

ORDINANCE NO. 093-003

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE SPECIAL ELECTION TO CONSIDER CERTAIN AMENDMENTS TO THE CITY CHARTER HELD ON JANUARY 16, 1993; DECLARING THAT THE AMENDMENTS TO THE CITY CHARTER APPROVED BY MAJORITY VOTE AT THE ELECTION ARE ADOPTED; AUTHORIZING ISSUANCE OF THE CANVASS OF THE SAID SPECIAL ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 24, 1992 the City Council of the Town of Addison, Texas (the "City") passed and approved Ordinance No. 092-073, which Ordinance ordered a special election (the "Election") to be held on January 16, 1993, for the purpose of considering certain amendments to the City Charter as set forth in the Ordinance; and

WHEREAS, the appropriate authority of the City has heretofore caused to be posted and published, in accordance with the laws of the State of Texas, notices of the Election; and

WHEREAS, the Election was duly and legally held on January 16, 1993 in the City and in conformity with the laws of the State, and the results of the Election, including the early voting results, have been certified and returned by the proper judges and clerks thereof; and

WHEREAS, the City Secretary, acting as general custodian of the election records, presented the official returns of the presiding judge of the Election, including the returns of early voting ballots cast in connection therewith, to the City Council acting in its capacity as the Canvassing Board; and

WHEREAS, the City Council has considered the returns of the Election, including the return of early voting ballots cast in connection therewith; and

WHEREAS, the returns of the Election, including the returns of early voting ballots, duly and legally made, showed that there were cast at the Election the following total valid and legal votes:

<u>ELECTION</u>	<u>TOTAL EARLY VOTING VOTES CAST</u>	<u>TOTAL VOTES CAST AT POLL ON ELECTION DAY</u>	<u>TOTAL VOTES CAST</u>
SPECIAL CHARTER ELECTION	8	66	74

and

WHEREAS, the returns of the Election, including the returns of the early voting ballots, duly and legally made, showed that each proposed amendment to the Charter as set forth in the Election ballot received the following votes:

ELECTION TO CONSIDER AMENDMENTS TO THE CITY CHARTER

<u>CHARTER AMENDMENT NUMBER</u>	<u>TOTAL NUMBER OF EARLY VOTING VOTES RECEIVED</u>		<u>TOTAL NUMBER OF VOTES RECEIVED AT POLL ON ELECTION DAY</u>		<u>TOTAL NUMBER OF VOTES RECEIVED</u>	
	<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>
1	_____	_____	_____	_____	58	12
2	_____	_____	_____	_____	63	9
3	_____	_____	_____	_____	68	3
4	_____	_____	_____	_____	65	6
5	_____	_____	_____	_____	60	12
6	_____	_____	_____	_____	64	5
7	_____	_____	_____	_____	69	2
8	_____	_____	_____	_____	63	7

and

WHEREAS, pursuant to State law, in order for a proposed amendment to the City Charter to be declared adopted, the amendment must be approved by a majority of qualified voters of the City who voted at the Election.

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

Section 1. Incorporation of Premises. That all of the above premises are found and determined to be true and correct and are incorporated into the body of this Ordinance as if copied herein in their entirety.

Section 2. Confirmation of Vote Tabulations. That it is further found and determined that the results of the Election amending the City Charter, as canvassed and tabulated in the preamble of this Ordinance, reflect the expressed desires of the resident, qualified voters of the City.

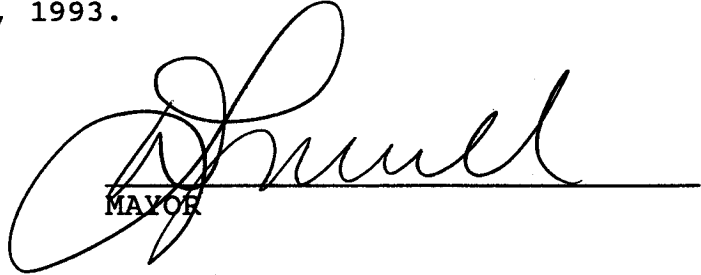
Section 3. Adoption of Charter Amendments. The amendments to the City Charter approved by a majority vote of the resident, qualified voters of the City, as set forth above, are hereby adopted. Those provisions of the City Charter as amended are set forth in Exhibit "A" attached hereto and incorporated herein for all purposes. The City Manager is hereby authorized and directed to take all steps necessary to revise the City Charter in accordance herewith.

Section 4. Issuance of Canvass of General Election. The Mayor is hereby authorized and directed to execute and deliver the Canvass of the General Election, a copy of which is attached hereto as Exhibit "B", in accordance with the election laws of the State

of Texas, and to take all other action necessary in connection therewith.

Section 5. 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 19th day of January, 1993.

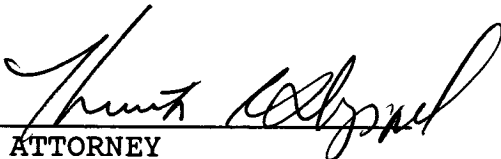

MAYOR

ATTEST:


CITY SECRETARY

[SEAL]

APPROVED AS TO FORM:


CITY ATTORNEY

Published
2-11-93



EXHIBIT "A"

(This Exhibit reflects the Charter as amended; where the words "no change" are used, that section or subsection of the Charter was not amended)

THE CHARTER

- Art. I. Incorporation-Form of Government-Powers, §§ 1.01-1.05
- Art. II. The Council, §§ 2.01-2.18
- Art. III. City Manager, §§3.01-3.04
- Art. IV. Administrative Departments, §§4.01-4.11
- Art. V. Municipal Finance, §§5.01-5.33
- Art. VI. Franchises and Public Utilities, §§6.01-6.13
- Art. VII. Municipal Planning and Zoning, §§7.01-7.04
- Art. VIII. Nominations and Elections, §§ 8.01-8.06
- Art. IX. Initiative and Referendum, §§ 9.01-9.13
- Art. X. Recall, §§ 10.01-10.11
- Art. XI. Miscellaneous Provisions, §§11.01-11.33

**ARTICLE I. INCORPORATION-FORM OF
GOVERNMENT-POWERS**

Section 1.01. Incorporation

No change.

Section 1.02. Boundaries.

No change.

Section 1.03. Form of government.

No change.

Section 1.04. Annexation and disannexation.

No change.

Section 1.05. Powers.

No change.

ARTICLE II. THE COUNCIL

Section 2.01. Number.

The legislative and governing body of the City shall be a City Council which shall be composed of a mayor and six (6) council members. When used in this Charter, the phrase "member of the Council" shall mean and include the Mayor or any council member.

Section 2.02. Qualifications.

No change.

Section 2.03. Removal from office; Council to be judge of qualifications of its members.

A member of the Council may be removed from office, in accordance with the procedures set forth in this Charter, if he:

(1) Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law;

(2) Commits any act of official misconduct including but not limited to:

a. wilfully violating any express prohibition of this Charter,

b. failing to discharge the member's official duties as set out in this Charter, or

c. committing acts in the member's official capacity which the member had no authority to commit;

(3) Is incompetent;

(4) Is convicted of a felony offense or any offense involving moral turpitude;

(5) Fails to attend four (4) consecutive regular meetings of the Council without first being excused by the Council.

The Council shall be the judge of the election and qualifications of its members. If a member of the Council is charged with a ground for removal, a hearing shall be set not less than ten (10) days nor more than thirty (30) days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in his defense, but he shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of a majority of the members of the Council plus one additional affirmative vote, the accused member shall be removed from office and his seat declared vacant. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts.

Section 2.04. Compensation.

No change.

Section 2.05. Vacancies in council.

No change.

Section 2.06. Mayor.

The Mayor shall preside at meetings of the Council, 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 administrative duties. The Mayor may participate in the discussion of and shall be entitled to vote on all matters coming before the Council. A vacancy in the office of Mayor shall be filled by the Council in the same manner as provided in Section 2.05 except that one of the remaining council members may be selected as Mayor.

Section 2.07. Mayor pro tempore.

The Council shall elect from among the council members a (i) Mayor Pro Tempore who shall perform the duties of Mayor in case of the absence or disability of the Mayor, and (ii) a Deputy Mayor Pro Tempore who shall serve as Mayor Pro Tempore in the absence or disability of the Mayor Pro Tempore. In case of the absence or disability of the Mayor, the Mayor Pro Tempore and the Deputy Mayor Pro Tempore, the remaining members of the Council shall elect one of their members to act as Mayor temporarily during such absence or disability.

Section 2.08. Powers of the city council.

No change.

Section 2.09. Interference in administrative matters.

No change.

Section 2.10. Meetings of the City Council.

The Council shall hold at least one or more regular meetings in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. Except as allows by State law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or four (4) council members giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.

Section 2.11. Rules of procedure.

The City Council shall determine its own rules of procedure and may compel the attendance of its members. Five (5) members of the City Council shall constitute a quorum to do business, and, except as otherwise provided for herein, any Ordinance, Resolution, or other action shall require at least four (4) affirmative votes to be adopted or passed. Minutes of the proceedings of all meetings of the City Council 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 passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary.

Section 2.12. Procedure for passage of ordinances.

No change.

Section 2.13. Official bonds for city employees.

No change.

Section. 2.14. Investigation by the City Council

No change.

Section 2.15. Independent annual audit.

No change.

Section 2.16. Reserved.

Section 2.17. Induction of Council into office.

No change.

Section 2.18. Reserved.

ARTICLE III. CITY MANAGER

Section 3.01. Appointment and qualifications.

The City Manager shall be chosen by a vote of at least four (4) members of the Council. The selection of the City Manager shall be made on the basis of his character, executive and administrative training, experience and ability, and without regard to political consideration. No member of the City Council shall, during the time for which he is elected and for two (2) years thereafter, be appointed City Manager.

Section 3.02. Term and salary.

The City Manager shall not be appointed for a definite term and may be removed at the will and pleasure of the City Council by a vote of at least four (4) members of the Council. The motion of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. The City Manager shall receive compensation as may be fixed by the Council.

Section 3.03. Powers and duties

No change.

Section 3.04. Absence of City Manager.

No change.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Section 4.01. General provisions.

No change.

Section 4.02. Reserved.

No change.

Section. 4.03. Reserved.

No change.

Sections 4.04, 4.05. Reserved.

No change.

Section 4.06. City Secretary.

No change.

Section 4.07. Municipal Court.

a. No change.

b. Each of the municipal courts of the Town of Addison shall be presided over by a judge or judges, each of whom shall be designated as "municipal judge." Each judge shall be licensed to practice law in the State of Texas and a member in good standing of the State Bar of Texas. The municipal judges shall be appointed by the Council and may be removed by the Council at any time for incompetency, misconduct, malfeasance, or disability, after a

public hearing before the Council. Municipal judges shall receive such salary as may be fixed by the Council.

c. No change.

d. No change.

e. No change.

f. The Council may appoint alternate judges to act in the place of the Municipal Court Judge.

Section 4.08. City Attorney.

No change.

Section 4.09. Reserved.

No change.

Sections 4.10, 411. Reserved.

No change.

ARTICLE V. MUNICIPAL FINANCE

Section 5.01. Fiscal year.

No change.

SECTION 5.02. Preparation and submission of budget.

No change.

Section 5.03. Budget a public record.

No change.

Section 5.04. Public hearing on budget.

No change.

Section 5.05. Proceedings on adoption of budget.

No change.

Section 5.06. Budget, appropriation and amount to be raised by taxation.

No change.

Section 5.07. Unallocated reserve fund.

No change.

Section 5.08. Amendment and supplemental budgets.

No change.

Section 5.09. Certification; copies made available

No change.

Section 5.10. Defect shall not invalidate the tax levy.

No change.

Section 5.11. Bonds, warrants and other evidences of indebtedness.

No change.

Section 5.12. Power to tax.

No change.

Section. 5.16. Where payable; no demand necessary.

No change.

Section 5.17. Removing property from Addison.

No change.

Section 5.18. Inadequate description.

No change.

Section 5.19. Power to correct errors.

No change.

Section 5.20. Ratification.

No change.

Sections 5.21-5.26. Reserved.

No change.

Section 5.27. Payment, delinquency, penalties.

No change.

Section 5.28. Tax levy and lien.

No change.

Section 5.29. Seizure and sale of personal peroneal property.

No change.

Section 5.30. Reserved.

No change.

Section 5.31. General Powers.

No change.

Section 5.32. Reserved.

No change.

Section 5.33. Purchasing.

No change.

**ARTICLE VI. FRANCHISES AND PUBLIC
UTILITIES***

Section 6.01. Powers of the city.

No change..

Section 6.02. Franchises; power of the City Council.

No change.

Section 6.03. Franchise value not to be allowed.

No change.

Section 6.04. Right of regulation.

No change.

Section 6.05. Grand not to be inclusive.

No change.

Section 6.06. Consent of property owners.

No change.

Section 6.07. Extensions.

No change.

Section 6.08. Temporary permits.

No change.

Section 6.09. Other conditions.

No change.

Section 6.10. Franchise records.

No change.

Section 6.11. Accounts of municipally owned utilities.

No change.

Section 6.12. Regulations of rates and services.

No change.

Section 6.13. Rate changes.

No change.

**ARTICLE VII. MUNICIPAL PLANNING
AND ZONING**

Section 7.01. Platting of Property.

No change.

Section 7.02. Development of property.

No change.

Section 7.03. Master plan.

No change.

Section 7.04. Planning and zoning commission.

No change.

ARTICLE VIII. NOMINATIONS AND ELECTIONS

Section 8.01. Election.

No change.

Section 8.02. Regulation of elections.

No change.

Section 8.03. Nominations.

No change.

Section 8.04. Number, selection, and term of Council.

The Council shall be composed of a Mayor and six (6) council members who shall be elected and serve in the following manner subject to the adopting of this Charter:

- a. No change.
- b. In each odd-numbered year three (3) council members and a Mayor shall be elected and in each even-numbered year three (3) council members shall be elected.
- c. No change.
- d. No change.
- e. No change.
- f. No change.
- g. No change.
- h. No person shall serve as Mayor for more than three (3) successive terms of office, and no person shall serve as a council member for more than three (3) successive terms of office. For purposes of this section, the phrase "terms of office" shall not include any unexpired portion of any two (2) year term.

Section 8.05. Prohibiting holding or running for other office.

No change.

Section 8.06. Conducting and canvassing elections.

No change.

ARTICLE IX. INITIATIVE AND REFERENDUM

Section 9.01. General power of initiative and referendum.

No change.

Section 9.02. Initiative.

No change.

Section 9.03. Form of initiative and referendum petition.

No change.

Section 9.04. Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signature thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising an initiative or referendum petition shall be filed with the person performing the duties of City Secretary on the same day. Within fifteen (15) days from the filing of such petition, the person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person performing the duties of the City Secretary shall present said petition and proposed Ordinance or Resolution to the City Council at its next regularly scheduled meeting. Upon presentation to it of the draft of the proposed Ordinance or Resolution, it shall become the duty of the Council, within twenty (20) days after the receipt thereof, to pass and adopt such Ordinance or Resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election as approved by State Law or if not controlling by State Law, the date of which election shall be within thirty (30) days thereafter, at which the qualified voters of the Town of Addison shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election.

Section 9.05. Referendum.

Qualified voters of the Town of Addison may require that any Ordinance or Resolution, with the exception of Ordinances or Resolutions appropriating money, fixing salaries or levying taxes, passed by the Council be submitted to the voters of the Town of Addison for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after the final passage of said Ordinance or Resolution, or within thirty (30) days after its publication. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from a list of qualified voters maintained by the tax collector of Dallas County. Each signer of such petition shall personally sign his name and address in ink or

indelible pencil, and shall write after his name his place of residence, giving the name of the street and number, or place of residence, and shall write thereon the date, the month and the year his signature was affixed. Said petition shall be submitted to the person performing the duties of City Secretary. Within fifteen (15) days from the filing of such petition, the person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person performing the duties of the City Secretary shall present said petition to the Council at its next regularly scheduled meeting.

Section 9.06. Voluntary submission of legislation by the Council.

No change.

Section 9.07. Form of ballots.

No change.

Section 9.08. Publication of proposed and referred Ordinances.

No change.

Section 9.09. Adoption of Ordinances.

No change.

Section 9.10. Inconsistent Ordinances.

No change.

Section 9.11. Ordinances passed by popular vote, repeal or amendment.

No change.

Section 9.12. Further regulations by the Council.

No change.

Section 9.13. Franchise Ordinances.

No change.

ARTICLE X. RECALL

Section 10.01. Scope of recall.

No change.

Section 10.02. Petitions for recall.

No change.

Section 10.03. Form of recall petition.

No change.

Section 10.04. Various papers constituting petition.

No change.

Section 10.05. Presentation of petition to the Council.

Within fifteen (15) days from the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall complete the examination of the petition to determine if it complies with the requirements of this Article and State law. After completing the examination, the person performing the duties of the City Secretary shall present said petition to the City Council at its next regularly scheduled meeting.

Section 10.06. Public hearing to be held.

No change.

Section 10.07. Duty to receive petition; Election to be called.

The Council, upon being presented with a recall petition, shall receive the petition, shall order an election in accordance with the requirements of this Charter and applicable law, and shall take all other steps necessary to effect a recall election.

If each officer whose removal is sought does not resign, then it shall become the duty of the Council to order an election and fix a date for holding such recall election. The date of the recall election shall be on the earlier of (i) the next available uniform election date as provided by law or (ii) if not contrary to State Law, the next available date that allows sufficient time to comply with other requirements of law not less than twenty-five (25) days after the date such petition was presented to the Council, or after the date of the public hearing if one was held.

Section 10.08. Ballots in recall election.

No change.

Section 10.09. Result of recall election.

No change.

Section 10.10. Recall, restrictions thereon.

No change.

Section 10.11. Reserved.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 11.01. No officer or employee to accept gift, etc.

No change.

Section 11.02. Officers or employees of the City not to have financial interest in any contracts of the City.

No change.

Section 11.03. Retirement system and social security; group insurance.

No change.

Section 11.04. Restriction of sale of alcoholic beverages.

No change.

Section 11.05. Notice of damage or injury required.

No change.

Section 11.06. City exempt from appeal bonds.

No change.

Section 11.07. Execution, garnishment and assignment.

No change.

Section 11.08. No lien on public property; contractors, etc., to notify City of claims.

No change.

Section 11.09. Bonds of contractors.

No change.

Section 11.10. Condemnation of dangerous structures.

No change.

Section 11.11. Fire limits.

No change.

Section 11.12. Building permits.

No change.

Section 11.13. Pools, ponds and lakes.

No change.

Section 11.14. Nepotism.

No officer of the City shall appoint, vote for or confirm, the appointment to any office, position, clerkship, employment or duty of any person related within the second degree by affinity or within the third degree by consanguinity to the officer or to any other member of a City board of which the said officer may be a member, if any, when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever. However, this provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for at least thirty (30) days, if the officer is appointed, or at least six (6) months, if the officer is elected.

When a person is allowed to continue in any such position, the officer related shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, unless such action is taken with respect to a bona fide class or category of employees.

No officer of the City may use his position to influence or to promote the appointment to any office, position, clerkship, employment or duty or the approval of a contract which purports to hire as an independent contractor any person relating within the second degree by affinity or within the third degree by consanguinity to such officer of the City.

Section 11.15. Publicity of records.

No change.

Section 11.16. Applicability of general laws.

No change.

Section 11.17. Official newspaper.

No change.

Section 11.18. Gender clause.

No change.

Section 11.19. Construction of Charter.

No change.

Section 11.20. Judicial notice.

No change.

Section 11.21. Power to remit penalties.

No change.

Section 11.22. Acquisition of land for park purposes.

No change.

Section 11.23. Rearrangement and renumbering.

No change.

Section 11.24. City depository.

No change.

Section 11.25. Tax debt arrearage.

No change.

Section 11.26. Disaster clause.

No change.

Section 11.27. When provisions take effect.

No change.

Section 11.28. Amend the Charter.

No change.

Section 11.29. Charter Review Commission.

Whenever allowed by law, the City may appoint a Charter Review Commission composed of citizens of the Town of Addison. Each member of the Council shall have the right to appoint two (2) members to the said Commission. However, the Council shall appoint a Charter Review Commission at least every ten (10) years to review the Charter and make recommendations as to any suggested changes.

Section 11.30. Ordinances, rules and regulations validated.

No change.

Section 11.31. Severability clause.

No change.

Section 11.32. Airport.

No change.

Section 11.33. Savings clause.

No change.