

ORDINANCE NO. 818.1

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SLATON, TEXAS; ORDERING A SPECIAL ELECTION ON NOVEMBER 8, 2022 TO VOTE ON PROPOSED AMENDMENTS TO THE SLATON CITY CHARTER, AS MORE FULLY SET OUT HEREIN; ESTABLISHING A POLLING PLACE AND PROVIDING GENERALLY FOR THE CONDUCT OF SAID ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Slaton seeks to proceed with the ordering of a special election for Tuesday, November 8, 2022, the next uniform election date, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the Slaton City Charter (hereafter, "Charter" or "City Charter") was adopted by voters in 1929; and,

WHEREAS, since that time, the Charter has been updated only a few times, the most recent time in 1960, yet there have been numerous changes in federal and state law requirements, public policy, and the needs of a city with a growing population; and,

WHEREAS, it has been more than two (2) years since the Charter was last amended; and

WHEREAS, the City Commission desires to submit proposed amendments to the voters of the City, as authorized by Section 9.004 of the Texas Local Government Code, on the Commission's own motion; and

WHEREAS, the City Commission here expresses its gratitude for the invaluable service performed by a citizen committee appointed to review the Charter and recommend possible revisions; and

WHEREAS, the City Commission finds it is desirable and in the best public interests for voters to now consider certain amendments to the Charter in accordance with the several propositions described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SLATON, TEXAS:

SECTION 1. Pursuant to Texas Local Government Code, section 9.004 that an election is hereby called by and for the City of Slaton to be held on the next uniform election date specified by the Texas Election Code, being November 8, 2022, to vote on the following propositions to amend the City of Slaton Home Rule Charter, as it currently exists as amended, which shall be separate propositions on a single ballot with the ballot text for each proposition to appear and read as shown below, for the reasons and purposes stated for each proposition:

**Proposition No. 1 – General Terminology, Titles, Numbers, and Non-substantive
Conforming Provisions**

WHEREAS, the Charter is marked by inconsistent use of titles, references to now non-existent positions; formatting inconsistencies; and similar non-substantive matters that should be corrected and updated for modern usage. NOW, THEREFORE, this proposition shall amend the Charter by making various non-substantive vocabulary changes throughout the Charter to use modern and consistent terminology, titles, and labels throughout the Charter; avoiding and replacing the exclusive use of masculine gender references; and similar non-substantive choices of labels, titles, and modern English vocabulary; and improve formatting by inserting subsection numbers and letters.

Sections Affected: Article I through Article IX, inclusive.

Ballot Text:
PROPOSITION No. 1

To amend the Slaton City Charter by making non-substantive vocabulary changes throughout all Articles of the Charter to use modern and consistent terminology, titles, and labels, as well as applying such consistent and modern terminology, titles, and labels to other propositions on this ballot that are approved.

_____ FOR

_____ AGAINST

Proposition No. 2 – Annexation and Disannexation

WHEREAS, the Charter prescribes procedures, timelines, and notices for annexations because in 1929 there was little state law on the subject. However, today Texas annexation statutes are highly developed with detailed procedures, timelines, restrictions, and notice requirements. It is difficult to reconcile and honor both sets of rules. NOW, THEREFORE, this proposition shall repeal Article I, Section 4 and Article I, Section 4(a) related to annexation and update Section Article I, Section 4 to provide for one updated section dealing with all of the City's annexation and disannexation powers by acknowledging that the City has such authority, and deleting the substantive rules and procedures, but in their place require that each annexation and disannexation shall be conducted in accordance with applicable state law or ordinance.

If Proposition 2 is approved by the voters on November 8, 2022, Section 4 of Article I of the Slaton City Charter shall thereafter read as follows:

- A. **ANNEXATION BY CITY COMMISSION.** The City Commission shall have the power, by ordinance, to fix the boundary limits of the City of Slaton; and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city. The City's power of annexation shall be conducted in

accordance with applicable state law. Residents of annexed territory shall be entitled to all rights and privileges of citizens who reside in the City, and shall be bound by acts, ordinances, resolutions, and regulations of the City. The boundaries of the City shall be those established by ordinance of the City Commission enacted in accordance with the procedures provided for in federal, state, or other law. The City Secretary shall keep a correct and complete description of the City boundaries, indicating all annexations, detachments, and disannexations.

B. DISANNEXATION. The Commission may, by ordinance, disannex any territory within the corporate boundaries of the city, if the Commission determines that the territory is not necessary or suitable for city purposes.

C. VOTE. Decisions on annexation or disannexation require favorable votes by not less than four (4) Members of the City Commission.

Sections Affected: Article I, Sec. 4 and Article I, Sec. 4(a).

Ballot Text:
PROPOSITION No. 2

To amend Article I, Section 4 of the Slaton City Charter to acknowledge the City's authority to establish boundaries of the City and annex and disannex property and replace the timelines and procedures for annexation with the requirement that annexations and disannexations be conducted in accordance with applicable state law or ordinance, and to repeal Article I, Section 4(a) in accordance with the amendment to Article I, Section 4.

_____ FOR

_____ AGAINST

Proposition No. 3 – Powers of the City – General Powers and Particular Powers

WHEREAS, Article II, Section 1 of the Charter details the corporate powers of the City generally. To better describe the powers of the City, this section should be expanded to provide more detail. NOW, THEREFORE, this proposition shall amend the Charter to update Article II, Section 1 to provide an updated section describing in more detail the City's powers.

If Proposition 3 is approved by the voters on November 8, 2022, Section 1 of Article II of the Slaton City Charter shall thereafter read as follows:

1. The City of Slaton shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health,

welfare, and good order of said City and its inhabitants. Under the name of the City of Slaton it shall be known in law and have succession and be capable of contracting and being contracted with, suing, and being sued, impleading, and being impleaded, answering, and being answered unto, in all courts and tribunals, and in all amounts whatsoever, subject to the laws of the State of Texas, or which shall hereafter be passed. The City of Slaton shall have the power to take, hold, lease, grant, purchase and convey such real property or mixed property or estate, situated within, or without, the limits thereof, as the purpose of said corporation may require and shall have and use a corporate seal, and change and renew the same at pleasure.

2. Rights Reserved - All suits, taxes, penalties, fines, forfeiture, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of said city, heretofore in force governing the same, shall belong to and vest in said city and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of said City of Slaton and shall not be in any manner affected by the taking effect of this charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

3. Local Self-Government - The City of Slaton shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

4. For greater certainty, the following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon and which may be exercised by the City of Slaton, to-wit:

A. All the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of Texas, 1911, except as may hereafter be denied, limited or extended, are hereby conferred upon the City of Slaton as fully and completely as if such powers were herein separately enumerated.

B. All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by Section 4 of Chapter 147, Acts of the 33rd Legislature, General Laws Regular Session, at Page 310 to 316, entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of the Qualified Voters of said City, at an Election Held for the Purpose to Adopt and Amend their Charters, etc; and such powers are hereby conferred upon the City of Slaton as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the city from exercising all powers of local government not inhibited by the Constitution and Laws of the State of Texas, or by special limitations in this Charter

contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of Slaton, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

Sections Affected: Article II, Section 1.

Ballot Text:
PROPOSITION No. 3

To amend Article II, Section 1 of the Slaton City Charter to better describe the powers of the City in accordance with applicable state law as amended.

_____ FOR
_____ AGAINST

Proposition No. 4 – Peace and Good Order – Amount of Maximum Fine

WHEREAS, the City Charter gives a long list of powers related to peace and good order within the City, including [30] which provides for a maximum fine of \$200 “to provide for the enforcement of all ordinances enacted by” the City Commission; and WHEREAS, this provision is outdated and needs to be updated to current financial realities and consistent with applicable state law. NOW, THEREFORE, this proposition shall amend the Charter to update Article II, Section 22 [30] to provide that the fine for an ordinance violation shall not “exceed the maximum amount allowed by applicable state law.”

If Proposition 4 is approved by the voters on November 8, 2022, Section 22 [30] of Article II of the Slaton City Charter shall thereafter read as follows:

[30] To provide for the enforcement of all ordinances enacted by it, by a fine not to exceed the maximum amount allowed by applicable state law, provided that no ordinance shall provide a greater or less penalty than is prescribed for a like offense by the laws of the state.

Section Affected: Article II, Section 22 [30].

Ballot Text:
PROPOSITION No. 4

To amend Article II, Section 22[30] of the Slaton City Charter to provide that the fine for an ordinance violation shall not “exceed the maximum amount allowed by applicable state law.”

_____ FOR
_____ AGAINST

Proposition No. 5 – Municipal Court

WHEREAS, in Article IIA the Charter provides details regarding the appointment, qualifications, powers and duties of the Municipal Court Judge and clerk; and WHEREAS, the Charter prescribes procedures, timelines, and details related to criminal procedure because in 1929 there was little state law on the subject. However, today state statutes regarding criminal procedure in municipal courts are highly developed; and WHEREAS, the Charter has some outdated provisions regarding the name of the court, the judge, removal of the Municipal Court Judge, and does not provide for the appointment of a temporary judge to serve when the regular judge is not able or available that needs to be corrected. NOW, THEREFORE, this proposition shall repeal and replace Article IIA, Sections 1 through 20 related to the Municipal Court to update provisions for the creation and jurisdiction of the Municipal Court, criminal procedure in the Municipal Court, the term and removal of the Municipal Court Judge, and appointment of a temporary judge if the regular judge is temporarily unable to act.

If Proposition 5 is approved by the voters on November 8, 2022, Section 1 of Article IIA of the Slaton City Charter shall thereafter read as follows:

Sec. 1. There shall be established and maintained a court designated as a municipal court for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas relative to municipal courts. The municipal court shall be presided over by a judge who shall be known as the “Judge of the Municipal Court;” who shall be appointed by a majority vote of the Commission for a definite period of time not less than two years and not more than four years, at such salary as may be fixed by the Commission. The salary and the period for which the judge is appointed shall be fixed by the Commission at the time of the judge’s appointment. The judge cannot be discharged by the Commission during such period except for malfeasance in office, conviction of a felony or conviction of a misdemeanor involving moral turpitude, nor may the Commission reduce the judge’s compensations fixed for the tenure of service during the term for which the judge was appointed. The City Commission by ordinance may provide for the appointment of one (1) or more judges to serve if the regular judge is temporarily unable to act. There shall be a clerk of said court appointed by the City Manager.

Sec. 2. – Sec. 20. Repealed

Sections Affected: Article IIA, Section 1 through 20.

Ballot Text:
PROPOSITION No. 5

To amend Article IIA, Section 1 of the Slaton City Charter to update provisions for the creation and jurisdiction of the Municipal Court, criminal procedure in the Municipal Court, the term and removal of the Municipal Court Judge, and appointment of a temporary judge if the regular judge is temporarily unable to act, and to repeal Article IIA, Sections 2 through 20 in accordance with the amendment to Article IIA, Section 1.

_____ FOR

_____ AGAINST

Proposition No. 6 – Timing of Special Elections

WHEREAS, in Article III, Section 1[h] and Article III, Section 2[4], the Charter specifies exact time periods for an Election as the result as Initiative and Referendum movements and for a Recall Election; However, State Law trumps these Charter provisions and the Texas Election Code now mandates all election dates and time periods for all activities related to conducting any election and the state mandated times and dates are subject to change by the Legislature; NOW, THEREFORE, this Proposition shall remove and amend specified time periods for such elections and instead outline a general requirement specifying that all aspects of such elections shall occur on the next available date that is allowed or required by State Law.

First, if Proposition 6 is approved by the voters on November 8, 2022, Article III, Section 1[h] of the Slaton City Charter shall thereafter read as follows:

[h] After receipt of such certificate and the certified copy of the proposed ordinance or resolution, the person exercising the duties of the city secretary shall present such certificate and certified copy of the proposed ordinance or resolution to the commission at its next regular meeting. Such ordinance or resolution, proposed for adoption or repeal shall be submitted by the commission to a vote of the electors at an election to be held on the next available uniform election date for which the City may meet all statutory deadlines.

Second, if Proposition 6 is approved by the voters on November 8, 2022, Article III, Section 2[4] of the Slaton City Charter shall thereafter read as follows:

[4] All papers comprising a recall petition shall be returned and filed with the person exercising the duties of city secretary within thirty (30) days after the filing of the affidavit hereinbefore provided for. The person exercising the duties of city secretary, upon the return of such petition, shall at once submit the same to the governing authority of the city and shall notify the officer or officers sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice is given, the governing authority of the city shall thereupon order and fix a day for holding a recall election, the date of which election shall be on the next available uniform election date for which the City may meet all statutory deadlines.

Sections affected: Article III, Section 1[h], and Article III, Section 2[4].

Ballot Text:
PROPOSITION No. 6

To amend Article III, Section 1[h] and Article III, Section 2[4] of the Slaton City Charter to remove and amend specified time periods for initiative, referendum, and recall elections and instead outline a general requirement specifying that all aspects of such elections shall occur on the next available date that is allowed or required by State Law.

_____ FOR

_____ AGAINST

Proposition No. 7 – Recall of Quorum or More of the City Commission

WHEREAS, the current Charter language regarding what would happen in the event of the recall of a quorum or more of the members of the City Commission creates the possibility of less than a quorum of the Commission could discharge the duties of the Commission for a time and further is confusing regarding the possible recall of all members of the Commission, which could effectively halt City government. NOW, THEREFORE, this Proposition shall revise such language to specify what shall happen in the event of the recall of a quorum or more of the members of the City Commission and providing for the canvass of a recall election involving some but not all members of the Commission.

First, if Proposition 7 is approved by the voters on November 8, 2022, Article III, Section 2[8] of the Slaton City Charter shall thereafter read as follows:

[8] When the recall of a Quorum or more of the members of the City Commission appears on the ballot, then the first Proposition shall inquire separately whether to recall each of the named members, and the second Proposition shall contain replacement candidate name or names for each City Commission position subject to recall in the first Proposition, including Mayor if that office is also subject to recall at that election. The election of a replacement in the second Proposition is a nullity if the corresponding incumbent is not recalled in the first Proposition.

Second, if Proposition 7 is approved by the voters on November 8, 2022, Article III, Section 2[9] of the Slaton City Charter shall thereafter read as follows:

[9] When some but not all members of the Commission are subject to recall at an election, those members subject to recall shall not participate in the canvass of that election. The remaining member or members of the Commission who are not subject to recall shall constitute a quorum solely for the purposes of canvassing the vote and, if necessary for filling any vacancy, as provided in Article II, Sec. 5 of this Charter. A member who is not removed by such recall election may participate in the vote for filling a vacancy in another position.

Sections Affected: Article III, Section 2[8] and Article III, Section 2[9].

Ballot Text:

PROPOSITION No. 7

To amend Article III, Section 2[8] and Article III, Section 2[9] of the Slaton City Charter to clarify what shall happen in the event of the recall of a quorum or more of the members of the City Commission and providing for the canvass of a recall election involving some but not all members of the Commission.

_____FOR

_____AGAINST

Proposition No. 8 – Initiative and Referendum – Frequency of Petitions

WHEREAS, the current Charter is silent as to how frequently a matter may be re-submitted to the voters, thereby creating a situation ripe for both voter fatigue and competing or serial petitions on the same topic. NOW, THEREFORE, this Proposition shall specify that once a matter has been placed on the ballot for a public vote and it passes, then that matter may not again be the subject of an initiative or referendum petition until two (2) years and if the initiative or referendum measure fails to pass, then there shall be no further election called on that subject for a period of four (4) years.

Section affected: Article III, Section 3.

Ballot Text:

PROPOSITION No. 8

To amend Article III of the Slaton City Charter to add a Section 3 to Article III which would read as follows: “If an initiative petition results in the passage of a measure in an election, then there shall be no further initiative or referendum election called on that subject for a period of two (2) years. If an initiative or referendum measure fails to pass in an election, then there shall be no further election called on that subject for a period of four (4) years.

_____FOR

_____AGAINST

Proposition No. 9 – Non-Binding Referendum

WHEREAS, the current Charter does not provide the City Commission with the authority to conduct a non-binding referendum and state law is unclear if a Home Rule City inherently has this authority; and WHEREAS, the experience of other Cities suggests it is prudent to have a Charter provision granting the City Commission the authority to order an election for a non-

binding referendum. NOW, THEREFORE, this Proposition shall add Section 4 to Article III to provide that the City Commission has the authority to order an election for a non-binding referendum.

Section Affected: Article III, Section 4.

Ballot Text:
PROPOSITION No. 9

To amend Article III of the Slaton City Charter to add a Section 4 to Article III to provide that: "The City Commission may, upon its own accord and by a three-fourths majority vote, order an election for a non-binding referendum on a measure without an initiative or referendum petition from citizens."

____ FOR
____ AGAINST

Proposition No. 10 – City Commission – Qualifications

WHEREAS, the Charter provides for the qualifications of a member of the City Commission, including specifically that each member of the City Commission be a "property taxpayer," that each member of the City Commission "shall not be indebted to the City of Slaton," and a requirement that a member of the City Commission reside in the City for a period of two (2) years preceding election, and WHEREAS these specific requirements are no longer valid under Texas law or because the required period of residency can only be up to twelve (12) months. NOW, THEREFORE, this proposition shall delete the outdated requirements for office outlined above and amend the required period of residency to twelve (12) months.

If Proposition 10 is approved by the voters on November 8, 2022, Section 4 of Article VI of the Slaton City Charter shall thereafter read as follows:

The mayor and each member of the commission shall be a resident citizen of the City of Slaton, and shall be a qualified voter of Texas, shall not hold another public office, and shall have been such a resident citizen of the City of Slaton for a period of not less than twelve (12) months immediately preceding such election; provided, however that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his election of any of the territory not formerly in the incorporated limits of said city, but which is annexed under the provisions of this charter, may be elected to said office. Any commissioner who, during his continuance in office, establishes his domicile outside of the limits of the City of Slaton from which he was elected, shall thereupon ipso facto forfeit his office and the vacancy shall be filled as provided in section 7 hereof.

Section Affected: Article VI, Section 4.

Ballot Text:
PROPOSITION No. 10

Shall Article VI, Section 4 of the Slaton City Charter regarding the qualifications of Commissioners be updated to comply with current state law and to amend the required period of residency to twelve (12) months?

_____ FOR

_____ AGAINST

Proposition No. 11 – Mayor – How Nominated and Elected

WHEREAS, Article VI, Section 5 of the Charter provides that the Mayor must be nominated by 50 voters at least 3 days before an election and such a provision is outdated and has not been followed. NOW, THEREFORE, this proposition shall delete the outdated requirement for Mayor to be nominated but would keep the provision that the Mayor is elected from the city at large.

If Proposition 11 is approved by the voters on November 8, 2022, Section 5 of Article VI of the Slaton City Charter shall thereafter read as follows:

The mayor shall be elected from the city at large.

Section Affected: Article VI, Section 5.

Ballot Text:
PROPOSITION No. 11

Shall Article VI, Section 5 of the Slaton City Charter be revised to delete the requirement that the Mayor be nominated by 50 voters at least 3 days before an election but keep the provision that the Mayor is elected from the city at large?

_____ FOR

_____ AGAINST

Proposition No. 12 – City Commission – Term of Office

WHEREAS, the Charter provides for staggered terms of two (2) years for the Mayor and Commissioners and also provides that elections are to be held in April, which provision is outdated and conflicts with applicable state law. WHEREAS, a home rule municipality may only

extend terms by a charter amendment approved by the voters. WHEREAS, the Charter Amendment Committee determined that extending terms from two (2) to three (3) years would decrease costs associated with yearly elections and that a three (3) year term would allow Commissioners to better learn and fulfill their responsibilities. WHEREAS, if this proposition is approved by the voters the current terms of the present Mayor and Commissioners would not be affected. NOW, THEREFORE, this amendment would amend this section of the Charter to provide for staggered terms of three (3) years for the Mayor and Commissioners effective at the end of the current terms and to provide those regular municipal elections shall be held on the uniform election dates set by the Texas Legislature.

If Proposition 12 is approved by the voters on November 8, 2022, Section 6 of Article VI of the Slaton City Charter shall thereafter read as follows:

The City Commission shall be composed of a mayor and four commissioners who shall be elected in the following manner. The mayor shall be elected from the city at large for a term of three years at an election to be held on the uniform election day in May 2023. Regular elections for mayor shall be held on the uniform election day in May, or such other uniform election day as the Texas Legislature may from time to time designate, on each third year thereafter. Commissioners for place 1 and place 3 shall be elected at an election to be held on the uniform election day in May 2023. Commissioners for place 2 and place 4 shall be elected at an election to be held on the uniform election day in May 2024. After such elections, the commissioners so elected shall serve a three-year term. Thereafter, regular elections for commissioners shall be held on the uniform election day in May or such other uniform election day as the Texas Legislature may from time to time designate, in each year an election is necessary. The term for commissioner shall be three years. All elections shall be held in accordance with the state law for municipal elections.

Section Affected: Article VI, Section 6.

Ballot Text:
PROPOSITION No. 12

Shall Article VI, Section 6 of the Slaton City Charter be amended to provide for staggered terms of three (3) years for the Mayor and Commissioners and that regular municipal elections be held on the uniform election dates set by the Texas Legislature?

_____ FOR

_____ AGAINST

Proposition No. 13 – Vacancies in Commission

WHEREAS, the Charter currently provides that any vacancy in the City Commission must be filled by special election but prudent practice would allow the Commission discretion to appoint a successor in the event of a vacancy with less than one year remaining in a term while requiring that the Commission appoint a successor in the event of a vacancy of more than one year to serve until the next regular city election at which time the position will be placed on the ballot for the unexpired term. NOW, THEREFORE, this amendment would amend this section of the Charter by providing that a vacancy in the City Commission of under one (1) year shall be filled by majority vote of the remaining members of the City Commission and that a vacancy of over one (1) year shall be filled by appointment until the next regular city election at which time a special election for the unexpired term shall be conducted in accordance with state law.

If Proposition 13 is approved by the voters on November 8, 2022, Section 7 of Article VI of the Slaton City Charter shall thereafter read as follows:

A vacancy occurring in the Commission, including the office of mayor, shall be filled by a person having the qualifications of an elective official of the city and selected in the following manner: If a single vacancy occurs and the Commission member's seat which is vacated has less than one year remaining, then the Commission may appoint a successor to serve the remainder of the term. If the position that is vacated has more than one year remaining, then the Commission shall appoint a successor to serve until the next regular city election at which time the position will be placed on the ballot for the unexpired term. If two or more vacancies occur at one time, a special election shall be called by the remaining members of the Commission in accordance with the Election Code to fill the vacancies for the unexpired terms.

Section affected: Article VI, Section 7.

Ballot Text:

PROPOSITION No. 13

To amend Article VI, Section 7 of the Slaton City Charter by providing that a vacancy in the City Commission of under one (1) year may be filled by majority vote of the remaining members of the City Commission, that a vacancy of over one (1) year shall be filled by appointment until the next regular city election at which time a special election for the unexpired term shall be conducted in accordance with state law, and that if two or more vacancies occur at one time, a special election shall be called by the remaining members of the Commission in accordance with the Election Code to fill the vacancies for the unexpired terms.

_____ FOR

_____ AGAINST

Proposition No. 14 – Restrictions upon City Officials; Conflicts of Interest

WHEREAS, the Charter has a conflicts of interest provision for members of the Commission, or any officer or employee of the City that is more restrictive than state law and the City has been following applicable state law. NOW, THEREFORE, this Proposition shall delete the current section 11 of Article VI and amend it to explicitly acknowledge that the Mayor, City Commissioners, or a City Official will follow the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as amended, or successor statute.

If Proposition No. 14 is approved by the voter on November 8, 2022, Section 11 of Article VI of the Slaton City Charter shall thereafter read as follows:

For purposes of this Section term “City Official” means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for the Mayor, City Commissioners, or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as amended or successor statute.

Section affected: Article VI, Section 11

Ballot text:
PROPOSITION No. 14

To amend Article VI, Section 11 of the Slaton City Charter to explicitly acknowledge that the Mayor, City Commissioners, or a City Official will follow the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as amended, or successor statute.

_____FOR

_____AGAINST

Proposition No. 15 – Special Meetings of the Commission

WHEREAS, the Charter allows for calling special meetings of the Commission in a manner that is inconsistent with the Texas Open Meetings Act. NOW, THEREFORE, this Proposition would clearly provide that a special meeting will be called in accordance with the Texas Open Meetings Act, as amended, or successor statute.

If Proposition No. 15 is approved by the voter on November 8, 2022, Section 15 of Article VI of the Slaton City Charter shall thereafter read as follows:

The mayor, or two (2) members of the commission, may call special meetings of the commission at any time advisable in accordance with the Texas Open Meetings Act, as amended, or successor statute.

Section Affected: Article VI, Section 15.

Ballot Text:

PROPOSITION No. 15

To amend Article VI, Section 15 of the Slaton City Charter to explicitly acknowledge that the special meetings of the Commission will be called in accordance with the Texas Open Meetings Act, as amended, or successor statute.

_____ FOR

_____ AGAINST

Proposition No. 16 – Legislative Procedure

WHEREAS, Section 18 of Article VI of the City Charter provides for legislative procedures that do not clearly reference the Texas Open Meetings Act and Texas Public Information Act. NOW, THEREFORE, this Proposition would add specific references to the Texas Open Meetings Act and Texas Public Information Act to provide that all meetings will be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute, and that public access to minutes of the meetings will be in accordance with the Texas Public Information Act.

If Proposition No. 16 is approved by the voters on November 8, 2022, Section 18 of Article VI of the Slaton City Charter shall thereafter read as follows:

Three (3) members of the commission shall constitute a quorum to do business, and the affirmative vote of a majority shall be necessary to adopt any ordinance or resolution. All meetings of the commission shall be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute, and minutes of all proceedings shall be kept, to which any citizen may have access in accordance with the Texas Public Information Act, as amended, or successor statute, 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 clerk or secretary, and the original thereof shall bear the impress of the official seal of the city.

Section affected: Article VI, Section 16

Ballot text:
PROPOSITION No. 16

To amend Article IV, Section 16 of the Slaton City Charter to add specific references to the Texas Open Meetings Act and Texas Public Information Act to provide that all meetings will be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute, and that public access to minutes of the meetings will be in accordance with the Texas Public Information Act, as amended, or successor statute.

_____FOR

_____AGAINST

Proposition No. 17 – Ordinances, enactment of

WHEREAS, the Charter requires that before an Ordinance becomes effective there must be two readings at regular meetings; and WHEREAS, it would be more efficient to require the two readings be done at two separate meetings, whether regular or special meetings called in accordance with the Texas Open Meetings Act. NOW, THEREFORE, this Proposition would require that Ordinances must be passed, read, and voted upon at two (2) separate meetings of the Commission, whether regular or special meetings.

If Proposition No. 17 is approved by the voter on November 8, 2022, Section 19 of Article VI of the Slaton City Charter shall thereafter read as follows:

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one (1) subject, which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. No ordinance, unless it be declared an emergency measure, shall be passed finally on the date it is introduced, but must be passed, read, and voted upon at two (2) separate meetings of the commission, either regular or special meetings.

Section Affected: Article VI, Section 19.

Ballot Text:
PROPOSITION No. 17

To amend Article VI, Section 19 of the Slaton City Charter to provide that Ordinances must be passed, read, and voted upon at two (2) separate meetings of the Commission, either regular or special meetings.

_____FOR

_____AGAINST

Proposition No. 18 – City Manager

WHEREAS, Sections 23 and 24 in Article VI provide for the appointment and qualifications, the terms, salary, powers, and the duties of the City Manager after the city has attained a population of twelve thousand (12,000); and WHEREAS, the City has yet to reach the required population so instead has used a City Administrator to fulfill similar duties. NOW, THEREFORE, this proposition would update Article VI, Sections 23 and 24 to create the City Manager position, detail the powers and duties of the City Manager, the appointment and qualifications of the City Manager, the terms and salary of the City Manager, and add a provision regarding the Temporary Absence or Disability of City Manager.

First, if Proposition 18 is approved by the voters on November 8, 2022, Section 23 of Article VI of the Slaton City Charter shall thereafter read as follows:

A. Appointment and Qualifications. The Commission shall, upon approval of a majority of the City Commission, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the Commission for the administration of the affairs of the City. The City Manager shall be chosen by the Commission solely based on the City Manager's executive and administrative training, experience, and ability. Within 6 months of his/her appointment as City Manager, the newly appointed City Manager shall be a resident of the City of Slaton. No member of the Commission shall, during the time for which he or she is elected, nor for one (1) year thereafter, be appointed City Manager.

B. Term and Compensation. Except as may be modified by an Employment Contract entered between the City and the City Manager, the following provisions apply to the term and compensation of the City Manager: The City Manager shall be appointed for an indefinite term and receive compensation as may be fixed by the Commission. The Commission may by affirmative vote of a majority of the City Commission take action to remove the Manager from office. The action of the Commission in removing the Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Commission.

C. Temporary Absence or Disability of City Manager. The City Manager may, by letter filed with the City Secretary and subject to approval by the City Commission, designate a qualified City administrative officer to be Acting City Manager during the temporary absence or disability of the Manager. If the City Manager fails to make such designation or if the Commission chooses to revoke such designation, the Commission may appoint an Acting City Manager to serve during such time. The Commission may remove an Acting City Manager at any time.

Second, if Proposition 18 is approved by the voters on November 8, 2022, Section 24 of Article VI of the Slaton City Charter shall thereafter read as follows:

The City Manager shall have the following powers and duties:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter.
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) Attend all City Commission meetings, except when excused by the Mayor. The City Manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this Charter, and acts of the City Commission, subject to enforcement by the City Manager or by employees or officers subject to the City Manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the City Commission and implement the final budget and capital program approved by the City Commission to achieve the goals of the City;
- (6) Submit to the City Commission and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Make such other reports as the City Commission may require concerning the operations of the City;
- (8) Keep the City Commission fully advised as to the financial condition and future needs of the City;
- (9) Make recommendations to the City Commission concerning the affairs of the City and facilitate the work of the City Commission in developing policy;
- (10) Provide staff support services for the Mayor and Commissioners;
- (11) Assist the Commission to develop long term goals for the city and strategies to implement these goals;
- (12) To execute, on behalf of the City, standard form documents, including but not limited to, deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, loan documents, and other similar documents, under the following conditions:

(a.) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Commission; and

(b.) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Commission; and

(13) Perform such other duties as are specified in this Charter or may be required by the City Commission or as required by law.

Sections Affected: Article VI, Sections 23 and 24.

Ballot Text:

PROPOSITION No. 18

To amend Article VI, Sections 23 and 24 of the Slaton City Charter regarding the appointment, qualifications, terms and salary, and duties of the City Manager, including adding a provision for an acting City Manager in the event of the Temporary Absence or Disability of the City Manager.

_____ FOR

_____ AGAINST

Proposition No. 19 – contracts for personal services – Repeal

WHEREAS, Article VI, Section 25, the Charter prohibits contracts for personal services and this section is outdated as current practice occasionally requires such contracts. NOW, THEREFORE, this Proposition shall repeal and delete Article VI, Section 25.

If Proposition No. 19 is approved by the voters on November 8, 2022, Section 25 of Article VI of the Slaton City Charter shall thereafter read as follows:

Sec. 25. Repealed

Section affected: Article VI, Section 25.

Ballot text:

PROPOSITION No. 19

The amendment to repeal Article VI, Section 25 (contracts for [personal] services) of the Slaton City Charter.

_____FOR

_____AGAINST

Proposition No. 20 – Board of City Development – Repeal

WHEREAS, the Charter creates a Board of City Development; and WHEREAS, such a Board is not functioning in any manner and is no longer necessary as the economic development corporation now performs these or similar functions; and WHEREAS, this provision should be repealed to conform with current practice; NOW, THEREFORE, this Proposition shall repeal and delete Article VI, Section 27.

If Proposition No. 20 is approved by the voters on November 8, 2022, Section 27 of Article VI of the Slaton City Charter shall thereafter read as follows:

Sec. 27. Repealed

Sections affected: Article VI, Section 27.

Ballot text:

PROPOSITION No. 20

The amendment to repeal Article VI, Section 27 (Board of City Development) of the Slaton City Charter.

_____FOR

_____AGAINST

Proposition No. 21 – Contracts

WHEREAS, Article VI, Section 33 of the Charter has an outdated amount and outdated language related to the purchasing procedures and contracts to be followed by the City; NOW, THEREFORE, this proposition would update the first sentence of Article VI, Section 33 to clearly provide that the City of Slaton will comply with all applicable purchasing and procurement laws when expending public funds.

First, if Proposition 21 is approved by the voters on November 8, 2022, Article VI, Section 33 of the Slaton City Charter shall thereafter read as follows:

Any purchase made or contract entered into by the City of Slaton shall be in accordance with the laws of the State of Texas as the same now exist or as they may be amended

from time to time, or as provided by City ordinance when not in conflict with State law. No contract, obligation or undertaking made for and on behalf of the city, having for its purpose or meaning the creation of any debt or the payment of any moneys for any purpose, shall ever be binding upon or enforceable against the city, unless the governing body shall, at the time of making said contract, or of incurring such debt or obligation, make provision, by ordinance, for the levying and collection of a tax sufficient to pay the same at maturity, unless it shall be in the contemplation of said governing body to pay such debt or obligation out of the current revenues of the city or out of some fund then on hand and within the immediate control of the governing body, in which case such intention shall be clearly expressed in the minutes and in such contract or writing; and unless so expressed it shall conclusively be presumed that payment of such debt or obligation is intended to be a charge upon the future revenues of the city and shall be wholly void and invalid unless the provisions of this section be strictly complied with. Provided further, that no such contract, debt, obligation or undertaking shall ever be binding upon the city unless made and entered into by the city's governing body in a formal and stated meeting of the commission at which there is present and acting a quorum, which facts shall be made a matter of record in the minutes of such meeting. No judgment shall ever be rendered against the city and no recovery shall be had based upon any plea of quantum meruit or quantum valebat or implied contract founded upon or growing out of any transaction where any provision of this section has been ignored or violated. All contracts, agreements and undertakings to which the city is a party or upon which the city is sought to be bound, that seek to impose a debt, charge or burden upon any future revenue of the city, and not contemplated to be paid out of current revenues or out of some fund then on hand and within the immediate control of the governing body, shall be in writing and signed on behalf of the city by the mayor or mayor pro tem, attested by the city secretary and the impress of the city's official seal placed thereon. All such contracts shall be made and entered into by all parties thereto with the provisions of this section in mind, and each and every provision of this section shall be and become a part of every such contract and be read into the same as a material and controlling part thereof, whether or not same is copied in such contract, agreement or undertaking.

Section affected: Article VI, Section 33.

Ballot text:
PROPOSITION No. 21

To amend Article VI, Section 33 of the Slaton City Charter to clearly provide that the City of Slaton will comply with all applicable state purchasing and procurement laws and ordinances when expending public funds.

_____FOR

_____AGAINST

Proposition No. 22 – Nepotism

WHEREAS, the Charter has a nepotism provision that is contradictory and is not in complete harmony with state law. NOW, THEREFORE, this Proposition shall delete the current section 34 of Article VI and amend it to explicitly acknowledge that the City will follow applicable state nepotism laws.

If Proposition No. 22 is approved by the voter on November 8, 2022, Section 34 of Article VI of the Slaton City Charter shall thereafter read as follows:

The City of Slaton shall comply with the state nepotism laws regarding which persons are not qualified to be appointed to any office, position, clerkship, or other service of the city.

Section affected: Article VI, Section 34

Ballot text:

PROPOSITION No. 22

To amend Article VI, Section 34 of the Slaton City Charter to explicitly provide that the City will follow applicable state nepotism laws.

_____FOR

_____AGAINST

Proposition No. 23 – Official Bonds

WHEREAS, Article VI, Section 36 of the Charter has an outdated amount for the official bond of the City Manager; NOW, THEREFORE, this proposition would update the first sentence of Article VI, Section 36 to provide that the bond amount for the official bond of the City Manager will be in such sums as the City Commission may decide from time to time.

If Proposition No. 23 is approved by the voter on November 8, 2022, Section 36 of Article XI of the Slaton City Charter shall thereafter read as follows:

The city manager and the person or persons exercising the duties of the city treasurer and city tax collector shall give official bonds in such sums as may be prescribed by the commission from time to time. Such bonds shall be payable to the City of Slaton and shall in each instance, be conditioned for the faithful discharge of the duties of such respective officers, and for the faithful accounting for all moneys, credits and things of value coming into the hands of such respective officers. Such bonds shall be procured

from some regularly accredited surety company, authorized to do business under the laws of the State of Texas and the premiums to such surety companies shall be paid by the City of Slaton.

The city commission or manager shall have the right to require official bonds from other appointive officers of the city in such amounts and conditions as [it or] he may deem best for the efficiency of the public service.

All official bonds shall be approved by the commission and filed and recorded with the person exercising the duties of the city secretary.

Section affected: Article XI, Section 36

Ballot text:

PROPOSITION No. 23

To amend Article XI, Section 36 of the Slaton City Charter to provide that the bond amount for the official bond of the City Manager will be in such sums as the City Commission may decide from time to time.

_____FOR

_____AGAINST

SECTION 2. That the City Secretary is authorized to alter the ballot format as may be necessary to accommodate electronic or other form of balloting.

SECTION 3. That the City Secretary is expressly authorized to: obtain election supplies; pay election officials; contract for some or all election duties and services, in accordance with the adopted budget, applicable law, and any joint election agreements.

SECTION 4. The election shall be held on November 8, 2022, at Slaton Community Clubhouse, 750 W. Garza St, Slaton, Texas. Polls will be open on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m. Early voting by personal appearance will be conducted each weekday at Slaton Community Clubhouse, 750 W. Garza St, Slaton, Texas, between the hours of 8:00 a.m. and 5:00 p.m. beginning on October 24, 2022 and ending on November 4, 2022. Applications for ballot by mail shall be requested from and mailed to: City of Slaton, ATTN: City Secretary, 130 S 9th St, Slaton, Texas 79364-4192. Applications for ballot by mail must be received no later than close of business on October 28, 2022.

SECTION 5. All qualified voters of the City shall be permitted to vote at said election. Notwithstanding any provisions to the contrary in this ordinance, the election shall be held and conducted in accordance with the Texas Election Code and the Voting Rights Act of 1965, as amended, and, as may otherwise be required by law.

SECTION 6. The form of the notice prescribed by the Texas Secretary of State's Office shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be given by publishing it and posting it in accordance with Section 4.003, of the Texas Election Code.

SECTION 7. The Mayor, the Mayor Pro Tem, the City Manager, and the City Secretary, or any one of them, are authorized on behalf of the City Commission to evidence adoption of this Ordinance and to do any and all other things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent of this Ordinance.

SECTION 8. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by an court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall not be affected thereby.

SECTION 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

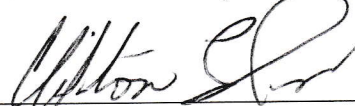
SECTION 10. The City Commission officially finds, determines, and declares that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code. Procedures of Chapter 9 of the Texas Local Government Code.

SECTION 11. Effective Date. This ordinance is effective upon passage according to law.

INTRODUCED, PASSED, AND APPROVED on first reading this 13th day of June 2022.

PASSED, APPROVED, AND ADOPTED on second reading this 11th day of July 2022.

CITY OF SLATON, TEXAS


Clifton Shaw, Mayor

ATTEST:


Pam King, City Secretary