

ORDINANCE NO. 24-903

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS ORDERING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 IN EASTLAND, TEXAS FOR THE PURPOSE OF VOTING ON PROPOSED CHARTER AMENDMENTS; PROVIDING FOR MATTERS INCIDENTAL THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eastland (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, pursuant to Section 9.004(a) of the Texas Local Government Code, the City Commission of the City (the “City Commission”) may submit proposed Charter amendments to the City’s voters at an election;

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that such an election be ordered by ordinance; and

WHEREAS, the City Commission wishes to order an election to be held on November 5, 2024 for the purpose of submitting proposed amendments to the City Charter to the voters.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. ELECTION ORDERED. An election is hereby ordered to be held on November 5, 2024 in Eastland, Texas for the purpose of voting on the following propositions:

A. Shall the Charter of the City of Eastland be amended to update the term “Chairman” of the Commission to “Mayor” throughout the entirety of the Charter?

FOR _____
AGAINST _____

B. Shall the Charter of the City of Eastland be amended to update the term “City Clerk” to “City Secretary” throughout the entirety of the Charter?

FOR _____
AGAINST _____

C. Shall Article 3, Section 2 of the Charter of the City of Eastland be amended to remove the requirement that Commission meetings concerning the City’s budget be at least three (3) hours long?

FOR _____
AGAINST _____

D. Shall Article 6, Section 1 of the Charter of the City of Eastland be amended to allow ordinances which are not required to be published to take effect immediately following their adoption by the City Commission rather than thirty (30) days after their adoption?

FOR _____
AGAINST _____

E. Shall Article 6, Section 2 of the Charter of the City of Eastland be amended to require that initiative and referendum elections be held on a uniform election day as required by the Texas Election Code?

FOR _____
AGAINST _____

F. Shall Article 7, Section 2 of the Charter of the City of Eastland be amended to require that Commissioners comply with the laws of the State of Texas regarding conflicts of interest?

FOR _____
AGAINST _____

G. Shall Article 7, Section 3 of the Charter of the City of Eastland be amended to allow a vacancy on the City Commission to be filled by appointment rather than a special election?

FOR _____
AGAINST _____

H. Shall Article 7, Section 14 of the Charter of the City of Eastland be amended to correct the term "County" Officials to "City" Officials?

FOR _____
AGAINST _____

I. Shall Article 7, Section 16 of the Charter of the City of Eastland be amended to increase the required number of signatures on a recall petition to equal the total number of votes cast at the last City election rather than thirty percent (30%) of the votes cast at the last City election?

FOR _____
AGAINST _____

J. Shall Article 7, Section 16 of the Charter of the City of Eastland be amended to require that specific grounds be stated in a petition for recall of a Commissioner?

FOR _____
AGAINST _____

K. Shall Article 7, Section 16 of the Charter of the City of Eastland be amended to allow a vacancy on the City Commission created by a recall election to be filled by appointment?

FOR _____
AGAINST _____

L. Shall Article 8, Section 1 of the Charter of the City of Eastland be removed so the City is not prohibited from entering into contracts for personal service for stated lengths of time?

FOR _____
AGAINST _____

M. Shall Article 8, Section 3 of the Charter of the City of Eastland be removed to eliminate the more stringent conflict of interest requirement in said Section and to allow the Commissioners to comply with state law regarding conflicts of interest?

FOR _____
AGAINST _____

N. Shall Article 9, Section 13 of the Charter of the City of Eastland be amended to impose state law restrictions regarding nepotism rather than the more stringent restrictions contained in said Section?

FOR _____
AGAINST _____

SECTION 3. AMENDMENTS. Should the voters approve any of the propositions listed above, the referenced sections of the City Charter shall be amended to read as follows:

A. Each occurrence of the term "Chairman" of the Commission shall be replaced with the term "Mayor" in the following Sections:

Article 5, Section 2
Article 6, Section 1
Article 8, Section 5

B. Each occurrence of the term "City Clerk" shall be replaced with the term "City Secretary" in the following Sections:

Article 1, Section 4
Article 3, Section 3
Article 5, Section 7
Article 6, Section 1
Article 7, Section 16
Article 8, Section 5
Article 9, Section 15

C. Article 3, Section 2, Finances, Etc., Paragraph entitled "Budget": "The City Manager shall prepare and submit to the Board of Commissioners an annual budget on the basis of estimates of the expenses of the various departments of the City. These departmental estimates showing the expenses of the department for the preceding year and indicating wherein increases or diminutions are recommended for the ensuing year shall be available to any citizen upon request to the Manager. The Manager shall make up the Budget and submit it to the Board of Commissioners. Due notice shall be made of the time when the budget is to be discussed by the Board of Commissioners and printed copies of the budget as recommended by the Manager shall be available to any citizen at least one week before the date set for the discussion in the Commission."

D. Article 6, Section 1, General Legislation, Paragraph entitled "To Take Effect When": "An ordinance not required to be published under Section 4 hereof and not declared emergency

ordinances shall go into effect immediately upon adoption by the Commission, subject to repeal by referendum.”

E. Article 6, Section 2, Direct Legislation:

“Petition and Election, Initiative: Upon petition of a number of qualified voters, at least equal to thirty three and one third per cent (33 1/3%) of the number of votes cast at the last municipal election in the City of Eastland for the current year, any ordinance may be submitted to the Board of Commissioners for enactment, if the Board of Commissioners shall fail to act within one month from time of submitting such ordinance or shall reject the ordinance, or pass it in an amended form, the Board of Commissioners shall call an election on the next uniform election date for which adequate time exists to order said election pursuant to the Texas Election Code, at which time the ordinance shall be submitted. At this election the caption of the original ordinance shall be printed on the ballot, and if the Commission has amended the ordinance, then the caption of such ordinance shall also appear in the amended form and the voters be given the opportunity to choose between the two or reject both. In no case shall a measure be considered as adopted at such election unless a majority of the votes cast at such election shall have been in favor thereof, and unless there shall have been cast at least one hundred and fifty votes in favor of the measure.

Referendum: Any ordinance passed by the Board of Commissioners shall be subject within one month after its passage to protest by a petition of a number of qualified voters of the City of Eastland equal to at least thirty three and one third (33 1/3) per cent of the number of votes cast at the last municipal election for the current year, asking that said ordinance be submitted to a referendum vote of the people. If the ordinance is not declared an emergency ordinance, it shall not go into effect until the month has expired, or until the referendum vote has been had, if demanded in due form; if an emergency measure, it shall go into effect immediately subject to repeal by referendum. Such an election, if demanded, shall be held on the next uniform election date for which adequate time exists to order said election pursuant to the Texas Election Code at which the ordinance may be submitted. The ordinance shall not be considered as rejected unless a majority of the votes cast at such election shall be cast against it and unless there shall have been cast at least one hundred fifty votes against the measure.”

F. Article 7, Section 2, Qualifications of Commissioners: “Each of the Commissioners shall have been a resident of the City of Eastland, Texas for a period of time as prescribed by the Texas Election Code, shall have attained the age of at least (18) years, shall have the qualifications of electors qualified to vote for members of the Legislature, shall not be indebted to the City, shall not hold any other public office or employment or trust, and shall comply with the laws of the State of Texas regarding any conflicts of interest. Any Commissioner who shall ever, after having been elected as Commissioner cease to possess any of the qualifications herein prescribed shall forthwith forfeit such office and same shall become vacant, and any contract in which any officer or employee is or may become interested shall become absolutely void.”

G. Article 7, Section 3, Terms and Vacancies: “Each Commissioner, as long as qualified, shall serve, after the first election hereunder for a term of two years and until his successor is elected and qualified. Vacancies in the office of Commissioner shall be filled by appointment by the remaining members of the City Commission for the remainder of the unexpired term”.

H. Article 7, Section 14, Oaths for Officials: “Every Officer of the City, before entering upon the discharge of the duties of his office shall take and subscribe to the oath prescribed by the Constitution of Texas for City Officials and the oath so subscribed shall be filed with the City Secretary”.

I. Article 7, Section 16, Recall of Officers, First Sentence Only: “The holder of any elective office may be removed at any time by the qualified voters of the City of Eastland, the procedure to affect the removal of such officer shall be as follows: A petition signed by a number of registered voters equal to the number of votes cast at the last preceding election at which City Officers were elected”.

J. Article 7, Section 16, Recall of Officers, Third Sentence Only: “Such petition shall distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, including incompetency, misconduct, or malfeasance in office”.

K. Article 7, Section 16, Recall of Officers, First Sentence of Last Paragraph: “If the majority of the votes cast at such election shall be in favor of Removal the Board of Commissioners shall immediately declare the result of said election and declare said office vacant and shall immediately appoint someone to fill such vacancy as herein before provided”.

L. Article 8, Contracts, Etc.: Complete removal of Section 1, Personal Service. Said Section shall be reserved for future use.

M. Article 8, Contracts, Etc.: Complete removal of Section 3, Conflict of Interest. Said Section shall be reserved for future use.

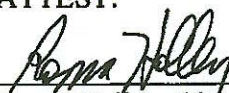
N. Article 9, Section 13, Nepotism: “No person shall be eligible to appointment to any paid position in the city who is related to any member of the Board of Commissioners within the third degree by consanguinity or within the second degree by affinity, unless otherwise allowed by Chapter 573 of the Texas Government Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption by the City Commission.

PASSED AND APPROVED on first reading on the 15th day of July, 2024.

PASSED, APPROVED, AND ADOPTED on second reading on this the 19th day of August, 2024.

ATTEST:


Roma Holley, City Secretary


Larry Vernon, Chairman

