

**NOTICE OF GENERAL ELECTION FOR ELECTING COUNCILMEMBERS FOR
PLACES 3, 4 AND 5 AND
NOTICE OF SPECIAL ELECTION ON CHARTER AMENDMENTS
CITY OF MESQUITE, TEXAS**

Notice is hereby given that a General Election for the purpose of electing Councilmembers for Places 3, 4 and 5 and a Special Election for the purpose of considering amendments to the home rule Charter of the City of Mesquite, Texas (“City”), will be held on May 5, 2018, between the hours of 7:00 a.m. to 7:00 p.m. The text of the propositions for amendments to the City Charter and the fiscal impact estimates for each proposition are attached as **Exhibit “A”**. To provide additional notice, the actual text amendments to the City charter required to implement the propositions are also provided in **Exhibit “A.”** The elections shall be administered by the Dallas County Elections Department in accordance with the Texas Election Code, the City Charter and Contracts for Election Services. Additional information is available at www.cityofmesquite.com/Elections and www.cityofmesquite.com/CharterElection.

Election Day Polling Locations

On Election Day, May 5, 2018, qualified voters who live in Mesquite must vote in their precinct where registered to vote. Polling places listed below will be open from 7:00 a.m. to 7:00 p.m.

LOCATION OF ELECTION DAY POLLING PLACES:

DALLAS COUNTY PRECINCTS LOCATED WITHIN MESQUITE CITY LIMITS

<u>POLLING PLACE</u>	<u>ADDRESS</u>	<u>PRECINCT NO.</u>
Florence Recreation Center	2501 Whitson Way	1139, 1300, 1301, 1302, 1305, 1315
Tosch Elementary School	2424 Larchmont Drive	1304, 1307, 1308, 1309, 1310, 1316
Galloway Elementary School	200 Clary Drive	1311, 1312, 1313, 1314
Dunford Recreation Center	1015 Green Canyon Drive	3300, 3301, 3302, 3303, 3304
W L Wilkinson Middle School	2100 Crest Park Drive	3305, 3306, 3307, 3315
Mesquite High School	300 East Davis Street	3308, 3309, 3310, 3311
Pirrung Elementary School	1500 Creek Valley Road	3312, 3316, 3318
Horn High School	3300 East Cartwright Road	3313, 3314, 3317

SPLIT PRECINCTS VOTING OUTSIDE MESQUITE CITY LIMITS

<u>POLLING PLACE</u>	<u>ADDRESS</u>	<u>PRECINCT NO.</u>
Edwin J. Kiest Elementary School	2611 Healey Drive, Dallas	1062
Living Waters Church of God	11110 Shiloh Road, Dallas	1125
George Truett Elementary School	1811 Gross Road, Dallas	1303
Classical Center at Vial Elementary	126 Creekview, Garland	1721
Sunnyvale Town Hall	127 North Collins Road, Sunnyvale	3500

KAUFMAN COUNTY PRECINCTS PARTIALLY LOCATED IN MESQUITE’S CITY LIMITS

<u>POLLING PLACE</u>	<u>ADDRESS</u>	<u>PRECINCT NO.</u>
Horn High School	3300 East Cartwright Road	29

(Precincts and Polling Places provided by the Dallas County Elections Department. Subject to change.)

Early Voting Dates and Times

Early voting by personal appearance will be conducted as follows:

- Monday, April 23, 2018 through Friday, April 27, 2018, 8:00 a.m. – 5:00 p.m.
- Saturday, April 28, 2018, 8:00 a.m. – 5:00 p.m.
- Sunday, April 29, 2018, 1:00 p.m. – 6:00 p.m.
- Monday, April 30, 2018 through Tuesday, May 1, 2018, 7:00 a.m. – 7:00 p.m.

Early voting by personal appearance shall be conducted by the Dallas County Elections Department. Toni Pippins-Poole, Dallas County Elections Administrator, is hereby appointed clerk of early voting in compliance with Section 271.006 of the Texas Election Code. Early voting will be conducted at Lakeside Activity Center, 101 Holley Park Drive, Mesquite, Texas, 75149; Florence Recreation Center, 2501 Whitson Way, Mesquite, Texas, 75150 and at all locations as designated by the Dallas County Elections Administrator.

Any qualified voter for the General Election and Special Election may vote early by personal appearance at either the main early voting location or at any of the branch locations. The main early voting polling place is George L. Allen, Sr., Court Building, 600 Commerce Street, Dallas, Texas, 75202.

Applications for a ballot by mail shall be submitted by mail, common or contract carrier, telephonic facsimile machine (“fax”) or by electronic transmission (“e-mail”) of a scanned application containing an original signature to:

Toni Pippins-Poole, Early Voting Clerk
Dallas County Elections Department
2377 N. Stemmons Freeway, Suite 820
Dallas, Texas 75207
E-mail: evapplications@dallascounty.org
Fax: 214-819-6303

If an application for ballot by mail (“ABBM”) is faxed or emailed or if a Federal Postcard Application (“FPCA”) is faxed, the early voting clerk must receive the original ABBM or FPCA no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA. If such original ABBM or FPCA is not received by the early voting clerk by the deadline, the faxed or emailed ABBM or faxed FPCA will be considered incomplete and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an emailed FPCA.

An ABBM must be received by Noon or close of business, whichever is later, on Tuesday, April 24, 2018. An FPCA must be received in accordance with V.T.C.A., Election Code, §101.052.

Issued this 12th day of April 2018.

/s/Stan Pickett, Mayor

EXHIBIT “A”

CHARTER AMENDMENT PROPOSITIONS

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?

Fiscal Impact: No fiscal impact is anticipated if this proposed amendment is approved at the election.

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?

Fiscal Impact: If this proposed amendment is approved at the election, there would be an estimated cost of \$50,000 to \$75,000 in fiscal year 2019 to redraw council district boundaries. In addition, there may be an additional cost of \$25,000 to \$50,000 if the districts need to be redrawn with any successive decennial census.

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?

Fiscal Impact: No fiscal impact is anticipated if this proposed amendment is approved at the election.

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)?

Fiscal Impact: There is no immediate fiscal impact if this proposed amendment is approved at the election; however, based on current staffing levels and population projections, the proposed staffing requirement would begin to impact the City's operating budget in 2023 (six years earlier than the current Charter requirement of 1.5) and could cost an estimated \$3 million by the year 2040.

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?

Fiscal Impact: No fiscal impact is anticipated if this proposed amendment is approved at the election.

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?

Fiscal Impact: No fiscal impact is anticipated if this proposed amendment is approved at the election.

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?"

Fiscal Impact: No fiscal impact is anticipated if this proposed amendment is approved at the election.

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?"

Fiscal Impact: No fiscal impact is anticipated if this proposed amendment is approved at the election.

PROPOSED CITY CHARTER AMENDMENTS **TEXT CHANGES**

(Language proposed to be deleted from the City Charter is indicated by strike through. Language proposed to be added to the City Charter is underlined).

ARTICLE II. MUNICIPAL BOUNDARIES

Sec. 3. Platting of property.

Should any property situated within the city limits, as herein established or as may hereafter be established, or within the extraterritorial jurisdiction [~~five (5) miles of such corporate limits~~] of the City of Mesquite, [~~as herein established or as may hereafter be established,~~] be hereafter platted into blocks and lots, the owner or owners of said property shall comply with [~~all of~~] the applicable provisions of state law [~~Article 974A and Article 6626 of the 1925 Revised Civil Statutes of Texas~~], as amended.

ARTICLE III. CORPORATE POWERS

Sec. 8. Liability for negligence.

(a) The City of Mesquite shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair because of negligence of said corporation unless the same shall have remained so for ten (10) days after special notice in writing is given to the mayor and city council.

(b) The City of Mesquite shall not be liable to any person for damages sustained in any park, playground or public building belonging to said city or because of any apparatus, furnishings, fixtures or improvements thereon or thereupon situated being defective or out of repair unless the same shall have remained so for ten (10) days after special notice in writing is given to the mayor and city council.

(c) Before the City of Mesquite shall be liable for damages for personal injuries of any kind or for injuries to or destruction of or damage to property of any kind, the person injured or the owner of the property so injured, damaged or destroyed or someone on the person or owner's [~~in his~~] behalf, shall give the mayor and city council notice in writing of such injury, damage or destruction, [~~duly verified,~~] within thirty (30) days after the same has been sustained, stating in such written notice when, where and how the injury, damage or destruction occurred, the apparent extent thereof, the amount of damage sustained, the amount for which the claimant will settle, the street and residence number of the claimant at the time and date the claim was presented and the actual residence of such claimant for the six (6) months immediately preceding the occurrence of such injuries, damage or destruction, and the names and addresses of the witnesses upon whom the claimant [~~he~~] relies to establish his or her claim; and a failure so to notify the mayor and city council within the time and manner provided herein shall exonerate, excuse and exempt [~~except~~] the city from any liability whatsoever.

Sec. 12. Street improvements and assessments therefor.

~~[The act by the legislature of the State of Texas in 1927 and shown as Chapter 106, Acts of the first called session of the fortieth legislature, together with all amendments thereof, said Act with amendments being shown as article 1105b, Vernon's Annotated Revised Civil Statutes of the State of Texas,] V.T.C.A., Transportation Code, Chapter 313, as amended, is hereby embraced in and made a part of this charter.~~

Sec. 15. Regulation of privately owned public utilities.

(a) The city council shall have the power by ordinance to determine, fix and regulate the charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise in the City of Mesquite, and shall in determining, fixing and regulating such charges or rates or compensation, base the same upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such city or the inhabitants thereof. The city council may prescribe the character, quality and efficiency of service to be rendered and shall have the power to regulate and require the extension of lines or services of such public utility within such city by such person, firm or corporation and from time to time may alter or change such rules, regulations, and compensation, provided that, in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received, in accordance with the laws and constitution of this state applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the city council shall have full power to inspect the books of such franchise holder and compel the attendance of witnesses for such purpose.

(b) Any company, corporation or person who may be engaged in furnishing to the inhabitants of the City of Mesquite any light, power or gas, or telephone service shall ~~on or before the first day of March of each year~~ file with the mayor of the City of Mesquite ~~a sworn written report, including all the information set forth in Article 1121 of the 1925 Revised Civil Statutes of Texas, as amended~~ such reports in the time and manner required by state law; it being the intention of this section to require said company, corporation or person to file such reports pertaining to their operations insofar as same pertain to their operations within the city limits of the City of Mesquite.

Sec. 16. City owned public utilities.

The city shall have the power to build, construct, purchase, own, lease, maintain and operate, within or without the city limits, light and power systems, water systems, a sewer system or sanitary disposal equipment and appliances, natural gas systems, parks and swimming pools, fertilizer plants, abattoirs, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided by ~~in Articles 1111 to 1118, inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, and~~ any applicable ~~other~~ law[s] of the State of Texas, as amended ~~[applicable thereto]~~; and all the powers which the city might exercise in connection with such public utilities and public services under state law, as amended ~~[Article 1175 of the 1925 Revised Civil Statutes of Texas, and any amendments thereto now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto]~~, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary to carry out efficiently said objects.

Sec. 24. Police department.

The City of Mesquite shall have the power, by ordinance, to establish and maintain a police department and to prescribe the duties of the members of said department, and to regulate their conduct and their salaries. The head of the police department of said city shall be known and designated as "chief of police," and the other members thereof shall be known as "police~~men~~ officers." Said officer or officers shall have power to arrest.

Sec. 24a. Ratio of police officers to population.

The minimum staffing ~~[manning]~~ level for the Mesquite police department shall equal or surpass one and ~~six~~five-tenths (1.~~6~~5) full-time and fully paid commissioned sworn civil service police officers per every one thousand (1,000) population of the City of Mesquite; such population to be officially determined annually by the City of Mesquite.

Sec. 26. Contracts generally.

~~(a)~~ No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts for personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city, with the exception of officers and heads of departments specifically mentioned herein.

~~(b) Nor shall the city or anyone acting for it make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one (1) year, except as in this charter provided.~~

~~(c) What is known as "Bond and Warrant Law," the same being Article 2368a of Vernon's Revised Civil Statutes of Texas, and being the Acts of 1931 Legislature, page 269, Chapter 163, and all~~

~~amendments thereafter made or that may be hereafter made, which are applicable to cities and towns, are hereby adopted by the City of Mesquite.]~~

Sec. 27. Zoning.

The city council shall have full power and authority to zone the City of Mesquite and to pass all necessary ordinances, rules and regulations governing the same pursuant to the authority provided by state law, as amended ~~[under and by virtue of the authority given to cities and legislative bodies thereof by Article 1011 of the 1925 Revised Civil Statutes of Texas as amended, being Acts of 1927, fortieth legislature, page 424, Chapter 283, and all amendments thereto and amendments which may hereafter be made thereto].~~

Sec. 28. Additional enumerated powers; penalties for violations of ordinances.

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 the maximum amount authorized by state law ~~[two hundred dollars (\$200.00)]~~; provided, that no ordinance shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this state.

ARTICLE IV. OFFICERS AND ELECTIONS

Sec. 1. Governing body.

The governing and lawmaking body of the City of Mesquite shall consist of six (6) councilmembers[¶] and the mayor, and said body shall be known as the "City Council of the City of Mesquite."

Sec. 3. Qualifications and nomination of mayor and councilmembers[¶]; official ballot.

No person shall be a candidate for the office of mayor or councilmember[¶] unless the person is a qualified voter of the City of Mesquite as of the time of filing of petition, and shall not serve as mayor or councilmember[¶] 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 councilmember[¶] 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 or she is a candidate, and if for councilmember[¶], the place for which he or she is running, and stating that the candidate has resided in the City of Mesquite for at least one (1) 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.

Sec. 3a. Holding other office.

If a member of the council shall become a candidate for any place on the city council other than the specific place ~~[he is] then held [holding]~~, the councilmember shall forfeit his or her place on the council as of the date of the next regular municipal election. No person elected to the city council shall, during the term for which that person [he] is elected to the council, be appointed to any office, position, or employment in the service of the city, and no former member of the city council shall hold any compensated, appointive city office or employment until one (1) year after the expiration of the term for which he or she is elected to the city council. If any member of the city council shall become a candidate for election to any public office except for a place as [on the city] councilmember or [as] mayor, he or she shall immediately upon ~~[his]~~ becoming a candidate forfeit his or her place on the council. If any member of a board or commission appointed by the city council shall become a candidate for election to any public office, he or she shall immediately upon ~~[his]~~ becoming a candidate forfeit his or her place as a member of such board or commission. Appointive officers ~~[or employees]~~ of the city who shall become a candidate for election to any public office shall immediately upon becoming a candidate forfeit the office ~~[or employment]~~ held with the city.

Sec. 4c. Nominations.

Any person, having the qualifications required by this charter, may be nominated for the city council by a petition, compliant with state law, containing valid signatures in the number and meeting the requirements of state law [of at least fifty (50) and not more than seventy five (75) qualified voters], who shall be designated as the candidate's [his] sponsors. ~~[No voter shall]~~ A person may not sign the petition of more than one candidate [such petition] for the same office or place in the same election, and should a person [voter] do so, his or her signature shall be invalid [void] except as to the petition first filed. With each signature shall be included the information required by state law [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]. Persons [Voters] signing a petition for nomination shall, at the time of signing the petition, be a registered voter of the territory from which the office sought is elected or have been issued a registration certificate for a registration that will become effective in that territory on or before the date of the applicable election [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 laws of the State of Texas. The nominating petition filed by a candidate for mayor or councilmember shall conform to the requirements prescribed by the state law for such nominating petitions.

Sec. 6. Judge of election; canvass of returns.

The city council shall be the 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 [sic]]~~ 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 in accordance with state law [on the first Monday following the election]. All officers elected at an election shall take office as soon as practicable following such election.

[ALTERNATIVE AMENDMENTS, DEPENDING UPON VOTERS' DISPOSITION OF PROPOSITION TO ESTABLISH TERM LIMITS. THE ALTERNATE AMENDMENTS BELOW ASSUME THE PASSAGE OF PROPOSITION H. IF PROPOSITION H FAILS, THE LANGUAGE SHALL BE AMENDED TO EFFECTUATE ONLY THE CHANGES APPROVED BY THE ELECTORATE.]

[Alternate No. 1, if the proposition to establish term limits passes:]

Sec. 9. Limitation of terms [~~Term of office of incumbent mayor and councilmen~~].

(a) 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; and 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.

(b) A "term" as used in Subsection (a) shall include any period of service during a term.

(c) The term limitation requirements of this section shall apply retroactively. For purposes of qualification for re-election in the first election after adoption of this limitation of terms, all past consecutive service of members of the city council and the mayor shall apply in the calculation of terms served.

~~[The present incumbent mayor, Tim O. Williams, or his successor in office at the time of the adoption of this charter[,] shall continue as mayor until the first Tuesday in April, 1955; and aldermen Loney L. Leake, B. W. Cruce, B. E. Thompson, and Hugh Lawrence, the present incumbents, or their respective successors in office, shall continue in office after the adoption of this charter as councilman Place No. 1, councilman Place No. 2, councilman Place No. 3, and councilman Place No. 4, respectively, until the first Tuesday in April, 1955, and until their respective successors in office are elected and qualified.]~~

[Alternate No. 2, if the proposition to establish term limits fails:]

Sec. 9. Reserved [~~Term of office of incumbent mayor and councilmen~~].

~~[The present incumbent mayor, Tim O. Williams, or his successor in office at the time of the adoption of this charter[,] shall continue as mayor until the first Tuesday in April, 1955; and aldermen Loney L. Leake, B. W. Cruce, B. E. Thompson, and Hugh Lawrence, the present incumbents, or their respective successors in office, shall continue in office after the adoption of this charter as councilman Place No. 1, councilman Place No. 2, councilman Place No. 3, and councilman Place No. 4, respectively, until the first Tuesday in April, 1955, and until their respective successors in office are elected and qualified.]~~

[ALTERNATIVE AMENDMENTS, DEPENDING UPON VOTERS' DISPOSITION OF PROPOSITIONS TO ESTABLISH SINGLE-MEMBER DISTRICTS AND TO CHANGE THE DATE OF ELECTION TO NOVEMBER OF ODD-NUMBERED YEARS. THE ALTERNATE AMENDMENTS BELOW ASSUME THE PASSAGE OF PROPOSITION H. IF PROPOSITION H FAILS, THE LANGUAGE SHALL BE AMENDED TO EFFECTUATE ONLY THE CHANGES APPROVED BY THE ELECTORATE.]

[Alternate No. 1, if the propositions to establish single-member districts and move the date of election to November of odd-numbered years both pass:]

Sec. 2. Elective officers.

The members of the C[~~e~~]ity C[~~e~~]ouncil of the City of Mesquite, which includes six (6) councilmembers~~[~~n~~]~~ 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]~~ The mayor shall be elected from the city at large.

Sec. 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 or Place ~~[No.]~~ 6 or for mayor ~~[, as the case may be, and shall be voted on and elected accordingly by the majority vote of the qualified voters of the city at large].~~ All qualified voters of the city shall be entitled to vote for mayor. The qualified voters of the respective districts shall be entitled to vote for one candidate from Place 1, 2, 3, 4, 5 or 6, corresponding to the district of which the voter is a resident.

Sec. 4a. Division of city into districts.

The city shall, by ordinance, be divided into six (6) ~~[four (4)]~~ districts of relatively equal total population to be known as District 1, District 2, District 3, ~~[and] District 4, District 5 and District 6.~~ Persons serving in a councilmember place shall reside in the district corresponding to that councilmember place. The initial division of the city into council districts shall be made on the basis of population reported in the 2010 federal decennial census. Commencing with the year 2020 ~~[1977]~~ and every ten (10) ~~[each third]~~ years thereafter as census data is available and at least one hundred twenty (120) days prior to the general municipal election, the governing body shall review, and where necessary and permissible, alter or change the boundaries of the existing city council districts for the purpose of preserving and maintaining the equal apportionment of inhabitants in each such district.

Sec. 4b. Residence requirements for candidates.

No person shall be eligible as a candidate for member of the city council in Place ~~[No.]~~ 1, Place ~~[No.]~~ 2, Place ~~[No.]~~ 3, ~~[or] Place [No.] 4, Place 5 or Place 6 unless the person has been, for a period of not less than one hundred twenty (120) days prior to any city council election, and is at the time of such election, a bona fide resident of the d[~~i~~]istrict in which he or she seeks election ~~[No. 1, District No. 2, District No. 3 or District 4, respectively].~~~~

A candidate for ~~[Place No. 5, Place No. 6, or for]~~ mayor may reside in any portion of the city.

Sec. 5. How candidates elected.

(a) The candidate receiving the majority number of qualified votes ~~[of the entire city]~~ cast for the place which the candidate seeks shall be elected to the respective office for which he or she was a candidate.

(b) Should any candidate running for mayor or councilmember~~[~~an~~]~~ fail to receive a majority vote of all votes cast for that office in said election, then in that event it shall be 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 in accordance with state law ~~[on the third (3rd) Saturday following the date that the city council has canvassed the returns and declared the results].~~

(c) In said second election only those can run who were candidates in the first election and they shall run for the place for which they ran in the first election, and the two (2) candidates receiving the highest vote where no one received a majority vote shall be candidates against each other. Should the

candidate receiving the second highest number of votes for the place sought, die or refuse to have his or her name placed on the ballot, in said second election, then in that event the candidate receiving the next highest number of votes shall be entitled to be a candidate against the person receiving the highest number of votes. Should all the candidates die or refuse to run in said second election, the city council may declare a vacancy and appoint a successor to fill such vacancy until the next regular election.

Sec. 7. Date of election.

The regular municipal election for the City of Mesquite shall be held [~~annually~~] on the uniform election date in November, as provided by the general election laws of the State of Texas, in odd-numbered years [first Saturday in April], and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by said [the] general election laws [of the State of Texas], which [and said general election laws] shall control all municipal elections as otherwise herein provided.

Sec. 9a. Reserved [Terms of mayor and councilmen to be staggered].

~~[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.]~~

Sec. 9b. Transition period pursuant to adoption of Charter amendments in the May 2018 special election.

(a) This subsection provides for a transition from six (6) councilmembers elected at large to six (6) councilmembers elected by district, as provided by Sections 4 and 4a of Article IV of this Charter. Except as provided in this section, and after the transition as prescribed in this section, the mayor and councilmembers shall serve two (2) year terms.

(b) On the adoption of this Charter amendment, and not later than December 31, 2018, the city council shall establish Single Member Districts 1, 2, 3, 4, 5, and 6, as provided by Section 4a of Article IV of this Charter.

(c) The three (3) councilmembers elected at-large in the May 2018 general election shall serve one and one-half (1.5) year terms. The mayor and three (3) councilmembers that were elected at-large in the May 2017 general election shall serve two and one-half (2.5)-year terms.

(d) A general election shall be held for the council in November 2019, at which the mayor and the six (6) councilmembers elected from council districts shall be elected for two (2) year terms, marking the end of the transition period.

Sec. 10. Vacancies in office.

(a) In the event of a vacancy existing on the city council [in the office of mayor or councilman] from any cause whatsoever, the remaining members of the city council shall by a majority vote thereof 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 until the next municipal election, at which time the candidate then elected shall serve for the remaining term of office or for the succeeding term of office. Where any member of the city council shall be absent for three (3) regular consecutive meetings of the council, without first having obtained leave of absence at a regular meeting, the city council may, by a majority vote of the entire council, declare the office vacant and proceed to fill such vacancy in the same manner as other vacancies in said council.

(b) Should any councilmember[an] elected to Place [No.] 1, Place [No.] 2, Place [No.] 3, [or] Place [No.] 4, Place 5 or Place 6 move from the boundaries of such district during the term of office for which such councilmember[an] was elected, such relocation [~~removal~~] shall create a vacancy of that place on the council.

(c) When the office of mayor or councilmember[an] shall be for a term exceeding two (2) 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, Place 5 or Place 6 must fulfill all of the residency requirements provided for in this charter.

[Alternate No. 2, if the proposition to establish single-member districts passes but the proposition to move the date of election to November of odd-numbered years fails:]

Sec. 2. Elective officers.

The members of the C[er]ity C[er]ouncil of the City of Mesquite, which includes six (6) councilmembers[an] 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~~] The mayor shall be elected from the city at large.

Sec. 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 or Place [No.] 6 or for mayor [~~, as the case may be, and shall be voted on and elected accordingly by the majority vote of the qualified voters of the city at large~~]. All qualified voters of the city shall be entitled to vote for mayor. The qualified voters of the respective districts shall be entitled to vote for one candidate from Place 1, 2, 3, 4, 5 or 6, corresponding to the district of which the voter is a resident.

Sec. 4a. Division of city into districts.

The city shall, by ordinance, be divided into six (6) [~~four (4)~~] districts of relatively equal total population to be known as District 1, District 2, District 3, [and] District 4, District 5 and District 6. Persons serving in a councilmember place shall reside in the district corresponding to that councilmember place. The initial division of the city into council districts shall be made on the basis of population reported in the 2010 federal decennial census. Commencing with the year 2020 [1977] and every ten (10) [each third] years thereafter as census data is available and at least one hundred twenty (120) days prior to the general municipal election, the governing body shall review, and where necessary and permissible, alter or change the boundaries of the existing city council districts for the purpose of preserving and maintaining the equal apportionment of inhabitants in each such district.

Sec. 4b. Residence requirements for candidates.

No person shall be eligible as a candidate for member of the city council in Place [No.] 1, Place [No.] 2, Place [No.] 3, [or] Place [No.] 4, Place 5 or Place 6 unless the person has been, for a period of not less than one hundred twenty (120) days prior to any city council election, and is at the time of such election, a bona fide resident of the d[is]trict in which he or she seeks election [~~No. 1, District No. 2, District No. 3 or District 4, respectively~~].

A candidate for [~~Place No. 5, Place No. 6, or for~~] mayor may reside in any portion of the city.

Sec. 5. How candidates elected.

(a) The candidate receiving the majority number of qualified votes [~~of the entire city~~] cast for the place which the candidate seeks shall be elected to the respective office for which he or she was a candidate.

(b) Should any candidate running for mayor or councilmember[~~an~~] fail to receive a majority vote of all votes cast for that office in said election, then in that event it shall be 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 in accordance with state law [~~on the third (3rd) Saturday following the date that the city council has canvassed the returns and declared the results~~].

(c) In said second election only those can run who were candidates in the first election and they shall run for the place for which they ran in the first election, and the two (2) candidates receiving the highest vote where no one received a majority vote shall be candidates against each other. Should the candidate receiving the second highest number of votes for the place sought, die or refuse to have his or her name placed on the ballot, in said second election, then in that event the candidate receiving the next highest number of votes shall be entitled to be a candidate against the person receiving the highest number of votes. Should all the candidates die or refuse to run in said second election, the city council may declare a vacancy and appoint a successor to fill such vacancy until the next regular election.

Sec. 7. Date of election.

The regular municipal election for the City of Mesquite shall be held annually on the uniform election date in May, as provided by the general election laws of the State of Texas [~~first Saturday in April~~], and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by said [the] general election laws [of the State of Texas], which [~~and said general election laws~~] shall control all municipal elections as otherwise herein provided.

Sec. 9a. Terms of mayor and councilmembers[~~n~~] to be staggered.

Prior to the next general municipal election, the city council shall, by ordinance, provide for staggered terms of office of mayor and councilmembers[~~n~~], and shall determine which places shall serve for the short term and which places shall serve for the long term.

Sec. 9b. Transition period pursuant to adoption of Charter amendments in the May 2018 special election.

(a) This section provides for a transition from six (6) councilmembers elected at large to six (6) councilmembers elected by district, as provided by Sections 4 and 4a of Article IV of this Charter. Except as provided in this section, and after the transition as prescribed in this section, the mayor and councilmembers shall serve two (2) year terms.

(b) On the adoption of this Charter amendment, and not later than December 31, 2018, the city council shall establish Single Member Districts 1, 2, 3, 4, 5, and 6, as provided by Section 4a of Article IV of this Charter.

(c) Election Year 2019: The three (3) councilmember places that were elected at-large in the May 2017 general election shall be transitioned to Single Member Districts 1, 2, and 6 for the May 2019 general

election. A qualifying councilmember shall be elected from each of Districts 1, 2, and 6 in the May 2019 general election and shall serve two (2) year terms.

(d) Election Year 2020: The three (3) councilmember places that were elected at-large in the May 2018 general election shall be transitioned to Single Member Districts 3, 4, and 5 for the May 2020 general election. A qualifying councilmember shall be elected from each of Districts 3, 4, and 5 in the May 2020 general election and shall serve two (2) year terms.

(e) Thereafter, all candidates elected pursuant to Article IV, Section 7, "Date of Election," shall serve two (2) year terms, marking the end of the transition period.

Sec. 10. Vacancies in office.

(a) In the event of a vacancy existing on the city council [~~in the office of mayor or councilman~~] from any cause whatsoever, the remaining members of the city council shall by a majority vote thereof 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 until the next municipal election, at which time the candidate then elected shall serve for the remaining term of office or for the succeeding term of office. Where any member of the city council shall be absent for three (3) regular consecutive meetings of the council, without first having obtained leave of absence at a regular meeting, the city council may, by a majority vote of the entire council, declare the office vacant and proceed to fill such vacancy in the same manner as other vacancies in said council.

(b) Should any councilmember[~~an~~] elected to Place [~~No.~~] 1, Place [~~No.~~] 2, Place [~~No.~~] 3, [~~or~~] Place [~~No.~~] 4, Place 5 or Place 6 move from the boundaries of such district during the term of office for which such councilmember[~~an~~] was elected, such relocation [~~removal~~] shall create a vacancy of that place on the council.

(c) When the office of mayor or councilmember[~~an~~] shall be for a term exceeding two (2) 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, Place 5 or Place 6 must fulfill all of the residency requirements provided for in this charter.

[Alternate No. 3, if the proposition to establish single-member districts fails but the proposition to move the date of election to November of odd-numbered years passes:]

Sec. 2. Elective officers.

The members of the C[~~e~~]ity C[~~e~~]ouncil of the City of Mesquite, which includes six (6) councilmembers[~~n~~] 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 councilmembers[~~n~~] and mayor shall be elected from the city at large.

Sec. 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 or Place [~~No.~~] 6 or for mayor, as the case may be, and shall be voted on and elected accordingly by the majority vote of the qualified voters of the city at large.

Sec. 4a. Division of city into districts.

The city shall, by ordinance, be divided into four (4) districts known as District 1, District 2, District 3 and District 4. Commencing with the year 1977 and each third year thereafter and at least one hundred twenty (120) days prior to the general municipal election, the governing body shall review, and where necessary and permissible, alter or change the boundaries of the existing city council districts for the purpose of preserving and maintaining the equal apportionment of inhabitants in each such district.

Sec. 4b. Residence requirements for candidates.

No person shall be eligible as a candidate for member of the city council in Place [No.] 1, Place [No.] 2, Place [No.] 3, or Place [No.] 4, unless the person has been, for a period of not less than one hundred twenty (120) days prior to any city council election, and is at the time of such election, a bona fide resident of the 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.

Sec. 5. How candidates elected.

(a) The candidate receiving the majority number of qualified votes of the entire city cast for the place which the candidate seeks shall be elected to the respective office for which he or she was a candidate.

(b) Should any candidate running for mayor or councilmember~~an~~ fail to receive a majority vote of all votes cast for that office in said election, then in that event it shall be 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 in accordance with state law ~~[on the third (3rd) Saturday following the date that the city council has canvassed the returns and declared the results].~~

(c) In said second election only those can run who were candidates in the first election and they shall run for the place for which they ran in the first election, and the two (2) candidates receiving the highest vote where no one received a majority vote shall be candidates against each other. Should the candidate receiving the second highest number of votes for the place sought, die or refuse to have his or her name placed on the ballot, in said second election, then in that event the candidate receiving the next highest number of votes shall be entitled to be a candidate against the person receiving the highest number of votes. Should all the candidates die or refuse to run in said second election, the city council may declare a vacancy and appoint a successor to fill such vacancy until the next regular election.

Sec. 7. Date of election.

The regular municipal election for the City of Mesquite shall be held ~~[annually]~~ on the uniform election date in November, as provided by the general election laws of the State of Texas, in odd-numbered years ~~[first Saturday in April]~~, and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by said ~~[the]~~ general election laws ~~[of the State of Texas]~~, which ~~[and said general election laws]~~ shall control all municipal elections as otherwise herein provided.

Sec. 9a. Reserved ~~[Terms of mayor and councilmen to be staggered].~~

~~[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.]~~

Sec. 9b. Transition period pursuant to adoption of Charter amendments in the May 2018 special election.

(a) This subsection provides for a transition to a uniform election of all members of the city council on the uniform election date in the month of November of odd-numbered years. Except as provided in this section, and after the transition as prescribed in this section, the mayor and councilmembers shall serve two (2) year terms.

(b) The three (3) councilmembers elected at large in the May 2018 general election shall serve one and one-half (1.5) year terms. The mayor and three (3) councilmembers that were elected at-large in the May 2017 general election shall serve two and one-half (2.5)-year terms.

(c) A general election shall be held for the council in November 2019, at which the mayor and six (6) councilmembers shall be elected for two (2) year terms, marking the end of the transition period.

Sec. 10. Vacancies in office.

(a) In the event of a vacancy existing on the city council [~~in the office of mayor or councilman~~] from any cause whatsoever, the remaining members of the city council shall by a majority vote thereof 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 until the next municipal election, at which time the candidate then elected shall serve for the remaining term of office or for the succeeding term of office. Where any member of the city council shall be absent for three (3) regular consecutive meetings of the council, without first having obtained leave of absence at a regular meeting, the city council may, by a majority vote of the entire council, declare the office vacant and proceed to fill such vacancy in the same manner as other vacancies in said council.

(b) Should any councilmember~~an~~ 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 councilmember~~an~~ was elected, such relocation [~~removal~~] shall create a vacancy of that place on the council.

(c) When the office of mayor or councilmember~~an~~ shall be for a term exceeding two (2) 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.

[End of Alternate Amendments]

Sec. 11. Mayor pro tem.

The mayor pro tem shall be selected from among the members of the council and shall perform all mayoral duties [~~of the mayor~~] in [~~his~~] the absence or disability of the mayor. The mayor pro tem shall serve for a term of one (1) year.

Sec. 12. Compensation of mayor and councilmembers~~n~~.

(a) The mayor may receive a salary in an amount to be fixed by the city council, but which amount shall in no event be more than one hundred dollars (\$100.00) per month.

(b) Each councilmember~~[an]~~ may receive a sum of not more than ten dollars (\$10.00) for each city council meeting ~~[of the council]~~ attended by the councilmember ~~[him]~~, the amount to be fixed by the city council; provided, that no councilmember~~[an]~~ shall receive a greater compensation than fifty dollars (\$50.00) per month.

Sec. 13. Duties of mayor.

The mayor of the City of Mesquite shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor ~~[He]~~ shall perform such other duties consistent with the office as may be imposed ~~[upon him]~~ by this charter and the ordinances and resolutions passed in pursuance hereof. The mayor ~~[He]~~ may participate in the discussion of all matters coming before the council and shall be entitled to vote as a member thereof on all legislative and other matters, but shall have no veto power. The mayor ~~[He]~~ shall sign all contracts and conveyances made or entered into by the city, unless another party is authorized by the city council, and all bonds issued under the provisions of this charter, and ~~[-He]~~ shall be recognized as the official head of the city by the courts for the purpose of serving civil process ~~[urposes]~~. In time of danger or emergency, the mayor may with the consent of the council take command of the police and govern the city by proclamation and maintain order and enforce all laws.

Sec. 17. Legislative procedure.

A majority of the city council shall constitute a quorum to do business, and the affirmative vote of at least four (4) of those attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution unless otherwise provided by state law. All meetings of the city council shall comply with the Texas Open Meetings Act ~~[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.

Sec. 22. Depository for city funds.

The city council is authorized to select a depository for city funds in accordance with and in the manner provided by state law, as amended ~~[Chapter 3 of Title 47 of the Revised Civil Statutes of 1925 as amended, and to follow all the terms and provisions of same]~~.

Sec. 25. City secretary.

The city council shall appoint a city secretary, who ~~[He]~~ shall be a qualified voter residing in the city for at least one (1) year next preceding his or her appointment. Th[He] ~~[H]~~ city secretary shall receive ~~[for his services]~~ such compensation as the city council may fix. Unless excused by the city council for good cause, the city secretary shall attend all meetings of the city council, ~~[and]~~ keep accurate minutes of its proceedings; and ~~[he shall]~~ preserve and keep in order all books, papers, documents, records and files of the city council and of the executive departments. Th[He] ~~[H]~~ city secretary shall keep a record of all commissions and licenses issued and shall countersign the same, and ~~[He]~~ shall have custody of the seal of the city and shall affix same to such documents and obligations only of the city as he or she may be legally authorized so to do.

Sec. 26. City treasurer.

The city finance director or such person acting in such capacity shall serve as city treasurer and shall be appointed by the city manager or person acting in such capacity. The residency requirements for city treasurer shall be the same but not greater than those for finance director or such person acting in such capacity. ~~Th~~He city treasurer shall sign all checks or vouchers given by said city and perform any other duties required by the general laws of the State of Texas.

Sec. 27. Creation and jurisdiction of municipal ~~[corporation]~~ court; fines.

There is hereby created and established ~~[a court to be]~~ the municipal ~~[corporation]~~ court of the City of Mesquite, which court shall have all jurisdiction authorized by state law over ~~[within the territorial limits of said city of all]~~ criminal cases arising under the ordinances of the ~~[such]~~ city and under state law, and shall have concurrent jurisdiction with the justice of the peace of the precinct in which the city is or may be situated as provided by state law. ~~[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]~~ P~~[p]~~unishment of criminal offenses is by fine only and the maximum of said fine ~~[, under the laws of this state,]~~ may not exceed the maximum amount authorized by state law ~~[two hundred dollars (\$200.00)]~~. Said court shall have no civil jurisdiction, except for the forfeiture and collection of bonds given in proceedings therein and other jurisdiction authorized by state law. The municipal court's ~~[It shall also have]~~ jurisdiction of violations of ordinances of the city include but are not limited to those 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 municipal ~~[corporation]~~ court shall be presided over by a judge, who shall be known as the city judge. The municipal court may also be presided over by alternate judges as may be appointed by the city council.

(b) The judge of said municipal ~~[corporation]~~ court, regardless of what his or her 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 and alternate judges of said court shall be ~~[a]~~ qualified voters 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 the clerk's ~~[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.

Sec. 28. Title of Code of Criminal Procedure controlling.

All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and the taking of bonds shall be governed by applicable [the] provisions [of Title 2] of the Code of Criminal Procedure of the State of Texas, as amended [applicable to corporation courts].

Sec. 34. Personal financial interest.

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or services, or to a contractor supplying the city, except on behalf of the city as an officer or employee. However, the phrase "financially interested in any contract with the city" and "financially interested in the sale to the city of any land" shall not be deemed to preclude donations to the city of right-of-way, easements or other thing of value without payment or other consideration from the city. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his or her office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the city manager or governing body.

Provided, however, that city employees, excluding the city manager, the city secretary and the city purchasing agent, may purchase unclaimed and surplus items sold at city auction where the sale is advertised by publication as provided by law and the sale is by open competitive bidding.

No member of the city council shall be excused from voting except on matters where the member's [his] financial interests are involved, or where otherwise prohibited by state law.

Sec. 35. Office of the city attorney.

(a) City attorney. The city council shall appoint an attorney, licensed by the State of Texas, to be the city attorney. The city attorney shall be entitled to compensation for services as established by the city council and shall serve at the pleasure of the council. The city attorney shall draft or approve as to legal form every ordinance proposed by the city council and shall review all contracts and other documents in which the city has an interest. The city attorney shall be the legal advisor to the city and counsel for the city and all its officers and departments in the conduct of city business.

(b) Assistant city attorneys. The city attorney shall appoint assistant city attorneys, who shall receive such compensation as may be fixed by the city council. All powers and duties imposed on the city attorney may be exercised and performed by any assistant city attorney under the direction of the city attorney. Any assistant city attorney may be discharged at any time by the city attorney in accordance with the City of Mesquite policies and procedures for general government employees.

ARTICLE V. TAXES AND TAXATION

Sec. 2. Tax levies.

(a) The city council shall have the power and is hereby authorized and made its duty to levy, assess, and collect annually for general purposes authorized by laws and for the purpose of paying the 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 real, personal or mixed property in

such amounts and at such rates as shall be determined by the city council subject to applicable limitations and prohibitions now or hereafter contained in the Constitution of the State of Texas. If for any cause the city council shall fail, neglect or refuse to pass a tax ordinance for any one (1) year levying taxes for that year, then 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 not [~~in no wise~~] invalidate the tax collections for that year.

(b) The city council shall determine and provide when taxes shall be due and payable. It shall have the right to fix the time and terms of payments of taxes, prescribe penalties for the nonpayment thereof upon the expiration of the time fixed by the [~~said~~] city council, and may provide discounts for advance payments of taxes.

(c) The city council[~~men~~] or any other officer of the city shall not [~~never~~] extend the time for payment of taxes or remit, discount or compromise any tax legally due the city, nor waive the penalty that may be due thereon by any person, but the city council may by ordinance provide for the remission, discount, compromise or waiver of penalty to all persons legally owing any taxes where such remission, discount, compromise or waiver of penalty is for any particular and specified year or years and applies equally to all persons, firms or corporations owing taxes to the city for such year or years; provided, however, that this provision shall not prevent the compromise of any tax suit.

Sec. 7. Payment of taxes.

All ad valorem taxes due or to become due upon real, personal or mixed property or upon franchises granted by the City of Mesquite to individuals or corporations and all license taxes, occupation taxes, permit fees, fines, forfeitures, penalties and other amounts of taxes accruing to the City of Mesquite shall be collectable and payable as provided by state law [~~only in current money of the United States~~].

Sec. 8. Delinquent taxes.

(a) All ad valorem taxes due or to become due to the City of Mesquite that are not paid within the time specified by the city council in the ordinance providing the date of payment of said taxes shall be declared delinquent and shall be subject to the penalties prescribed by ordinance from time to time and may be collected by suits from delinquents, and foreclosure of the lien thereon may be had in any court having jurisdiction of the same, and any person who shall purchase or shall have purchased property encumbered by a lien for taxes or upon which taxes are due shall be deemed as to such taxes a delinquent taxpayer and such purchaser take the property charged with lien, and the purchaser cannot interpose any defense which the person or corporation owning the property at the time of the assessment of said taxes so delinquent might not have interposed had the person or corporation [~~he or it~~] continued to be the owner, except that no personal judgment shall be rendered for same against said purchaser.

(b) All suits for delinquent taxes owing to the City of Mesquite shall be brought [~~in a district court of Dallas County, Texas,~~] in accordance with the applicable provisions of V.T.C.A., Tax Code, as amended, [~~general laws of the State of Texas~~] relative to the collection of delinquent state and county ad valorem taxes.

ARTICLE VI. – RECALL

Sec. 1. Generally.

(a) The mayor or any other member of the city council may be removed from office in the

STATE OF TEXAS)
)
COUNTY OF DALLAS)

_____, being duly sworn, deposes and says (or depose and say) that (he, she [~~f~~]or they) voted for the said _____ at the election when that person [~~he~~] was chosen for his or her present position.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20[19]____.

Notary Public

(c) All papers and affidavits comprising a recall petition shall be assembled and filed with the city secretary as one (1) instrument, with a statement attached thereto giving the names and addresses of three (3) qualified voters, who, as a committee of the petitioners, shall be officially regarded as filing the petition. Within ten (10) days of the date of filing a recall petition, the city secretary shall determine the sufficiency thereof and attach thereto a certificate showing the result of his or her examination. If the city secretary shall certify that the petition is insufficient, he or she shall set forth in the certificate findings stating why the petition [~~the particulars in which it~~] is defective and shall at once notify the committee of the petitioners of those [~~his~~] findings.

(d) A recall petition may be amended at any time within twenty (20) days after the making of the certificate of insufficiency by the city secretary by filing a supplementary petition [~~position~~] upon additional papers issued, signed and filed as provided herein for an original petition. The city secretary shall within five (5) days after such an amendment is filed, make examination of the amended petition and, if the city secretary's [~~his~~] certificate shall show the petition still to be insufficient, he or she shall file the petition in the [~~his~~] Office of the City Secretary and notify the committee of the petitioners of his or her findings. The finding of the insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose.

(e) If a recall petition, or amended petition shall be certified by the city secretary to be sufficient he or she shall at once submit it to the city council with the [~~his~~] certificate to that effect and shall notify the member whose removal is sought of such action. If the member whose removal is sought does not resign within five (5) days of such notice, the city council shall thereupon order and fix the date for holding a recall election. Any such election shall not be held less than forty (40) nor more than sixty (60) days after the petition has been submitted to the city council, and it may be held at the same time as any other general or special election within such period; but, if no election is held within such period, the city council shall call a special recall election to be held within the time aforesaid.

(f) The question of recalling any number of members of said city council may be submitted at the same election, but as to each member whose removal is sought, a separate petition shall be filed and there shall be an entirely separate ballot. Candidates to succeed any members of the city council whose removal is sought shall be placed in nomination by petition signed, filed and verified as provided for nominating petitions for a regular municipal election; except that each petition paper shall specify that the candidate named therein is a candidate to succeed the particular member whose removal is sought.

(g) The ballots used in a recall election shall submit the two (2) following propositions in the order indicated:

"For the recall of (name of mayor or councilmember~~[an]~~);"

"Against the recall of (name of mayor or councilmember~~[an]~~);"

The voter, by striking out either of these propositions, may indicate his or her vote for the one not so stricken out. Under the propositions shall appear the word "candidates" and the direction "Vote for one," and beneath this, the names of the candidates nominated as hereinabove provided. The person whose recall is sought shall not have his or her name printed on the ballot as a candidate. Except that the space left for the names and dates shall be filled by the correct names and date, the ballots used in a recall election shall be in form substantially as follows:

RECALL ELECTION

City of Mesquite

_____ (Month and day of month) _____, 20~~19~~_____.

For the recall of _____

Against the recall of _____

CANDIDATES

Vote for One

Except as provided for in this section, ballots used in recall elections shall comply with the provisions of this charter regarding ballots for a regular municipal election.

(h) If a majority of the votes cast on the question of recalling the mayor or a city councilmember~~[an]~~ be against recall, he or she shall continue in office for the remainder of any [his] unexpired term, but subject to recall as before. If a majority of such votes be for recall of the officer on the ballot, the officer shall, regardless of any defect in the recall petition, be deemed removed from office, the candidate to succeed such officer who receives the highest vote shall be declared elected to fill the unexpired term.

(i) If a mayor or councilmember~~[an]~~ in regard to whom ~~fa~~ sufficient recall petition is submitted to the city council shall resign within five (5) days thereof, the place thus made vacant on the city council shall be filled by the appointment of an eligible person by a majority vote of the remaining members as hereinbefore provided for filling vacancies arising from other causes.

(j) No recall shall be filed against a mayor or councilmember~~[an]~~ within three (3) months after he or she takes office or, in the case of a mayor or councilmember~~[an]~~ subjected to a recall election and not removed thereby, until at least six (6) months after that election.

ARTICLE VIII. CITY MANAGER

Sec. 3. Powers and duties.

The city manager, if one is appointed, shall see that the laws and ordinances of the city are enforced. Except as otherwise provided in this section, th[~~H~~]e city manager shall appoint all appointive officers, or employees of the city (such appointments to be made upon merit and fitness alone), and may at will remove any officers or employees appointed by him or her. [~~except that t~~] The city judge, city attorney, city secretary and city health officer shall be appointed and removed from office by the city council. Assistant city attorneys shall be appointed and removed from office by the city attorney. The city manager shall exercise control and supervision over all departments and offices that may be created by the council except for the office of the city attorney, and all officers and employees appointed by the city manager [him]. Th[~~H~~]e city manager shall attend all meetings of the council with the right to take part in the discussion, but having no vote, and [He] shall recommend in writing to the council such measures as ~~he may~~ deemed necessary or expedient. Th[~~H~~]e city manager shall keep the council fully advised as to the financial condition and needs of the city, and perform such other duties as may be prescribed by this charter or which may be required [~~of him~~] by ordinance or resolution of the council.

Sec. 6. Absence.

At the time of any temporary absence or disability, by letter filed with the city secretary, the city manager shall designate a qualified city administrative officer to exercise the power and perform the duties of city manager during a [his] temporary absence or disability. In the event of the incapacity or failure of the city manager to make such an appointment, it may be made by the governing body. During such absence or disability the council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the [his] disability shall cease.

During any vacancy in the office of city manager, the governing body shall designate by letter filed with the city secretary a qualified administrative officer of the city to serve as acting city manager during the existence of such vacancy.

ARTICLE IX. GENERAL PROVISIONS

Sec. 2. Jurors, etc., not incompetent.

In any action or proceeding in which the City of Mesquite may be ~~fa~~ party at interest, no person shall be an incompetent judge, justice, witness or juror by reason of [~~his~~] being an inhabitant, freeholder or taxpayer of the City of Mesquite.

Sec. 6. Amendments to Charter.

The charter may be amended at any time in accordance with the provisions of state law, as amended ~~[applicable thereto contained in Chapter 13 of Title 28 of the Revised Civil Statutes of 1925 of the State of Texas or any amendments thereto or any amendments that may be made hereafter thereto].~~

ARTICLE IX-A. - CIVIL SERVICE

Sec. 2. Personnel board.

There shall be a personnel board consisting of three (3) members appointed by the council for terms of three (3) years from among the qualified voters of the city. ~~Members of the board shall hold no other city office.~~ All such members of the board shall be of good moral character, resident citizens of the City of Mesquite~~;~~ and shall be more than twenty-five (25) years of age~~;~~ and shall not have held any public office of the City of Mesquite within the preceding three (3) years. Each member of the board shall be known to be in sympathy with the application of merit principles to public employment~~;~~ and shall neither hold nor be a candidate for any other public office or position.

Sec. 3. D[Personnel d]irector of human resources.

There shall be a ~~[personnel]~~ director of human resources, who shall have had training and experience in personnel administration, appointed by the city manager, and who shall administer the personnel system for the city. The ~~[personnel]~~ director of human resources or such other person as may be provided by the city council shall provide the necessary staff assistants for the personnel board.

Sec. 6. Civil service rules.

The ~~[personnel]~~ director of human resources shall prepare the civil service rules and shall refer such proposed rules to the personnel board, which shall make its recommendations thereon. The city manager shall then present the civil service rules to the city council, and the council may by ordinance adopt them with or without amendments.

Sec. 8. Trial board.

There is hereby created~~;~~ for the purpose of hearing and determining charges made against any officer or employee of the city in the classified service, a board to be known as the trial board~~;~~ whose members shall be the members of the personnel board. The trial ~~[said]~~ board shall have final jurisdiction to hear and decide all appeals made to them by any discharged, suspended or reduced officer or employee in the classified service, and the judgment or decision of a majority of said board shall be final. Any aggrieved officer or employee who desires to exercise ~~[avail himself of]~~ the right to appeal to said board must do so promptly and within ten (10) days from the date of ~~his~~ notification of dismissal or reduction. The officer or employee ~~[He]~~ may be represented by counsel and shall have the right to an open hearing and to compel the attendance of ~~[such]~~ witnesses ~~[as he may require to testify in his behalf]~~. The appeal ~~[to said board]~~ shall not suspend the execution of the order of dismissal or reduction pending the ~~[said]~~ hearing. The trial board may either sustain or reverse the action of the city manager or the head of the department, as the case may be, or modify and amend the same as to them may seem just and equitable under all the facts and circumstances of the particular case.