

RESOLUTION NO. 23-60

WHEREAS, the City Council of the City of Mesquite, Texas deems it advisable at this time to submit to the qualified voters of the City of Mesquite certain amendments to the existing Home Rule Charter of the City of Mesquite; and

WHEREAS, under the provisions of Article 1171 of the Revised Civil Statutes of Texas, the City of Mesquite is required to pass this resolution of intention to call an election to amend the Home Rule Charter of the City of Mesquite at least 20 days prior to the passage of an ordinance calling such an election. NOW, THEREFORE,

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

SECTION 1. It is the intention of the City Council of the City of Mesquite, Texas, to pass an ordinance on the 2nd day of November, 1960, for the purpose of submitting to the qualified voters of the City of Mesquite at an election to be held for that purpose the following amendments to the Home Rule Charter of the City of Mesquite:

Amendment No. 1

That Article IV, Section, of the Charter shall read as follows:

"Section 1 - Governing Body.

"The governing and lawmaking body of the City of Mesquite shall consist of six (6) Councilmen and the Mayor, and said body shall be known as the 'City Council of the City of Mesquite'."

That Article IV, Section 2, of the Charter shall read as follows:

"Section 2 - Elective Officers.

"The members of the City Council of the City of Mesquite, which includes the six Councilmen and the Mayor, shall be the only elective officers of the City, and they shall be elected and hold office and be compensated as herein provided. Said Councilmen and Mayor shall be elected from the City at large."

That Article IV, Section 4, of the Charter shall read as follows:

"Section 4 - Candidates: To Run for Places.

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"Candidates for the City Council shall run for Place No. 1, Place No. 2, Place No. 3, Place No. 4, Place No. 5 and Place No. 6, or for Mayor, as the case may be, and shall be voted on and elected accordingly by the majority votes of the qualified voters of the City at large."

That Article IV, Section 17, of the Charter shall read as follows:

"Section 17 - Legislative Procedure.

"A majority of the City Council shall constitute a quorum to do business, and the affirmative vote of at least four of those attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution. All meetings of the City Council shall be public, and minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by the 'ayes' and 'nays' and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of City Secretary."

The Charter shall be amended by adding to Article IV an additional Section known as Section 4(a), which section shall read as follows:

"(a) The City shall, by ordinance, be divided into four (4) districts, known as District No. 1, District No. 2, District No. 3, and District No. 4. On or before One Hundred Twenty (120) days before any Council election held hereafter, the Governing Body shall, by ordinance, divide the City into four (4) districts equally apportioned as to inhabitants, and periodically thereafter, as the necessity shall arise, and at least one hundred twenty (120)

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days before any Council election, the Governing Body shall where necessary, by ordinance, alter or change the boundaries of such districts for the purpose of preserving and maintaining the equal apportionment of inhabitants in each such district."

There shall be added to Article IV an addition section, known as Section 4(b), which shall read as follows:

"(b) No person shall be eligible as a candidate for Member of the Council in Place No. 1, Place No. 2, Place No. 3 or Place No. 4, unless he has been, for a period of one hundred twenty (120) days prior to any Council election, and is at the time of such election a bona fide resident of District No. 1, District No. 2, District No. 3 or District No. 4, respectively.

"A candidate for Place No. 5, Place No. 6, or for Mayor may reside in any portion of the City."

That Article IV, Section 10, of the Charter be amended to read as follows:

"Section 10 - Vacancies.

"(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 therefor, 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 for the remainder of the unexpired term thereof.

"(b) Should any Councilman elected to Place No. 1, Place No. 2, Place No. 3 or Place No. 4 move from the boundaries of such District during the term of office for which such Councilman was elected, such removal shall create a vacancy of that place on the Council.

"(c) When the office of Mayor or Councilman shall be for a term exceeding two years, all vacancies of office shall be filled by a

majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occur.

"(d) Any member or members so elected by the Council to fill vacancy or vacancies existing in Place No. 1, Place No. 2, Place No. 3 or Place No. 4 must fulfill all of the residency requirements provided for in this Charter."

Amendment No. 2

That Article IV, Section 9, of the Charter shall be amended to read as follows:

"Section 9 - Term of Office.

"The term of office of Mayor and Councilman shall be for a period of four (4) years."

Amendment No. 3

The Charter shall be amended by adding to Article IV an additional section to be known as Section 9(a), which section shall read as follows:

"(a) Prior to the next general municipal election, the City Council shall, by ordinance, provide for staggered terms of office of Mayor and Councilmen and shall determine which Places shall serve for the short term and which Places shall serve for the long term."

Amendment No. 4

That Article IV, Section 18, of the Charter be amended to read as follows:

"Section 18 - Ordinances, Enactment of.

"Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. All

ordinances, resolutions or orders may be passed at any regular meeting, or may be passed at any special or called meeting, called for that purpose."

Amendment No. 5

That Article V, Section 2, of the Charter be amended to read as follows:

"Section 2 - Tax Levies.

"(a) The City Council shall have the power and it is hereby authorized and made its duty to levy annually for general purposes and for the purpose of paying 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 all real, personal or mixed property within the territorial limits of said City, and upon all franchises granted by the City to any individual or corporation not to exceed the constitutional limitation of Two Dollars and Fifty Cents (\$2.50) on the One Hundred Dollars (\$100.00) assessed valuation of said property. 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 and 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."

SECTION 2. A copy of this resolution shall be published in the official newspaper of the City of Mesquite, Texas, as notice of the intention of the City Council to pass an ordinance calling an election for the submission of said amendments to the Charter of the City of Mesquite, and that such notice shall be published in the official newspaper of the City of Mesquite for not less than twenty (20) days prior to the date on which the proposed ordinance is to be passed by the City Council. The publication of this resolution shall constitute due notice as required by the Statutes of the State of Texas.

ADOPTED AND APPROVED this 10th day of October, 1960.

ATTEST:

James Fontenot
James Fontenot, Mayor

Norma G. McGaughey
Norma G. McGaughey, City Secretary

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