

ORDINANCE NO. 1207

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DUMAS, TEXAS; ORDERING A SPECIAL ELECTION ON MAY 7, 2022 TO VOTE ON PROPOSED AMENDMENTS TO THE DUMAS 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 Dumas seeks to proceed with the ordering of a special election for Saturday, May 7, 2022, the next uniform election date, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the Dumas City Charter (hereafter, "Charter" or "City Charter") was adopted by voters in 1955; and,

WHEREAS, since that time, the Charter has been updated only a few times, 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 DUMAS, TEXAS:

SECTION 1. Pursuant to Texas Local Government Code, section 9.004 that an election is hereby called by and for the City of Dumas to be held on the next uniform election date specified by the Texas Election Code, being May 7, 2022, to vote on the following propositions to amend the City of Dumas 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 – Special Provision for Damage Suits

WHEREAS, the Charter has some outdated requirements for individuals who seek to bring a claim or suit against the City which are inconsistent with current State Law. NOW, THEREFORE, this proposition shall amend the Charter by updating the section regarding notice and provisions for damage suits to be consistent with current State Law.

If Proposition 1 is approved by the voters on May 7, 2022, Section 4 of Article I of the Dumas City Charter shall thereafter read as follows:

Before the City shall be liable to damage claim or suit for injury of one's person or property or death, the person who is injured or whose property is damaged or the person claiming damages from the death or someone on his or her behalf shall give the City Secretary notice in writing within one hundred eighty (180) days after the occurring of the alleged injury or damage, stating specifically in such notice when and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for injury to one's person or property prior to the expiration of ninety (90) days from the date of the notice hereinabove described has been provided to the City Secretary. Provided, however, that nothing herein contained shall be construed to mean that the City of Dumas waives any rights, privileges, defenses, or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

Section Affected: Article I, Sec. 4.

Ballot Text:

PROPOSITION No. 1

To amend Article I, Section 4 of the Dumas City Charter to update the special provision for damage suits.

_____ FOR

_____ AGAINST

Proposition No. 2 – Annexation and Disannexation

WHEREAS, the Charter prescribes procedures, timelines, and notices for annexations because in 1955 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 8 and Article I, Section 9 related to the boundaries of the City and update Section Article I, Section 8 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 May 7, 2022, Section 8 of Article I of the Dumas 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 Dumas; 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. 8 and Article I, Sec. 9.

Ballot Text:

PROPOSITION No. 2

To amend Article I, Section 8 of the Dumas 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 9 in accordance with the amendment to Article I, Section 8.

_____ FOR

_____ AGAINST

Proposition No. 3 – Vacancies in City 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 3 is approved by the voters on May 7, 2022, Section 5 of Article II of the Dumas 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 II, Section 5

Ballot Text:

PROPOSITION No. 3

To amend Article II, Section 5 of the Dumas 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 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.

_____ FOR

_____ AGAINST

Proposition No. 4 – Appointment of City Secretary

WHEREAS, in Article II, Section 8, the Charter provides for the appointment and duties of a City Secretary and this section needs to be updated to better reflect current practices, and to provide that the appointment of the City Secretary by the City Manager be approved by the City Commission. NOW, THEREFORE, this Proposition shall amend and update this section to conform duties and powers of the City Secretary to better reflect current practices and to provide that the appointment of the City Secretary by the City Manager be approved by the City Commission.

If Proposition No. 4 is approved by the voters on May 7, 2022, Section 8 of Article II of the Dumas City Charter shall thereafter read as follows:

The City Manager shall appoint, subject to approval by the City Commission, a City Secretary for an indefinite term. Unless excused by the Commission for good cause, the City Secretary shall attend all meetings of the City Commission and keep accurate minutes of its proceedings. The City Secretary shall preserve and keep in order all books, papers, documents, records, and files of the City Commission and of the executive departments. The City Secretary shall keep a record of all commissions and licenses issued and shall countersign same. The City Secretary shall have custody of the seal of the city and shall perform such other duties as the City Manager shall assign or as elsewhere provided for in this Charter or as required by law. The City Secretary may be removed from office by the City Manager, subject to approval by a majority of the City Commission.

Section affected: Article II, Section 8 _

Ballot text:

PROPOSITION No. 4

To amend Article II, Section 8 of the Dumas City Charter to conform duties and powers of the City Secretary to better reflect current practices and to provide that the appointment of the City Secretary by the City Manager be approved by the City Commission.

_____FOR

_____AGAINST

Proposition No. 5 – Appointment of Judge and Clerk

WHEREAS, the Charter provides details regarding the appointment, qualifications, powers and duties of the Municipal Court Judge and clerk; and WHEREAS, the Charter has some outdated provisions regarding the term and 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 II, Section 9 related to the judge of the Municipal Court to update provisions for the creation and

jurisdiction of 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 May 7, 2022, Section 9 of Article II of the Dumas City Charter shall thereafter read as follows:

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 a qualified voter of the City of Dumas and 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.

Section Affected: Article II, Section 9.

Ballot Text:

PROPOSITION No. 5

To amend Article II, Section 9 of the Dumas City Charter to update provisions for the creation and jurisdiction of 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.

_____ FOR

_____ AGAINST

Proposition No. 6 – Induction of Commission into Office; Meetings of Commission

WHEREAS, Section 10 of Article II of the City Charter provides requirements for notice of Commission meetings and the conduct of such meetings and such matters are now provided for in the Texas Open Meetings Act. NOW, THEREFORE, this Proposition would add authority of the Mayor to cancel any regular meeting in certain situations and add specific references to the Texas Open Meetings Act to provide that all notices and meetings will be done in accordance with the Texas Open Meetings Act, as amended, or successor statute.

If Proposition No. 6 is approved by the voters on May 7, 2022, Section 10 of Article II of the Dumas City Charter shall thereafter read as follows:

At the first regular meeting of the city commission of the City of Dumas following the regular municipal elections, or as soon thereafter as is practical, the commission shall meet at the usual place for holding such meetings, and the newly elected members shall qualify and assume the duties of office. The commission shall then set by resolution, a time and place certain at which they shall hold their regular meetings which shall be held on the same day, hour and place each month, with the exception of the meeting dates that fall on the following holidays: Memorial Day, Labor Day, Fourth of July, Christmas and New Year's Day, in which case said meeting shall be at the same hour and place on the first business day (excluding Saturday and Sunday), that follows said official holiday. The Mayor may cancel any regular meeting in the event of the lack of a quorum, the lack of necessary business to transact, or for any other reason the Mayor determines is in the best interests of the City. Special meetings shall be called by the City Secretary upon request of the mayor or a majority of the members of the City Commission. Public notices of the date, hour and place of City Commission meetings shall be given in accordance with the Texas Open Meetings Act, as amended, or successor statute. All meetings of the City Commission must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute.

Section affected: Article II, Section 10

Ballot text:

PROPOSITION No. 6

To amend Article II, Section 10 of the Dumas City Charter to give the Mayor authority to cancel a regular commission meeting in certain situations and to explicitly acknowledge that notices must be given and meetings must be conducted in accordance with the Texas Open Meetings Act.

_____ FOR

_____ AGAINST

Proposition No. 7 – City Manager

WHEREAS, Sections 17 through 22 in Article II were all added in 1969, and WHEREAS, these Sections providing for the appointment and qualifications, the terms, salary, powers, and the duties of the City Manager are outdated. NOW, THEREFORE, this proposition would update Article II, Section 17 to update and clarify the powers and duties of the City Manager, the appointment and qualifications of the City Manager, the terms and salary of the City Manager, as well as add a provision regarding the Temporary Absence or Disability of City Manager, and repeal Article II, Sections 18, 19, 20, 21, and 22 in accordance with the amendment to Article II, Section 17.

If Proposition 7 is approved by the voters on May 7, 2022, Section 17 of Article II of the Dumas 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 90 days of his/her appointment as City Manager, the newly appointed City Manager shall be a resident of the City of Dumas. 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.

D. Powers and duties of the City Manager. 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.

Further, if Proposition No. 7 is approved by the voters on May 7, 2022, Sections 18, 19, 20, 21, and 22 of Article II of the Dumas City Charter shall thereafter read as follows:

Sec. 18. Repealed

Sec. 19. Repealed

Sec. 20. Repealed

Sec. 21. Repealed

Sec. 22. Repealed

Sections Affected: Article II, Sections 17, 18, 19, 20, 21, and 22.

Ballot Text:

PROPOSITION No. 7

To amend Article II, Section 17 of the Dumas City Charter to update provisions for 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 and to repeal Article II, Sections 18, 19, 20, 21, and 22 in accordance with the amendment to Article II, Section 17.

_____ FOR

_____ AGAINST

Proposition No. 8 – City Attorney

WHEREAS, Article III of the Charter provides for the appointment, qualifications, powers, and duties of the City Attorney; and WHEREAS, the Charter currently requires that the City Attorney be a resident citizen of the City of Dumas, which residence restriction has become increasingly difficult to satisfy. NOW, THEREFORE, this proposition would repeal the requirement that the City Attorney be a resident citizen of the City of Dumas and simply provide that “the city attorney shall be a qualified attorney-at-law who is licensed to practice in the state of Texas.”

If Proposition No. 8 is approved by the voters on May 7, 2022, Section 2 of Article III of the Dumas City Charter shall thereafter read as follows:

The city attorney shall be a qualified attorney-at-law who is licensed to practice in the state of Texas.

Section affected: Article III, Section 2

Ballot Text:

PROPOSITION No. 8

To amend Article III, Section 2 of the Dumas City Charter to repeal the requirement that the City Attorney be a resident citizen of the City of Dumas and simply provide that "the city attorney shall be a qualified attorney-at-law who is licensed to practice in the state of Texas."

_____ FOR

_____ AGAINST

Proposition No. 9 – Date for Final Adoption; Failure to Adopt

WHEREAS, Article IV, Section 7 of the City Charter currently provides that if the City Commission fails to timely adopt the budget then the proposed budget as submitted by the City Commission becomes the budget for the next fiscal year; and WHEREAS, such a possibility, while not a likely scenario, results in a budget not approved by the City Commission, which conflicts with state law. NOW, THEREFORE, this proposition would amend Article IV, Section 7 to provide that in the unlikely event the City Commission fails to timely adopt the budget then the existing budget, which had been approved by the Commission the previous fiscal year, shall be deemed re-adopted for the next fiscal year.

If Proposition No. 9 is approved by the voters on May 7, 2022, Section 7 of Article IV of the Dumas City Charter shall thereafter read as follows:

The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the Commission take no final action on or prior to such day, the last approved budget shall be automatically readopted as the approved budget for the next fiscal year.

Section affected: Article IV, Section 7

Ballot Text:

PROPOSITION No. 9

To amend Section 7 of Article IV of the Dumas City Charter to conform to current state law requirements related to the automatic re-adoption of the last approved budget if a proposed budget is not timely approved by the City Commission for the next fiscal year.

_____ FOR

_____ AGAINST

Proposition No. 10 – Effective Date of Budget; Certification; Copies Made Available

WHEREAS, Article IV, Section 8 of the City Charter currently provides that a copy of the budget, as finally adopted, shall be filed with the state comptroller of public accounts in Austin and this is no longer necessary because the adopted budget is available on the City's website. NOW, THEREFORE, this proposition would amend Article IV, Section 8 to provide that a copy of the budget, as finally adopted, shall be posted on the City's website.

If Proposition No. 10 is approved by the voters on May 7, 2022, Section 8 of Article IV of the Dumas City Charter shall thereafter read as follows:

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be filed with the City Secretary and posted on the City's website. The final budget shall be printed, mimeographed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

Section affected: Article IV, Section 8

Ballot Text:

PROPOSITION No. 10

To amend Section 8 of Article IV of the Dumas City Charter to provide that a copy of the budget, as finally adopted, shall be posted on the City's website instead of being filed with the state comptroller of public accounts in Austin.

_____ FOR

_____ AGAINST

Proposition No. 11 – Finance Administration – Duties of Finance Director and Related Matters

WHEREAS, Article VI provides detailed instructions for the Finance Department, many of which conflict with other Charter provisions or are unclear or need to be updated to reflect current practice. NOW, THEREFORE, this proposition would update Article VI, Sections 1, 2, 3, 4, 5, 11, 12, 13, 14 to update and clarify the responsibilities of the Finance Director, accounting procedures for the Finance Department, procedures for the transfer of appropriations, bonding, disbursement of funds, and borrowing.

First, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 1 of the Dumas City Charter shall thereafter read as follows:

Sec. 1. Accounting procedure.

Under the direction of the City Manager, the Finance Director shall have charge of the administration of the finance affairs of the city and to that end they shall have authority and shall be required to:

- (1) Compile the estimates of revenues and expenditures for the budget.
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he or they may deem expedient.
- (4) Submit to the Commission a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city.
- (5) Prepare or cause to be prepared, as of the end of each fiscal year, a complete financial statement and report.
- (6) Cause to be completed the assessment of all property within the corporate limits of the city for taxation, the making of all special assessments for the city government, the preparation of tax maps and giving of such notice of taxes and special assessments as may be required by law.
- (7) Cause to be collected, all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any Court, or from any office, department or agency of the city.
- (8) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the Commission, subject to the requirement of law as to surety and the payment of interest of deposits, but as to surety and the payment of interest of deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account.
- (9) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safe-

keeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange.

(10) Approve or disapprove all proposed expenditures.

Second, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 2 of the Dumas City Charter shall thereafter read as follows:

Sec. 2. Transfer of appropriations.

The Finance Director with the approval of the City Commission may at any time transfer any unencumbered balance or portion thereof between general classification of expenditures within an office, department or agency. At the request of the Finance Director and within the last three months of the budget year, the City Commission may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

Third, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 3 of the Dumas City Charter shall thereafter read as follows:

Sec. 3. Accounting supervision and control.

The Finance Director shall have power and shall be required to:

- (1) Prescribe the forms, receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.
- (2) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable.
- (3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges.
- (4) Inspect and audit any account or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

Fourth, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 4 of the Dumas City Charter shall thereafter read as follows:

4. Appropriations lapse at end of year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Fifth, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 5 of the Dumas City Charter shall thereafter read as follows:

Sec. 5. Fees shall be paid to city government.

All fees for city services received by any officer or employee shall belong to the city government and shall be paid to the department of finance at such times as required by the Finance Director. All persons whose duties require the handling of money shall be bonded in an amount that shall be determined by the City Commission.

Sixth, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 11 of the Dumas City Charter shall thereafter read as follows:

Sec. 11. Bonding.

The Finance Director and all city employees doing purchasing or warehousing of materials, supplies, and equipment shall be bonded with such surety and in such amount as the Commission may require, except that any such bond shall not be in an amount of less than \$100,000.00.

Seventh, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 12 of the Dumas City Charter shall thereafter read as follows:

Sec. 12. Disbursement of funds.

All checks, vouchers, or warrants for the withdrawal of money from the city depository shall be signed by the Finance Director or the City Secretary, and countersigned by the mayor. In the absence of the mayor, checks may be countersigned by a City Commissioner.

Eighth, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 13 of the Dumas City Charter shall thereafter read as follows:

Sec. 13. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the Commission may by resolution authorize the borrowing of money in a sum not in excess of the unencumbered net of anticipated tax receipts by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 20____" (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

Finally, if Proposition 11 is approved by the voters on May 7, 2022, Article VI, Section 14 of the Dumas City Charter shall thereafter read as follows:

Sec. 14. Borrowing in anticipation of other revenues.

In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the Commission may by resolution authorize the borrowing of money in a sum not in excess of the unencumbered net of anticipated tax receipts by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year 20__" (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

Sections affected: Article VI, Sections 1, 2, 3, 4, 5, 11, 12, 13, 14.

Ballot text:

PROPOSITION No. 11

To amend Article VI, Sections 1, 2, 3, 4, 5, 11, 12, 13, 14 of the Dumas City Charter to clarify and update provisions for the responsibilities of the Finance Director, accounting procedures for the Finance Department, procedures for the transfer of appropriations, bonding, disbursement of funds, and borrowing.

_____FOR

_____AGAINST

**Proposition No. 12 – Finance Administration –Duties of Purchasing Agent,
Purchasing Procedures and Contracts for Improvements**

WHEREAS, Article VI provides instructions for the Finance Department, many of which conflict with other Charter provisions or are unclear or need to be updated to reflect current practice, including specifically regarding the duties and responsibilities of the Purchasing Agent; and WHEREAS, the Charter has some confusing and outdated language related to the purchasing procedures to be followed by the City and involving contracts for public improvements and the warehousing of all the City's supplies, materials, and equipment; and NOW, THEREFORE, this proposition would update Article VI, Sections 6, 7, 8, 9, and 10 to update and clarify the responsibilities of the Purchasing Agent, to replace the confusing language and to provide that the City of Dumas will comply with all applicable purchasing and procurement laws and ordinances when expending public funds.

First, if Proposition 12 is approved by the voters on May 7, 2022, Article VI, Section 6 of the Dumas City Charter shall thereafter read as follows:

Sec. 6. Division of purchases.

The City Manager shall assign a qualified individual who shall be responsible for the purchasing, receiving, storage, and issuance of all city supplies, materials, equipment, etc., and shall be referred to as the Purchasing Agent. The Purchasing Agent shall be responsible for making purchases pursuant to applicable state law. He shall oversee the purchase of all materials, store and distribute all supplies, materials, and equipment required by any office, department, or agency of the city government and shall also have the power and authority and shall be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city.
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment and determine their quality, quantity, and conformance with specifications.
- (3) Have charge of such general store rooms and warehouses as the Finance Director may provide.
- (4) Transfer to or between offices, departments, or agencies or, with the approval of the Finance Director, sell surplus, obsolete, or other supplies, materials, or equipment which are not required for the operation of the city.

Second, if Proposition 12 is approved by the voters on May 7, 2022, Article VI, Section 7 of the Dumas City Charter shall thereafter read as follows:

Sec. 7. Procedure for sale of city property.

The Purchasing Agent shall ensure that the sale of personal property belonging to the city be made in accordance with policies adopted by the City Commission and as provided by state law.

Third, if Proposition 12 is approved by the voters on May 7, 2022, Article VI, Section 8 of the Dumas City Charter shall thereafter read as follows:

Sec. 8. Purchasing procedure.

Any purchase made or contract entered into by the City of Dumas 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.

Fourth, if Proposition 12 is approved by the voters on May 7, 2022, Article VI, Section 9 of the Dumas City Charter shall thereafter read as follows:

Sec. 9. Contracts for city improvements.

All public improvements shall be purchased and bid and contracted for in such amounts as required in conformity with state law. Alterations in any contract not to exceed 25% of the total contract may be made when authorized by the Commission, provided that such alteration is acceptable to the other contracting party.

Finally, if Proposition 12 is approved by the voters on May 7, 2022, Article VI, Section 10 of the Dumas City Charter shall thereafter read as follows:

Sec. 10. Warehousing.

The Purchasing Agent shall be responsible for the proper warehousing of all of the city's supplies, materials, and equipment. Such items owned by the city shall be stored in a manner so that they will be adequately protected and readily accounted for. Materials, supplies, and equipment shall be issued from the warehouse in line with the requirements of an adequate cost accounting system which shall be established and such material shall be issued to responsible people designated by the Finance Director and all such individuals shall sign a proper requisition or receipt for such items issued from the city warehouse. The Purchasing Agent shall also keep or cause to be kept a perpetual inventory on all warehouse items, and such perpetual inventory shall be adjusted to a physical inventory which shall be made not less than one time during each fiscal year. Such physical inventory to be made by a person other than the Purchasing Agent or his assistants as shall be designated by the Finance Director. All shortages shall be promptly reported in writing by such person to the Finance Director. Such report shall contain a full explanation of any shortage and recommendations to avoid a repetition of similar happenings.

Sections affected: Article VI, Sections 6, 7, 8, 9, and 10.

Ballot text:

PROPOSITION No. 12

To amend Article VI, Sections 6, 7, 8, 9, and 10 of the Dumas City Charter to update and clarify the responsibilities of the Purchasing Agent, to replace the confusing and outdated language, and to provide that the City of Dumas will comply with all applicable state purchasing and procurement laws and ordinances when expending public funds.

_____FOR

_____AGAINST

Proposition No. 13 – Prohibition of Certain Expenditures – Repeal

WHEREAS, in an amendment passed in 1969 and provided for in Article VI, Section 16, the Charter prohibits expending any money for certain developments or improvements and this section is outdated and unclear. NOW, THEREFORE, this Proposition shall repeal and delete Article VI, Section 16.

If Proposition No. 13 is approved by the voters on May 7, 2022, Section 16 of Article VI of the Dumas City Charter shall thereafter read as follows:

Sec. 16. Repealed

Section affected: Article VI, Section 16.

Ballot text:

PROPOSITION No. 13

The amendment to repeal Article VI, Section 16 (Prohibition of Certain Expenditures) of the Dumas City Charter.

_____ FOR

_____ AGAINST

Proposition No. 14 – Board of Equalization – Repeal

WHEREAS, the Charter creates a Board of Equalization; and WHEREAS, such a Board is not functioning in any manner and is no longer necessary as the Appraisal District or another appropriate entity now performs these functions; and WHEREAS, this provision should be repealed to conform with current practice; NOW, THEREFORE, this Proposition shall repeal and delete Article VII, Sections 4-7.

If Proposition No. 14 is approved by the voters on May 7, 2022, Sections 4, 5, 6, and 7 of Article VII of the Dumas City Charter shall thereafter read as follows:

Sec. 4. Repealed

Sec. 5. Repealed

Sec. 6. Repealed

Sec. 7. Repealed

Sections affected: Article VII, Sections 4, 5, 6, and 7.

Ballot text:

PROPOSITION No. 14

The amendment to repeal Article VII, Sections 4, 5, 6, and 7 (Board of Equalization) of the Dumas City Charter.

_____ FOR

_____ AGAINST

Proposition No. 15 – Timing of Special and Runoff Elections

WHEREAS, in Article VIII, Section 4, the City Charter specifies an exact time period for a runoff election; and WHEREAS, in Article IX, Sections 8 and 15, 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 15 is approved by the voters on May 7, 2022, Article VIII, Section 4 of the Dumas City Charter shall thereafter read as follows:

Sec. 4 election of city commissioners by majority

At the regular municipal election the candidates for the office of Commissioner, to the number to be elected, and for the office of the mayor, who shall have received the majority of votes cast in such election shall be declared elected.

Should any candidate fail to receive a majority of votes at the regular election for the office for which he is a candidate, the Commission shall order a runoff election to be held on a date as prescribed by the Texas Election Code, at which runoff election the names only of the two candidates, receiving the highest number of votes at the regular election, for the office for which they were candidates, shall be printed on the ballot and submitted to the qualified voters for election, and the candidate receiving the majority of votes at such special election for the place of office for which he was a candidate, shall be declared duly elected.

Second, if Proposition 15 is approved by the voters on May 7, 2022, Article IX, Section 8 of the Dumas City Charter shall thereafter read as follows:

Sec. 8 Submission to electors

If the Commission shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Commission

fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors on the next available uniform election date for which the City may meet all statutory deadlines.

Third, if Proposition 15 is approved by the voters on May 7, 2022, Article IX, Section 15 of the Dumas City Charter shall thereafter read as follows:

Sec. 15 Recall; election

The City Secretary shall at once examine the recall petition and if he finds it sufficient and in compliance with the provisions of this article of the charter, he shall within five days submit it to the City Commission with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign with [within] five days after such notice the City Commission shall thereupon order and fix a date for holding a recall election on the next available uniform election date for which the City may meet all statutory deadlines.

Sections affected: Article VIII, Section 4, and Article IX, Sections 8 and 15.

Ballot Text:

PROPOSITION No. 15

To amend Article VIII, Section 4, Article IX, Section 8, and Article IX, Section 15 of the Dumas City Charter to remove and amend specified time periods for runoff, 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. 16 – Recall of Quorum or More of the City Commission

WHEREAS, the current Charter is silent as to what would happen in the event of the recall of a quorum or more of the members of the City Commission, thereby creating a situation that could effectively halt City government. The experience of other Cities suggests it is prudent to provide a Charter clause resolving this situation. NOW, THEREFORE, this Proposition shall specify what shall happen in the event of the recall of a quorum or more of the members of the City Commission.

Section Affected: Article IX, Section 20.

Ballot Text:

PROPOSITION No. 16

To amend Article IX of the Dumas City Charter to add a Section 20 to Article IX to provide that: "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.

_____FOR

_____AGAINST

Proposition No. 17 – Recall – Removal of Some Members of the City Commission

WHEREAS, the current Charter is silent as to what would happen in the event of the recall of some members of the City Commission and the canvass of said recall election, thereby creating a situation that could lead to confusion and possibly halt City government. The experience of other Cities suggests it is prudent to provide a Charter clause resolving this situation. NOW, THEREFORE, this Proposition shall specify what shall happen in the event of the recall some members of the City Commission and the associated canvass of such recall election.

Section Affected: Article IX, Section 21.

Ballot Text:
PROPOSITION No. 17

To amend Article IX of the Dumas City Charter to add a Section 21 to Article IX to provide that: "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."

_____FOR

_____AGAINST

Proposition No. 18 – 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 IX, Section 22.

Ballot Text:

PROPOSITION No. 18

To amend Article IX of the Dumas City Charter to add a Section 22 to Article IX 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. 19 – 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 23 to Article IX to provide that the City Commission has the authority to order an election for a non-binding referendum.

Section Affected: Article IX, Section 23.

Ballot Text:

PROPOSITION No. 19

To amend Article IX of the Dumas City Charter to add a Section 23 to Article IX 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. 20 – Publicity of Records

WHEREAS, the Charter recognizes that the City shall open its records to the public; and WHEREAS, the publicity of City records is now governed exclusively by the Texas Public Information Act; NOW, THEREFORE, this Proposition shall delete the current section 1 of Article XI and amend it to add a specific reference to the Texas Public Information Act, as amended.

If Proposition No. 20 is approved by the voter on May 7, 2022, Section 1 of Article XI of the Dumas City Charter shall thereafter read as follows:

The City shall comply with the Public Information Act of the State of Texas as may be amended from time to time, or successor statute.

Section affected: Article XI, Section 1

Ballot text:

PROPOSITION No. 20

To amend Article XI, Section 1 of the Dumas City Charter to explicitly acknowledge that the City will comply with the Texas Public Information Act.

_____FOR

_____AGAINST

Proposition No. 21 – Personal 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 less restrictive than state law and the City has already been following applicable state law. NOW, THEREFORE, this Proposition shall delete the current section 2 of Article XI 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. 21 is approved by the voter on May 7, 2022, Section 2 of Article XI of the Dumas 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 XI, Section 2

Ballot text:

PROPOSITION No. 21

To amend Article XI, Section 2 of the Dumas 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. 22 – Public Library – Repeal

WHEREAS, in Article XI, Section 4, the Charter provides for the establishment, maintenance, and funding for a public library and the County now operates and funds a public library for the benefit of the residents of the City. NOW, THEREFORE, this Proposition shall repeal and delete Article XI, Section 4.

If Proposition No. 22 is approved by the voters on May 7, 2022, Section 4 of Article XI of the Dumas City Charter shall thereafter read as follows:

Sec. 4. Repealed

Section affected: Article XI, Section 4.

Ballot text:

PROPOSITION No. 22

The amendment to repeal Article XI, Section 4 (Public Library) of the Dumas City Charter.

_____FOR

_____AGAINST

Proposition 23 – Amending the Charter

WHEREAS, Article XI, Section 12 of the City Charter currently has detailed and possibly conflicting provisions regarding procedures to amend the Charter and state law clearly provides for such procedures in Texas Local Government Code 9.004. NOW, THEREFORE, this proposition would amend Article XI, Section 12 to provide that amendments to the City Charter may be framed and submitted to the voters of the City as provided by applicable state law.

If Proposition No. 23 is approved by the voters on May 7, 2022, Section 12 of Article XI of the Dumas City Charter shall thereafter read as follows:

Amendments to this charter may be framed and submitted to the voters of the city in the manner provided by the laws of the State of Texas, as now or hereafter amended.

Section affected: Article XI, Section 12

Ballot Text:

PROPOSITION No. 23

To amend Section 12 of Article XI of the Dumas City Charter to follow current state law regarding amending the City Charter.

_____ 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 May 7, 2022 at First Street Annex, 310 E. 1st Street, Dumas, Texas. Polls will be open on May 7, 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 First Street Annex, 310 E. 1st Street, Dumas, Texas, between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 25, 2022 and ending on May 3, 2022. Applications for ballot by mail shall be requested from and mailed to: City of Dumas, ATTN: City Secretary, P.O. Box 438, Dumas, Texas 79029-0438. Applications for ballot by mail must be received no later than close of business on April 26, 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 11th day of February 2022.

PASSED, APPROVED, AND ADOPTED on second reading this 15th day of February 2022.

CITY OF DUMAS, TEXAS

Bob Brinkmann, Mayor

ATTEST:

Tonya Montoya, City Secretary