

RESOLUTION NO. 28-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 5, 2018, GENERAL ELECTION FOR THE PURPOSE OF ELECTING CITY COUNCILMEMBERS FOR PLACES 3, 4 AND 5 AS WELL AS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 5, 2018, SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY, FOR ADOPTION OR REJECTION, CERTAIN PROPOSED AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY OF MESQUITE, TEXAS; ENTERING AN ORDER IN THE RECORDS OF THE CITY OF MESQUITE THAT EIGHT (8) CHARTER AMENDMENTS HAVE PASSED BY MAJORITY VOTE; ENTERING AN ORDER IN THE CITY'S RECORDS DECLARING THAT THE EIGHT (8) CHARTER AMENDMENTS ARE ADOPTED; PROVIDING FOR CERTIFICATION OF AUTHENTICATED COPIES OF THE CHARTER AMENDMENTS TO THE SECRETARY OF STATE; AND DIRECTING THE CITY SECRETARY TO PROPERLY RECORD THE CHARTER AMENDMENTS IN THE CITY'S RECORDS; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, on May 5, 2018, the City of Mesquite, Texas ("City"), held a General Election for the purpose of electing Councilmembers for Places 3, 4 and 5 (the "General Election"); and

WHEREAS, on May 5, 2018, the City held a Special Election (the "Special Election") for the purpose of considering certain proposed amendments to the home rule charter of the City (the "Mesquite City Charter"); and

WHEREAS, the names of the candidates for the Office of Councilmember for Places 3, 4 and 5, and the propositions setting forth proposed amendments to the Mesquite City Charter, all as more fully set forth below, were lawfully submitted to the qualified voters of the City; and

WHEREAS, the notice of the General Election and the Special Election were duly given in the form, manner and time required by law, and said elections were in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such elections; and

WHEREAS, the City Council of the City of Mesquite, Texas (the "City Council"), has convened on this the 15th day of May, 2018, at 7:00 p.m. for the purpose of canvassing the returns of the General Election and Special Election held on May 5, 2018; and

WHEREAS, pursuant to law, election officials for the General Election and the Special Election have made their returns to the City Council in the time and manner provided by law.

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

SECTION 1. That the findings and recitations set out in the preamble to this resolution are found to be true and correct and they are hereby adopted by the City Council and made a part of this resolution for all purposes.

SECTION 2. That the City Council, after canvassing the returns of the General Election and Special Election, hereby finds and determines: (i) that the General Election and the Special Election were duly ordered; (ii) that notice of said General Election and Special Election were given in accordance with law; (iii) that returns of the General Election and Special Election have been lawfully made and delivered by the proper officials; and (iv) that said General Election and Special Election were held in accordance with law.

SECTION 3. That the City Council, having canvassed the returns of the General Election, has determined that the total number of votes cast in the General Election held May 5, 2018, was **4,564**, that the following persons are all of the candidates for the Office of Councilmember for Places 3, 4 and 5, that each received the number of votes listed below beside the candidates' names, respectively, and the results of the General Election are hereby declared to be as follows:

Number of votes cast for the Office of Councilmember, Place 3:

<u>NAME</u>	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
Bruce Archer	3,502	100.00%

Number of votes cast for the Office of Councilmember, Place 4:

<u>NAME</u>	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
Shannon Long	1,946	45.58%
Daniel Aleman, Jr.	2,323	54.42%

Number of votes cast for the Office of Councilmember, Place 5:

<u>NAME</u>	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
Janice Bell	1,674	38.98%
Greg Noschese	2,620	61.02%

(a) Bruce Archer, being unopposed for the Office of Councilmember, Place 3, received one hundred percent (100%) of the votes cast for the Office of Councilmember, Place 3; therefore, Bruce Archer is hereby declared to be duly elected to said office to serve after qualifying for a term of one and one-half (1.5) years, commencing May 15, 2018, or until a successor shall have been elected and shall have qualified;

(b) Daniel Aleman, Jr. received a majority of votes cast for the Office of Councilmember, Place 4; therefore, Daniel Aleman, Jr. is hereby declared to be duly elected to said office to serve after qualifying for a term of one and one-half (1.5) years, commencing May 15, 2018, or until a successor shall have been elected and shall have qualified; and

(c) Greg Noschese received a majority of votes cast for the Office of Councilmember, Place 5; therefore, Greg Noschese is hereby declared to be duly elected to said office to serve after qualifying for a term of one and one-half (1.5) years, commencing May 15, 2018, or until a successor shall have been elected and shall have qualified.

SECTION 4. That the City Council, having canvassed the returns of the Special Election, has determined that the following numbers of votes were cast “FOR” and “AGAINST” the propositions as set forth below by qualified voters of the City and that the results of the Special Election held May 5, 2018, are hereby declared to be as follows:

CITY OF MESQUITE PROPOSITION A

Establishing a Maximum Number of Terms for City Councilmembers and the Mayor

Shall Section 9 of Article IV of the Mesquite City Charter be amended to provide that: no person may serve more than four (4) consecutive two-year terms as a city councilmember without a two-year break in service; no person may serve more than four (4) consecutive two-year terms as mayor without a two-year break in service; no person may serve more than four (4) consecutive two-year terms as a city councilmember and four (4) consecutive two-year terms as mayor, for a total of eight (8) consecutive two-year terms combined, without a two-year break in service; a term includes any period of service during a term; and term limits are to be applied retroactively?

Number of votes cast regarding Proposition A:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,840	86.90%
AGAINST:	579	13.10%

CITY OF MESQUITE PROPOSITION B

City Council Structure

Shall Sections 2, 4, 4a, 4b, 5 and 10 of Article IV of the Mesquite City Charter be amended and a new Section 9b of that article be added to provide for the composition of the city council to consist of seven (7) members, with six (6) members elected by qualified voters of particular districts and one member as mayor elected by all qualified voters of the city; to create six (6) single member districts, of substantially equal total population; to provide for the review of the council district boundaries each ten years as census data is available; to provide residency requirements for city council candidates; and to provide implementation and transitional provisions?

Number of votes cast regarding Proposition B:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,322	76.47%
AGAINST:	1,022	23.53%

CITY OF MESQUITE PROPOSITION C

Date of City Council Election

Shall Sections 7 and 9a of Article IV of the Mesquite City Charter be amended and a new Section 9b be added to that article to: require the regular municipal election to be held on the uniform election date, as provided by the general election laws of the State of Texas, in the month of November of odd-numbered years; to eliminate the staggering of city council terms; and to provide implementation and transitional provisions?

Number of votes cast regarding Proposition C:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,463	79.74%
AGAINST:	880	20.26%

CITY OF MESQUITE PROPOSITION D

Minimum Staffing Level in Police Department

Shall Section 24a of Article III of the Mesquite City Charter be amended to increase the minimum staffing level in the police department from a minimum of one and five tenths (1.5) full-time, sworn police officers per every 1,000 population to a minimum of one and six tenths (1.6)?

Number of votes cast regarding Proposition D:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,809	86.16%
AGAINST:	612	13.84%

CITY OF MESQUITE PROPOSITION E

Establishing a City Attorney's Office

Shall Article IV of the Mesquite City Charter be amended to add a Section 35 to provide for the establishment of the office of the city attorney and assistants to the city attorney, as needed and budgeted by the city council, and amending Section 3 of Article VIII of the Mesquite City Charter to clarify that the city attorney shall exercise control over the City Attorney's Office?

Number of votes cast regarding Proposition E:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,429	80.04%
AGAINST:	855	19.96%

CITY OF MESQUITE PROPOSITION F

Deletion of the One-Year Contract Period Limitation

Shall Section 26(b) of Article III of the Mesquite City Charter be amended to delete the one-year limitation on any contract for goods, materials, services, or supplies for the current use of any department of the city?

Number of votes cast regarding Proposition F:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	2,711	63.52%
AGAINST:	1,557	36.48%

CITY OF MESQUITE PROPOSITION G

Amendments to Conform to Actual/Current Practices

Shall the following sections of the Mesquite City Charter be amended to match actual practices: Section 28, “Additional Enumerated Powers; Penalties for Violations of Ordinances,” of Article III, “Corporate Powers”; Section 17, “Legislative Procedure,” and Section 27, “Creation and Jurisdiction of Corporation Court; Fines,” of Article IV, “Officers and Elections”; and Section 2, “Personnel Board,” of Article IX-A, “Civil Service?”

Number of votes cast regarding Proposition G:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,347	81.89%
AGAINST:	740	18.11%

CITY OF MESQUITE PROPOSITION H

Technical Amendments to Conform to State Law and City Code; to Correct Terms; to Correct Spelling; to Clarify Language; to Provide Gender-Neutral References; and to make other Technical Amendments

Shall the following sections of the Mesquite City Charter be amended to conform to state law and the city code, correct terms, correct spelling, clarify language, provide gender-neutral references, and make other technical amendments: Section 3, “Platting of Property,” of Article II, “Municipal Boundaries”; Section 8, “Liability for Negligence,” Section 12, “Street Improvements and Assessments therefor,” Section 15, “Regulation of Privately Owned Public Utilities,” Section 16, “City Owned Public Utilities,” Section 24, “Police Department,” Section 26, “Contracts Generally,” and Section 27, “Zoning,” of Article III, “Corporate Powers”; Section 1, “Governing Body,” Section 2, “Elective Officers,” Section 3, “Qualifications and Nomination of Mayor and Councilmen; Official Ballot,” Section 3a, “Holding other Office,” Section 4c, “Nominations,” Section 5, “How Candidates Elected,” Section 6, “Judge of Election; Canvass of Returns,” Section 7, “Date of Election,” Section 9, “Term of Office of Incumbent Mayor and Councilmen,” Section 9a, “Terms of Mayor and Councilmen to be Staggered,” Section 10, “Vacancies in Office,” Section 11, “Mayor Pro Tem,” Section 12, “Compensation of Mayor and Councilmen,” Section 13, “Duties of Mayor,” Section 22, “Depository for City Funds,” Section 25, “City Secretary,” Section 26, “City Treasurer,” Section 27, “Creation and Jurisdiction of Corporation Court; Fines,” Section 28, “Title of Code of Criminal Procedure Controlling,” and Section 34, “Personal Financial Interest,” of Article IV, “Officers and Elections”; Section 2, “Tax Levies,” Section 7, “Payment of Taxes,” and Section 8, “Delinquent Taxes,” of Article V, “Taxes and Taxation”; Section 1, “Generally,” of Article VI, “Recall”; Section 3, “Powers and Duties,” and Section 6, “Absence,” of Article VIII, “City Manager”; Section 2, “Jurors, etc. Not Incompetent,” and Section 6, “Amendments to Charter,” of Article IX, “General Provisions”; Section 3, “Personnel Director,” Section 6, “Civil Service Rules,” and Section 8, “Trial Board,” of Article IX-A, “Civil Service?”

Number of votes cast regarding Proposition H:

	<u>NUMBER OF VOTES</u>	<u>PERCENTAGE</u>
FOR:	3,236	77.92%
AGAINST:	917	22.08%

SECTION 5. That the City Council hereby finds and declares that Proposition Nos. A, B, C, D, E, F, G and H in Section 4 above each received a majority of the votes cast by qualified voters voting in the Special Election and accordingly, Proposition Nos. A, B, C, D, E, F, G and H in Section 4 above have been approved.

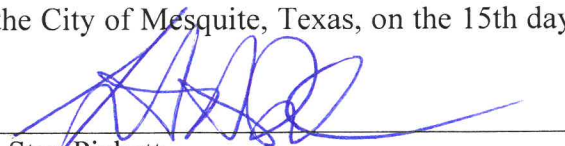
SECTION 6. That the amendments to the Mesquite City Charter, as set forth in Propositions A, B, C, D, E, F, G and H in Section 4 above, and as more fully set forth in City of Mesquite Ordinance No. 4538, are hereby declared by the City Council to be adopted and to be a part of the Mesquite City Charter from and after such adoption.

SECTION 7. That the City Secretary shall record in the Office of the City Secretary the amendments to the Mesquite City Charter adopted by the qualified voters of the City, and the Mayor shall certify to the Secretary of State of the State of Texas, an authenticated copy of the amendments to the Mesquite City Charter, under the seal of the City, showing the approval by the qualified voters of the City.

SECTION 8. It is hereby declared to be the intent of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this resolution are severable, and if any word, phrase, clause, sentence, paragraph or section of this resolution shall be declared invalid or unconstitutional by a final judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this resolution, the City Council hereby declaring that this resolution would have been enacted by the City Council without the incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

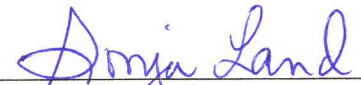
SECTION 9. That this resolution shall take effect from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 15th day of May, 2018.



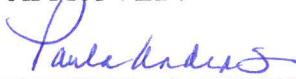
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



Paula Anderson
Interim City Attorney