

RESOLUTION NO. 33-60

CANVASS OF RETURNS AND DECLARATION OF THE RESULTS OF AN ELECTION HELD IN THE CITY OF MESQUITE ON DECEMBER 3, 1960 TO ADOPT AMENDMENTS TO THE HOME RULE CHARTER.

BE IT REMEMBERED that on this the 5th day of December, 1960, at a meeting of the City Council of the City of Mesquite, Texas, a quorum being present, the meeting was called to order and the following business was transacted:

Upon motion of Councilman McGlathlin and seconded by Councilman Morris it was unanimously ordered that the City Council consider the official returns of a special election held in said City on the 3rd day of December, 1960 to adopt certain amendments to the Home Rule Charter of said City.

Whereupon, said official returns were opened, examined, canvassed and the result declared as follows:

CANVASS OF RETURN AND DECLARATION  
OF RESULT

WHEREAS, heretofore on the 10th day of October, the City Council passed a resolution of intention to pass an ordinance on the 2nd day of November, 1960, calling a special election for the purpose of amending the Home Rule Charter of the City of Mesquite, Texas, which resolution is recorded in Volume 1, page 43, of the Resolution Book of the City Council and is hereby referred to and made a part hereof; and

WHEREAS, said resolution was duly published in the official newspaper of the City twenty (20) days prior to the adoption of the ordinance calling the special election; and

WHEREAS, on the 2nd day of November, 1960, the City Council passed an ordinance calling a special election on the 3rd day of December, 1960, to adopt certain amendments to the Home Rule Charter of said City, which ordinance is recorded in Volume 4, page 130, of the Ordinance Book of the City Council and is hereby referred to and made a part hereof; and

WHEREAS, said ordinance was duly published in the official publication of the City and copies of the proposed amendments were mailed to each qualified voter of the City as appears from the Tax Collector's rolls for the year ending January 1, 1960, thirty (30) days prior to the date of said election; and

WHEREAS, immediately after said election the presiding judges and other officers holding said election made their return of the results thereof to the City Council as follows, to-wit:

Said returns being duly made according to law and duly authenticated, and it being shown that the notices and ordinances of said election were duly published for the time and in the manner provided by law and that copies of the proposed amendments were mailed to each qualified voter taxpayer thirty (30) days prior to the date of said election and all other proceedings pertaining to said election having been shown to have been done and performed at and within the time and in the manner provided by law and all papers pertaining thereto have been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, after examining said returns and opening and canvassing the votes cast at said election that the result of said election was as follows:

That the following number of votes were cast for the following amendments to the Home Rule Charter of the City of Mesquite, to-wit:

AMENDMENT NO. 1  
NUMBER OF VOTES

Yes 347 No 233

Amendment No. 1

That ARTICLE IV, Section 1, 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.

"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) 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 additional 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 as follows:

"(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  
NUMBER OF VOTES

Yes 183 No 402

Amendment No. 2

That the 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."

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AMENDMENT NO. 3  
NUMBER OF VOTES

Yes 293 No 279

Amendment No. 3

That 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  
NUMBER OF VOTES

Yes 254 No. 338

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  
NUMBER OF VOTES

Yes 258 No 341

Amendment No. 5

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

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"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."

It appearing that Amendments No. 1 and No. 3 have received a majority of the votes cast, it is therefore ORDERED and they are hereby adopted as amendments to and made a part of the Home Rule Charter of the City of Mesquite, Texas.

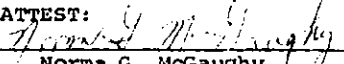
It is further ORDERED that this canvass and the declaration of the results of said election shall be entered in the Minutes of the City Council of the City of Mesquite, Texas.

It is further ORDERED that this Resolution declaring the results of the special election held on the 3rd day of December, 1960 shall become effective immediately after its passage and further that the Mayor is hereby authorized to mail to the Secretary of State of the State of Texas a certified copy of this resolution in accordance with the provisions of Article 1173 of the Revised Civil Statutes of Texas.

APPROVED AND ADOPTED by the City Council of the City of Mesquite, Texas, on this the 5th day of December, 1960.

  
James Fontenot, Mayor

ATTEST:

  
Norma G. McGaughey  
City Secretary