but legally qualified voters of the City of Mesquite shall be entitled to vote at said election. All persons who have resided in the City of Mesquite for not less than 30 days immediately preceding the election and who are otherwise legally qualified to vote under the laws of the State of Texas are authorized to vote at said election.

SECTION 6. Absentee voting shall be conducted by two methods:

1) Voting by personal appearance at the Mesquite City Hall, City Secretary's Office, 711 N. Galloway, Mesquite, Texas 75149, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.. The period for voting absentee by personal appearance shall begin at 8:00 a.m. on March 16, 1987, and end at 5:00 p.m. on March 31, 1987.

2) Voting by mail. Applications for voting by mail should be mailed to:

City Secretary  
P. O. Box 137  
Mesquite, TX 75149

Applications for voting by mail must be received no later than the close of business 5:00 p.m. on March 27, 1987.

SECTION 7. 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 8. 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 after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 16th day of February, A.D., 1987.

*Mrs. Brunhilde Nystrom*  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST

APPROVED AS TO FORM:

*Lynn Bruzel*  
Lynn Bruzel  
City Secretary

*Elizabeth A. Lundy*  
Elizabeth A. Lundy  
City Secretary