

Public Notices

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PUBLIC NOTICE

Explanatory Statements of Proposed Amendments to the SLATON CITY CHARTER Special Election November 8, 2022

This notice is published in accordance with Texas Local Government Code, sec. 9.004(c). If approved, whether one or more amendments, the anticipated fiscal impact of these amendments is zero dollars.

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 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 the close of business on October 28, 2022.

Issued by: /s/ Pamela King Pamela King, City Secretary City of Slaton

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.

REDLINE VERSION OF APPLICABLE CHARTER SECTIONS

(In the text of the proposed amendments, words stricken out would be deleted from the Charter. All other words would be in the Charter if the amendments are adopted. Words to be added are typically shown by underlining.)

Sec. 4. Annexation and Disannexation.

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. Sec. 4(a). Repealed

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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 1. Corporate powers [generally].

A. 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 needed 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.

B. 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.

C. 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.

D. 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:

1. 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.

2. 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.

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 needed 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."

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 22. Peace and good order.

Said city shall have the power:

[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.

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 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.

REDLINE VERSION OF

is not able or available that needs to be corrected. NOW, THEREFORE, this proposition shall repeal and replace Article III, 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.

REDLINE VERSION OF APPLICABLE CHARTER SECTIONS

Sec. 1. Municipal court created.

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 compensation 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. Repealed.
Sec. 3. Repealed.
Sec. 4. Repealed.
Sec. 5. Repealed.
Sec. 6. Repealed.
Sec. 7. Repealed.
Sec. 8. Repealed.
Sec. 9. Repealed.
Sec. 10. Repealed.
Sec. 11. Repealed.
Sec. 12. Repealed.
Sec. 13. Repealed.
Sec. 14. Repealed.
Sec. 15. Repealed.
Sec. 16. Repealed.
Sec. 17. Repealed.
Sec. 18. Repealed.
Sec. 19. Repealed.
Sec. 20. Repealed.

If Proposition 5 is approved by the voters on November 8, 2022, Section 1 of Article III 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 compensation 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 III, Section 1 through 20.

Ballot Text:

PROPOSITION No. 5

To amend Article III, 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 III, Sections 2 through 20 in accordance with the amendment to Article III, 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.

REDLINE VERSION OF

APPLICABLE CHARTER SECTIONS

Sec. 1. Initiative and referendum.

[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.

Sec. 2. Recall.

[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.

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.

REDLINE VERSION OF APPLICABLE CHARTER SECTIONS

[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.

[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