

ORDINANCE NO. 2419

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
DECLARING THE RESULTS OF THE APRIL 4, 1987
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 16, 1987, an election was called for the purpose of submitting proposed amendments to the City Charter to the voters at the April 4, 1987 Municipal Election; and

WHEREAS, on April 4, 1987, 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.

AMENDMENT NO. 2

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

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 (5,000) 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.

(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. 3

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 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. 4

That Section 3 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 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, 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 (\$10.00), 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. 5

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. 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.

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. 6

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 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 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. 7

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 voters 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 nominating petition filed by a candidate for mayor or council shall conform to the requirements prescribed by the State Law for such nominating petitions.

AMENDMENT NO. 8

That Section 5(b) of Article IV of the Charter shall 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 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 third (3rd) Saturday following the date that the city council has canvassed the returns and declared the results.

AMENDMENT NO. 9

That Section 6 of Article IV of the Charter shall be amended so as to hereafter provide as follows:

The city council shall be judge of the election and qualification of its own members and of the mayor, subject to review of the courts in case of contest. The city council shall, as soon as practicable after a regular or special election, either at a call meeting called for that purpose or at the next regular meeting of said council, canvass the return and declare the results of such election. The return is to be canvassed and the results declared on the first Monday following the election. All officers elected at an election shall take office as soon as practicable following such election.

AMENDMENT NO. 10

That Section 14(b) of Article IV of the Charter shall be amended so as to hereafter provide as follows:

(b) 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.

AMENDMENT NO. 11

That Section 33 of Article IV of the Charter shall be amended so as to hereafter provide 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.

AMENDMENT NO. 12

That Section 9 of Article V of the Charter, which created a Board of equalization, shall be deleted from the Charter.

AMENDMENT NO. 13

That Section 1 of Article IX of the Charter shall be amended so as to hereafter provide 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.

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

1. Shall the City Charter Article II, 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?

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

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

<u>PROPOSITION</u>	<u>FOR</u>	<u>AGAINST</u>
1	2,196	2,318
2	2,190	2,210
3	2,279	2,148
4	3,128	1,204
5	2,962	1,264
6	2,129	2,206
7	3,046	1,171
8	2,682	1,495
9	2,526	1,612
10	2,914	1,294
11	2,525	1,471
12	2,125	1,858
13	3,264	937

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

SECTION 1. That Proposition Numbers 3,4,5,7,8,9,10,11,12,13 are hereby adopted as amendments to the City Charter.

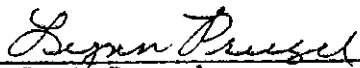
SECTION 2. The fact that the existing Charter of the City of Mesquite does not adequately express the will of the voters of the City creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

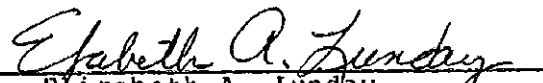
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of April, A.D., 1987.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney