

ORDINANCE NO. 092-073

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS CALLING AND ORDERING AN ELECTION TO BE HELD IN THE TOWN OF ADDISON ON THE 16TH DAY OF JANUARY, 1993 FOR THE PURPOSE OF VOTING ON AMENDMENTS TO THE CITY CHARTER AS FOLLOWS: AMENDMENT NO. 1. TO PROVIDE FOR AN INCREASE IN THE SIZE OF THE COUNCIL, TO INCREASE THE QUORUM REQUIREMENT, AUTHORIZING THE MAYOR TO VOTE IN ALL INSTANCES, AND OTHER RELATED MATTERS PERTAINING TO THE COUNCIL; AMENDMENT NO. 2. TO REVISE CERTAIN PROCEDURES OF THE CITY COUNCIL CONCERNING THE REMOVAL BY THE COUNCIL OF ONE OF ITS MEMBERS, THE CALLING OF A SPECIAL MEETING, THAT THE COUNCIL ACCOMODATE THE PUBLIC AT A MEETING, AND THE APPOINTMENT OF A DEPUTY MAYOR PRO TEMPORE; AMENDMENT NO. 3. TO REVISE THE QUALIFICATIONS FOR A MUNICIPAL JUDGE AND THE PROCEDURE FOR THE APPOINTMENT OF ALTERNATE JUDGES; AMENDMENT NO. 4. TO ESTABLISH THE NUMBER OF VOTES REQUIRED TO HIRE AND FIRE THE CITY MANAGER; AMENDMENT NO. 5. TO ESTABLISH A LIMIT ON THE NUMBER OF CONSECUTIVE TERMS WHICH A PERSON MAY HOLD THE OFFICE OF MAYOR OR COUNCIL MEMBER; AMENDMENT NO. 6. TO REVISE IN PART THE PROCEDURE FOR REVIEWING A PETITION SUBMITTED UNDER THE INITIATIVE AND REFERENDUM PROCESS OR UNDER THE PROCESS TO RECALL A MEMBER OF THE COUNCIL; AMENDMENT NO. 7. TO PROVIDE FOR CHANGES TO THE NEPOTISM STANDARDS TO REFLECT STATE LAW; AMENDMENT NO. 8. TO ADOPT A CHANGE TO THE METHOD OF SELECTING A CHARTER REVIEW COMMISSION; PROVIDING FOR THE EFFECTIVE DATE OF A PROPOSITION APPROVED BY THE VOTERS; PROVIDING FOR THE

APPOINTMENT OF ELECTION OFFICERS AND CLERKS AND THEIR COMPENSATION; PROVIDING THAT THE ELECTION SHALL BE HELD IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING A DATE FOR CANVASSING THE RETURNS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. Election ordered. That in accordance with the Charter of the Town of Addison, Texas (the "City") and the laws of the State of Texas, an election be, and the same is hereby, called and ordered to be held in the City on Saturday, January 16, 1993, at which election there shall be submitted to the qualified voters of the City the following amendments to the City Charter:

Amendment No. 1. Composition of the Council and Related Matters. Amending certain sections of Articles II. and VIII. as follows:

A. Section 2.01 to: (i) increase the number of members of the governing body of the City from six (6) to seven (7), and (ii) add a definition of "member of the Council".

B. Section 2.06 to give the Mayor a full vote on all matters coming before the Council.

C. Section 2.11 to: (i) increase the number of members of the Council required to constitute a quorum from four to five, and (ii) increase the number of votes to adopt or pass an ordinance, resolution or motion from three to four.

D. Section 8.04.b. to provide for the election of three (3) council members and a Mayor in each odd-numbered year.

Amendment No. 2. Council procedure and related matters. Amending certain sections of Article II. as follows:

A. Section 2.03 to (i) provide additional grounds for the removal of a member of the Council, and (ii) provide

that a majority of the members of the Council plus one additional affirmative vote is required to remove a member of the Council (this provision being added from Section 2.18).

B. Section 2.07 to provide for the appointment of a Deputy Mayor Pro Tempore to serve in the event the Mayor Pro Tempore is absent or unable to serve.

C. Section 2.10 to (i) add a provision that the Council shall take such action as it deems reasonable and necessary to accommodate the public at a meeting, and (ii) increase the number of council members who may call a special meeting of the Council from three (3) to four (4).

Amendment No. 3. Municipal Judge. Amend certain sections of Articles II and IV as follows:

A. Section 2.16 [the said Section being added in its entirety to Section 4.07 as subparagraph b.] by deleting the requirement that a municipal judge must be a "practicing attorney" and adding the provision that a municipal judge must be "licensed to practice law in the State of Texas and a member in good standing of the State Bar of Texas."

B. Section 4.07.f. to delete the provision that an alternate municipal judge may only be appointed in the case of the disability or absence of the Municipal Judge.

Amendment No. 4. City Manager. Amend certain sections of Article III as follows:

A. Section 3.01 to provide that a vote of four (4) members of the Council is required to select the City Manager.

B. Section 3.02 to provide that a vote of four (4) members of the Council is required to remove the City Manager.

Amendment No. 5. Term limits. Amend Section 8.04 by adding a new subsection h. setting a limit of three (3) consecutive terms which a person can hold the position of Mayor or council member, and making such other changes as are necessary to effectuate such change.

Amendment No. 6. Initiative and Referendum petition; recall petition. Amend certain sections of Article IX and X as follows:

A. Sections 9.04 (initiative petition), 9.05 (referendum petition) and 10.05 (recall petition) to provide that the City Secretary must, within 15 days of the filing of a

petition, examine the petition to determine whether or not the petition complies with the terms of the Charter or State law, and after such examination must submit the petition to the Council.

B. Section 10.07 to (i) require the Council to receive a recall petition and order an election (the first paragraph being moved from Section 10.11, and amended), and (ii) amend the time for holding the recall election to ensure compliance with State law.

Amendment No. 7. Nepotism; selecting a Charter Commission. Amend Section 11.14 regarding nepotism to conform to State law.

Amendment No. 8. Selecting a Charter Commission. Amend Section 11.29 relating to the composition of a Charter commission to provide that each member of the Council may appoint two (2) members to the commission.

The foregoing amendments are set forth in full in the Draft Revised Charter attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 2. Ballot propositions. The Charter Amendment propositions shall appear on the ballot as follows: Voters should place an "X" in the square beside the statement indicating the way they wish to vote:

AMENDMENT NO. 1

YES Shall the Addison City Charter be amended to provide for an increase from six (6) to seven
NO (7) the number of members on the Council, to give the Mayor a full vote on all matters coming before the Council, to increase from four (4) to five (5) the number of members of the Council required to constitute a quorum, to increase from three (3) to four (4) the number of votes required to adopt a measure, to define "member of the Council", and to provide for the election of three council members and the Mayor in each odd-numbered year?

AMENDMENT NO. 2

YES Shall the Addison City Charter be amended to change certain procedures of the City Council,
NO as follows: to provide additional grounds for

the removal by the Council of one of its members, to increase from three (3) to a majority of the members of the Council plus one (1) additional affirmative vote the number of votes required by the Council to remove a member of the Council, to provide that the Council must take reasonable action to accommodate the public at a meeting, to increase from three (3) to four (4) the number of members of the Council who may call a special meeting, and to provide for the appointment of a Deputy Mayor Pro Tempore?

AMENDMENT NO. 3

YES Shall the Addison City Charter be amended to
NO revise the qualifications of a municipal judge to provide that the municipal judge must be licensed to practice law in the State of Texas and a member in good standing of the State Bar of Texas, and to delete the provision that alternate municipal judges may only be appointed in the case of the disability or absence of the municipal judge?

AMENDMENT NO. 4

YES Shall the Addison City Charter be amended to
NO provide that four (4) votes of the Council are required to hire and fire the City Manager?

AMENDMENT NO. 5

YES Shall the Addison City Charter be amended to
NO limit to three (3) the number of consecutive terms which a person may hold the office of Mayor or the office of council member, and to make such other changes as are necessary to effectuate such amendment?

AMENDMENT NO. 6

YES Shall the Addison City Charter be amended to
NO provide for clarification of the procedure to be followed by the City Secretary in reviewing, for compliance with the City Charter and State law, a petition submitted under the initiative and referendum process and the process to recall a member of the Council?

AMENDMENT NO. 7

YES Shall the Addison City Charter be amended to
NO clarify the provision regarding nepotism to conform to the law of the State of Texas?

AMENDMENT NO. 8

YES Shall the Addison City Charter be amended to
revise in part the procedure to select a Charter
NO Review Commission to provide that each member of
the Council may select two (2) members for the
Commission?

SECTION 3. Proposition effective. A proposition approved by
a majority of the votes voting shall become effective upon adoption
pursuant to law, unless otherwise provided herein.

SECTION 4. Appointment of a Presiding Election Judge and
Alternate Presiding Election Judge; Qualifications to Serve as
Election Judge; Confirmation of Appointments; Notice of
Appointments. The following named individuals, residing at the
respective addresses, are hereby appointed to serve as the
Presiding Election Judge at the election:

Presiding Election Judge:

Name: Gary B. Smith

Address: 3921 Winter Park

Addison, Texas

All election judges shall be qualified voters of the City.
The City Secretary shall, in accordance with Section 32.009 of the
Election Code, deliver to the Presiding Election Judge notice of
his appointment not later than twenty (20) days from the effective
date of this Ordinance.

SECTION 5. Appointment of Clerks. The Presiding Election
Judge herein appointed shall appoint not less than two (2) nor more
than six (6) qualified election clerks to serve and assist in the
conduct of the election. All election clerks shall be qualified
voters of the City.

SECTION 6. Compensation of Election Judges and Election Clerks. The Presiding Election Judge and each Election Clerk shall be compensated at the rate of \$5.00 per hour in accordance with Section 32.091 of the Election Code. The Presiding Election Judge shall also be paid the additional sum of \$25.00 for delivering the returns of the election. Such payments shall not exceed the maximum amounts set forth in Sections 32.091 and 32.092 of the Code.

SECTION 7. Election supplies. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the election. Ballots shall conform to the requirements of the Election Code and to Chapter 9 of the Texas Local Government Code, as amended, so that each voter may vote "YES" or "NO" on each of the propositions. In addition, the election materials enumerated in the Election Code shall be printed in both English and Spanish for use at the polling place and for absentee voting for the election.

SECTION 8. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident, qualified electors of the City shall be eligible to vote at the election.

SECTION 9. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at City Hall, Addison, Texas on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or

if none, then in a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit which complies with the requirements of the Election Code.

SECTION 10. Early Voting. Early voting by personal appearance shall be conducted by the City Secretary, who is hereby appointed the Early Voting Clerk, at the office of the City Secretary located at City Hall. For the period early voting for the election is permitted by law, the Early Voting Clerk shall keep said office open on each day except Saturday, Sunday, and official State and/or national holidays, which hours shall be from 8:00 A.M. to 5:00 P.M., commencing on Monday, December 28, 1992 and terminating on Tuesday, January 12, 1993. Early voting on a Saturday or Sunday, if any, shall be conducted in accordance with the requirements of the Election Code.

Application for early voting by mail shall be delivered to the Early Voting Clerk at the same address not earlier than November 17, 1992, and not later than the close of regular business in the Early Voting Clerk's office or 12 noon, whichever is later, on January 8, 1993.

Early voting, both by personal appearance and by mail, shall be by ballots which conform to the requirements of the Election Code. The early ballots shall be canvassed by the Early Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Election Judge appointed herein shall serve as the presiding officer and the alternate presiding officer,

respectively, of the Early Ballot Board. The Presiding Election Judge shall appoint at least one other member to the Board.

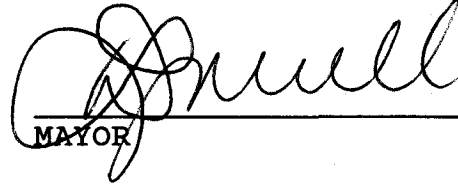
SECTION 11. Delivery of Returns; Preservation of Election Records. In accordance with Section 66.051 of the Election Code, immediately after the closing of the poll on the day of the election, the election officers named in this Ordinance shall make and deliver the returns of the election in quadruplicate as follows: one copy shall be retained by the Presiding Election Judge, one copy shall be delivered to the Mayor of the City, one copy shall be delivered to the voter registrar, and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the code.

SECTION 12. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on January 19, 1993 at 7:30 o'clock P.M. to canvass the returns of the election.

SECTION 13. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

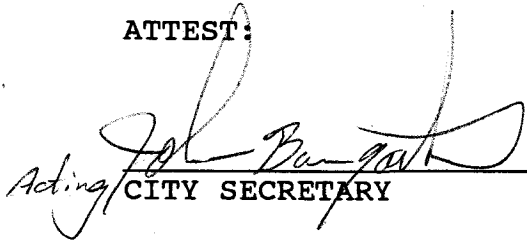
SECTION 14. Effective Date. This Ordinance shall be in force and effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,
this the 24th day of November, 1992.



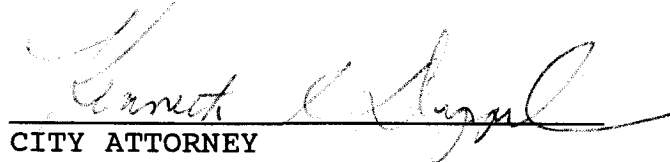
MAYOR

ATTEST:



Acting CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

EFFECTIVE DATE: Nov 24, 1992

Published
11/21/96

