

ORDINANCE NUMBER 16-08-1014

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, ORDERING A SPECIAL ELECTION IN THE CITY OF MURPHY, TEXAS, TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS FOR APPROVAL OR DISAPPROVAL OF PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CITY CHARTER OF THE CITY OF MURPHY, TEXAS; PRESCRIBING THE FORM OF THE BALLOTS; PROVIDING FOR NOTICE OF THE ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE ELECTION SERVICES CONTRACTS; PROVIDING SEVERABILITY, CUMULATIVE/ REPEALER CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council appointed a Charter Review Commission to review the City Charter for the purpose of making recommendations to the City Council for appropriate amendments to cause the Charter to be approved by the voters at an election call for such purpose on November 8, 2016; and

WHEREAS, the Charter Review Commission completed its review and provided a report of recommendations to the City Council for appropriate amendments to the City Charter; and

WHEREAS, the City Council of the City of Murphy, Texas, in the exercise of the discretion reposed in it by the Constitution and laws of this State, and in accordance with the provisions of the Texas Local Government Code, has determined to submit proposed amendments to the existing Home Rule City Charter of the City of Murphy at a special election to be held concurrently with the general election to be held on November 8, 2016.

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

Section 1
FINDINGS INCORPORATED

The findings in the preamble set forth above are determined to be true and correct and are hereby incorporated into the body of this ordinance as if fully set forth herein.

Section 2
ELECTION ORDER AND NOTICE OF ELECTION

There is hereby ordered a special election for November 8, 2016, for the purpose of submitting to the qualified voters of the City for their approval or disapproval the proposed

amendments to the Home Rule City Charter of the City of Murphy, Texas, as provided by the ballot propositions contained in Section 3 herein.

Section 3.
PROPOSED CHARTER AMENDMENTS

The ballot propositions for the proposed amendments to the Home Rule City Charter shall be submitted to the qualified voters of the City of Murphy. The proposed amendments are designated as follows in accordance with the ballot proposition numbers as they will appear on the ballot:

PROPOSITION NO. 1

Shall the Charter be amended to provide that the term “qualified voter” is defined in accordance with state law consistently throughout the Charter.

PROPOSITION NO. 2

Shall Section 3.04 of the Charter relating to reimbursement of council members’ actual expenses incurred in the performance of official duties be amended so that council members be reimbursed when provided for in the annual city budget and subject to the city’s reimbursement policies.

PROPOSITION NO. 3

Shall the Charter be amended to clarify the authority of the city and mayor during emergencies and disasters in conformity with state law.

PROPOSITION NO. 4

Shall the Charter be amended to require that the city council elect council members as mayor pro-tem and deputy mayor pro-tem annually.

PROPOSITION NO. 5

Shall Section 3.06 of the Charter relating to the procedure for city council to declare a council member office vacant for excessive absences be amended to allow the city council discretion to commence the procedure to declare a council member’s office vacant.

PROPOSITION NO. 6

Shall Section 3.06 of the Charter be amended to provide that city council may fill by appointment a single vacancy in the office of council member, other than mayor, for the remainder of the unexpired term if the unexpired term is twelve (12) months or less and there is not more than one (1) vacancy in the office of council member at the time of appointment.

PROPOSITION NO. 7

Shall the Charter provisions related to filing for elective office be amended to clarify that the filing requirements for candidates for mayor and council member be consistent with state law.

PROPOSITION NO. 8

Shall Section 6.10 of the Charter be amended to clarify that recall elections be held in accordance with state law.

PROPOSITION NO. 9

Shall Section 6.14 of the Charter related to referendum elections be amended to clarify that an ordinance or resolution subject to a referendum election be suspended from enforcement pending the holding of the referendum election.

PROPOSITION NO. 10

Shall Section 6.20 of the Charter be amended to allow city council to repeal an ordinance or resolution adopted by initiative or referendum if a court of final jurisdiction declares the ordinance or resolution on direct challenge to be unconstitutional, preempted, or otherwise unenforceable.

PROPOSITION NO. 11

Shall Section 7.02 of the Charter be amended to provide that the budget prepared by the city manager comply with, and contain such information, as required by state law.

PROPOSITION NO. 12

Shall Section 8.01 of the Charter relating to forfeiture of a position on a city board, commission or committee for excessive absences be deleted to clarify the sole authority of city council to appoint and remove an individual from a position on a board, commission or committee.

PROPOSITION NO. 13

Shall the Charter be amended to clarify that an individual must be a legal resident of the city to be appointed to a city board, commission or committee.

PROPOSITION NO. 14

Shall the Charter be amended to prohibit the sale of liquor in any zoning district which allows residential development.

PROPOSITION NO. 15

Shall the Charter be amended to renumber the articles, sections, subsections and paragraphs of the Charter as necessary following the amendment election.

Section 4.

NOTICE AND PUBLICATION

Notice of the election on the proposed Charter amendments shall be posted on the bulletin board used to post notice of the City Council meetings not later than the 21st day before election day and must include a substantial copy of the proposed amendments and the location of each polling place. Notice of the election must be published in a newspaper of general circulation in the City in conformance with Tex. Election Code Chapter 4 and Texas Local Government Code Chapter 9 on the same day in each of 2 consecutive weeks with the first publication occurring not earlier than the 30th day before the election and not later than the 14th day before the date of election, and must include a substantial copy of the proposed Charter amendments and an estimate of the anticipated fiscal impact on the municipality if the proposed amendments are approved. A copy of the published notice that contains the name of the

newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting

Section 5
ELECTION SERVICE CONTRACT

The election on the proposed Charter amendments shall be conducted in accordance with election contracts between the City and Collin County and other units of government for the City Charter election on November 8, 2015. The City Manager or designee is hereby authorized to execute election contracts with the Collin County for the conduct of the election, location of polling places, appointment of election judges and administrators, and to approve any amendments thereto.

Section 6
POLLING PLACE AND EARLY VOTING

The election shall be conducted by Collin County pursuant to an election contract for election services and Collin County election officials, election judges, and election clerks shall serve as officials for the election. Early voting by personal appearance may be conducted at times and locations established by the election contract. Early voting by mail may be conducted in accordance with the election contract and the Texas Election Code.

Section 7
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of such unconstitutional phrase, clause, sentence, paragraph or section.

Section 8
CUMULATIVE/REPEALING CLAUSE

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or un-codified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 9
EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage, as required by law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 16th day of August, 2016.



A handwritten signature in black ink, appearing to read 'Eric Barna', written over a horizontal line.

Eric Barna, Mayor
City of Murphy

ATTEST:

A handwritten signature in black ink, appearing to read 'Susie Quinn', written over a horizontal line.

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Andrew Messer', written over a horizontal line.

Wm. Andrew Messer, City Attorney
City of Murphy