

PUBLIC NOTICE
Explanatory Statements of Proposed Amendments
to the CHILDRESS 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 the Council Chambers, Childress City Hall, 315 Commerce St., Childress, 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 the Council Chambers, Childress City Hall, 315 Commerce St., Childress, Texas, between the hours of 8:00 a.m. and 5:00 p.m. beginning on October 24, 2022 and ending on November 4, 2022. Applications for ballot by mail shall be requested from and mailed to: City of Childress, ATTN: City Secretary, 315 Commerce St, Childress, Texas 79201. Applications for ballot by mail must be received no later than close of business on October 28, 2022.

Issued by: _____
D'Linda Dockery, City Secretary
City of Childress

Proposition No. 1 – Annexation and Disannexation

WHEREAS, the Charter briefly mentions the City’s power to annex “with or without the consent of the territory and inhabitants annexed.” However, today unilateral annexation without consent of the territory and inhabitants annexed is not allowed and Texas annexation statutes are highly developed with detailed procedures, timelines, restrictions, and notice requirements. NOW, THEREFORE, this proposition shall repeal Article II, Section 4 related to annexation and update Article II, Section 4 to provide that the City has such authority and require that each annexation and disannexation shall be conducted in accordance with applicable state law or ordinance.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

(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. Unilateral annexation.

A. ANNEXATION BY CITY COUNCIL. The City Council shall have the power, by ordinance, to fix the boundary limits of the City of Childress; 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 Council 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 Council may, by ordinance, disannex any territory within the corporate boundaries of the city, if the Council 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 Council.

~~The City Council may by ordinance annex additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed. (Added by amendment at an election held April 7, 1953)~~

If Proposition 1 is approved by the voters on November 8, 2022, Section 4 of Article II of the Childress City Charter shall thereafter read as follows:

A. ANNEXATION BY CITY COUNCIL. The City Council shall have the power, by ordinance, to fix the boundary limits of the City of Childress; 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 Council 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 Council may, by ordinance, disannex any territory within the corporate boundaries of the city, if the Council 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 Council.

Section Affected: Article II, Sec. 4.

Ballot Text:

PROPOSITION No. 1

To amend Article II, Section 4 of the Childress City Charter to provide that the City’s authority related to annexation and disannexation be conducted in accordance with applicable state law or ordinance.

_____ FOR

_____ AGAINST

Proposition No. 2 – Sale/Conveyance of Real Property Owned by the City

WHEREAS, Article III, Section 3A prohibits the City from selling or conveying any real property owned by the City, with limited exceptions, without an election; and WHEREAS, the prohibition in this Section limits the City from selling surplus property and the City desires to have the authority to sell or convey any real property owned by the City in accordance with applicable state law; and WHEREAS, the City recognizes that the City-owned Lake Property (as defined below) would be exempt from this authority. NOW, THEREFORE, this proposition shall amend the Charter by updating the section regarding the sale/conveyance of real property owned by the City to allow the City to sell or convey any real property owned by the City, save and except the Lake Property, in accordance with applicable state law.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 3A. Sale, conveyance of property

~~The City of Childress shall not sell and/or convey any real estate owned by it save and except property acquired by tax foreclosure suits, and cemetery lots, without first submitting the proposition to the qualified voters of the City at an election called for that purpose. Such election shall be held with the notice and in the manner provided by law for the amending of the charter. If the election results in a majority vote against such sale and/or conveyance, such real estate shall not be sold. If the election results in a majority vote for such sale and/or conveyance and is sold, the certificate of the Mayor and the City Secretary in connection therewith shall be conclusive evidence of the legality of the election and the results thereof. Nothing in this charter amendment shall be construed as limiting the power and authority of said City to grant right of way easements, or lease the mineral rights and/or surface rights of real property belonging to said City except that said City shall not lease either the mineral rights or surface rights or of any such property for more than ten (10) years, unless such lease is for surface rights alone to be used solely for commercial, industrial or benevolent purposes. (Amendment adopted at an election held April 7, 1964)~~

Save and except the Lake Property (defined below), the City of Childress shall have the power to take, hold, lease, grant, purchase, sale, and convey such real property or mixed property or estate, situated within, or without, the limits thereof, in accordance with applicable state law.

The City of Childress shall not sell and/or convey the Lake Property unless such sale/conveyance is authorized by a majority of the qualified voters at a general or special election held for that purpose in accordance with law. For purposes of this Section, the term “Lake Property” means the following described property in Childress County, Texas, to wit:

All property owned by the City of Childress in the following surveys:

LAKE CHILDRESS

<u>Survey Number</u>	<u>Approximate Acres</u>
<u>735, Block H, W. & N.W. Ry. Co.</u>	<u>138.4</u>
<u>779, Block H, W. & N.W. Ry. Co.</u>	<u>160</u>
<u>780, Block H, W. & N.W. Ry. Co.</u>	<u>490.4</u>
<u>781, Block H, W. & N.W. Ry. Co.</u>	<u>33.29</u>
<u>Total Acreage</u>	<u>822.09</u>

BAYLOR LAKE

<u>Survey Number</u>	<u>Approximate Acres</u>
<u>5, A. B. & M. Ry. Co.</u>	<u>306.1</u>
<u>4, A. B. & M. Ry. Co.</u>	<u>640</u>

<u>3, A. B. & M. Ry. Co.</u>	<u>210.6</u>
<u>12, A. B. & M. Ry. Co.</u>	<u>75</u>
<u>13, A. B. & M. Ry. Co.</u>	<u>106.2</u>
<u>14, A. B. & M. Ry. Co.</u>	<u>423.21</u>
<u>19, A. B. & M. Ry. Co.</u>	<u>71.35</u>
<u>4, W. J. Benton Survey</u>	<u>41.5</u>
<u>100, F. P. Knott Survey</u>	<u>177.6</u>
<u>10 and 11, G. F. Swift Survey</u>	<u>Unknown</u>
<u>Total Acreage</u>	<u>2051.56</u>

If Proposition 2 is approved by the voters on November 8, 2022, Section 3A of Article III of the Childress City Charter shall thereafter read as follows:

Save and except the Lake Property (defined below), the City of Childress shall have the power to take, hold, lease, grant, purchase, sale, and convey such real property or mixed property or estate, situated within, or without, the limits thereof, in accordance with applicable state law.

The City of Childress shall not sell and/or convey the Lake Property unless such sale/conveyance is authorized by a majority of the qualified voters at a general or special election held for that purpose in accordance with law. For purposes of this Section, the term “Lake Property” means the following described property in Childress County, Texas, to wit:

All property owned by the City of Childress in the following surveys:

LAKE CHILDRESS

Survey Number	Approximate Acres
735, Block H, W. & N.W. Ry. Co.	138.4
779, Block H, W. & N.W. Ry. Co.	160
780, Block H, W. & N.W. Ry. Co.	490.4
781, Block H, W. & N.W. Ry. Co.	33.29
Total Acreage	822.09

BAYLOR LAKE

Survey Number	Approximate Acres
5, A. B. & M. Ry. Co.	306.1
4, A. B. & M. Ry. Co.	640
3, A. B. & M. Ry. Co.	210.6

12, A. B. & M. Ry. Co.	75
13, A. B. & M. Ry. Co.	106.2
14, A. B. & M. Ry. Co.	423.21
19, A. B. & M. Ry. Co.	71.35
4, W. J. Benton Survey	41.5
100, F. P. Knott Survey	177.6
10 and 11, G. F. Swift Survey	Unknown
Total Acreage	2051.56

Section Affected: Article III, Sec. 3A.

Ballot Text:
PROPOSITION No. 2

To amend Article III, Section 3A of the Childress City Charter to provide that the City may sale or convey real property it owns, save and except the Lake Property, in accordance with applicable state law.

_____ FOR

_____ AGAINST

Proposition No. 3 – Exemption from liabilities for damages

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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 7. Exemption from liabilities for damages

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

Childress 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.

~~Before the City of Childress shall be liable for damages of any kind, the person injured or someone in his behalf, shall give the Mayor or City Alderman notice in writing of such injury within thirty days after same has been received, stating specifically in such notice when, where and how the injury occurred and the extent thereof. The City of Childress shall never be liable on account of any damage or injury to person or property arising from or occasioned by any defect in any public street, highway, or grounds or any public works of the City unless the specific defect causing the damage or injury shall have been actually known to the Mayor, or some other member of the City Council by personal inspection for a period of at least twenty four hours prior to the occurrence of the injury or damage, or unless the attention of the mayor or a member of the City Council shall have been called thereto, by notice thereof, in writing at least twenty four hours prior to the occurrence of the injury or damage, nor further, unless in either case proper diligence had not been used to rectify the defect after it is actually known by, or called to the attention of the Mayor or a member of the City Council, as aforesaid.~~

If Proposition 3 is approved by the voters on November 8, 2022, Section 7 of Article III of the Childress 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 Childress 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 III, Sec. 7.

Ballot Text:

PROPOSITION No. 3

To amend Article III, Section 7 of the Childress City Charter to update the exemption from liabilities for damage suits.

_____ FOR

_____ AGAINST

Proposition No. 4 – Timing for Special Elections

WHEREAS, in Article III, Section 16 (Contest of Franchise Ordinance), Article VII, Section 6 (Runoff election), Article XI, Section 1(7) (Initiative and Referendum), and Article XI, Section 2(5) (Recall), the Charter specifies exact time periods for Special Elections; However, State Law supersedes 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

Article III. Sec. 16. Franchises for use of streets, etc.

...~~(4)~~ Such election shall be held on the next available uniform election date for which the City may meet all statutory deadlines ~~ordered not less than thirty (30) days nor more than ninety (90) days from after~~ the date of filing said petition, and if at said election the majority of the votes cast shall be for the granting of such franchise or privilege, said ordinance and the making of said proposed grant shall thereupon become effective, but if the majority of the votes cast at said election shall be against the granting of such franchise or privilege, such ordinance shall be ineffective and the making of such proposed grant shall be null and void.

Article VII. Sec. 6. Special run-off elections.

Should any candidate fail to receive a majority of the votes at the election for the office for which he is a candidate, the governing authority shall immediately order a Special-Runoff Election to be held ~~not less than ten nor more than twenty days after the result of said election has been declared on a date as prescribed by the Texas Election Code~~, at which ~~runoff~~special election the names only of the two candidates receiving the highest number of votes at said former 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 ~~runoff~~special election for the place or office for which he was a candidate shall be declared elected.

Article XI. Sec. 1(7) – Initiative and Referendum

Paragraph 7.

After receipt of such certificate and the certified copy of the proposed ordinance or resolution, the person exercising the duties of the City Clerk shall present such certificate and certified copy of the proposed ordinance or resolution to the City Council at its next regular meeting. ~~If any election is to be held at a date not more than ninety (90) days nor less than ten (10) days after such meeting~~

~~of the City Council, the s~~Such ordinance or resolution proposed for adoption or repeal shall be submitted by the City Council to vote of the electors at ~~an~~such election to be held on the next available uniform election date for which the City may meet all statutory deadlines. ~~but if no such election is to be within such time, then the City Council shall provide for submitting such proposed ordinance or resolution for adoption or rejection to the electors as a special election to be held not less than twenty (20) nor mote than forty (40) days thereafter.~~

Article XI. Sec. 2(5) – Recall

Paragraph 5.

All papers comprising a recall petition shall be returned and filed with the person exercising the duties of City Clerk within thirty (30) days after the filing of the affidavit herein before provided for. The person exercising the duties of City Clerk 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 ~~not be~~ on the next available uniform election date for which the City may meet all statutory deadlines. ~~less than fifteen (15) nor more than thirty (30) days from the time such petition was presented to the governing authority of the city.~~

First, if Proposition 4 is approved by the voters on November 8, 2022, the fourth sentence of Article III, Section 16 of the Childress City Charter shall thereafter read as follows:

Such election shall be held on the next available uniform election date for which the City may meet all statutory deadlines after the date of filing said petition, and if at said election the majority of the votes cast shall be for the granting of such franchise or privilege, said ordinance and the making of said proposed grant shall thereupon become effective, but if the majority of the votes cast at said election shall be against the granting of such franchise or privilege, such ordinance shall be ineffective and the making of such proposed grant shall be null and void.

Second, if Proposition 4 is approved by the voters on November 8, 2022, Article VII, Section 6 of the Childress City Charter shall thereafter read as follows:

Should any candidate fail to receive a majority of the votes at the election for the office for which he is a candidate, the governing authority shall immediately 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 said former 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 runoff election for the place or office for which he was a candidate shall be declared elected.

Third, if Proposition 4 is approved by the voters on November 8, 2022, Article XI, Section 1(7) of the Childress City Charter shall thereafter read as follows:

After receipt of such certificate and the certified copy of the proposed ordinance or resolution, the person exercising the duties of the City Clerk shall present such certificate and certified copy of the proposed ordinance or resolution to the City Council at its next regular meeting. Such ordinance or resolution proposed for adoption or repeal shall be submitted by the City Council to 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.

Finally, if Proposition 4 is approved by the voters on November 8, 2022, Article XI, Section 2(5) of the Childress City Charter shall thereafter read as follows:

All papers comprising a recall petition shall be returned and filed with the person exercising the duties of City Clerk within thirty (30) days after the filing of the affidavit herein before provided for. The person exercising the duties of City Clerk 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 16; Article VII, Section 6; Article XI, Section 1(7); and Article XI, Section 2(5).

Ballot Text:
PROPOSITION No. 4

To amend Article III, Section 16 (Contest of Franchise Ordinance), Article VII, Section 6 (Runoff election), Article XI, Section 1(7) (Initiative and Referendum), and Article XI, Section 2(5) (Recall) of the Childress City Charter to remove and amend specified time periods for contest of franchise ordinances, 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. 5 – Peace and Good Order

WHEREAS, the City Charter gives a long list of powers related to peace and good order within the City; and WHEREAS, this provision is outdated and needs to be simplified to current realities.

NOW, THEREFORE, this proposition shall amend the Charter to update Article III, Section 20 to provide a general statement related to the City's powers related to peace and good order.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 20. Peace and good order.

~~[1]— Said City shall have the power to define all nuisances prohibiting the same within the City and outside the city limits for a distance of five thousand (5,000) feet; to police all parks, grounds, speedways, streets, avenues, and alleys owned by said City within or without the city limits; to prohibit the pollution of all sources of water supply of said city and to provide for the protection of water sheds. To provide for the inspection and regulation of dairies, cows and dairy herds, slaughter pens and slaughter houses, abattoirs within or without the city limits from which meat, milk, butter, or eggs are furnished to the inhabitants of said City, and to provide for the inspection and regulation of meat markets, grocery stores, drug stores, confectioneries, fruit stands, ice cream factories, laundries, bottling plants, hotels, restaurants, and bakeries; the source, storage and distribution of water and all other places where food or drinks for human consumption are manufactured, handled, sold or exposed for sale, and to regulate and inspect the quality and sanitary condition of such articles of food and drinks are sold or offered for sale. To provide for the inspection and regulation of the sanitary condition of all premises and vacant lots within the City limits; for the removal of garbage, night soil, refuse, and unsanitary or unsightly vegetation; to provide for establishing a lien against the property and a personal claim against the owner thereof for any expense incurred by the City in enforcing the provision and further to provide for the making and enforcing of all proper and reasonable regulations for the health and sanitation of said city and its inhabitants. To provide for a health department and the establishing of rules and regulations protecting the health of the City; the establishment of quarantine stations, pest houses and hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against the infections and contagious diseases.~~

~~[2]— To provide for the purchase, extension, construction and maintenance of a sanitary sewer system; to require owners of property to connect with property to such sewer, and to provide for the charging of the cost of such connection to the property owner and the fixing of a lien against the property to cover the cost of such connection. The City Council may also by ordinance, fix penalties for failure to make such connection.~~

~~[3]— To prohibit or regulate the driving of herds of horses, mules, cattle, hogs, sheep, goats, and all herds of domestic animals along or upon the streets, avenues, alleys, parks or public grounds of said city. To establish and regulate public pounds and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and all other domestic animals and~~

~~fowls, and to authorize the restricting, impounding and sale of same for the cost of the proceeding and the penalty incurred, and to order their disposal or destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof. To prohibit the inhuman treatment of animals and provide punishment therefor.~~

~~[4] — To license any lawful business, occupation or calling susceptible to the control of the police power, to license and to regulate, control or prohibit the erection of awnings, signs, or billboards on either public or private property within the city limits, and to license, tax and regulate or suppress and prevent hawkers, peddlers and pawnbrokers. —~~

~~[5] — To license, tax and regulate the operation of all vehicles operated within the City limits for the carriage of passengers or freight for hire on the public streets of said City, and to regulate and prescribe the charges of fares made by any person, firm or corporation owning or controlling such vehicles.~~

~~[6] — To regulate the operation of railroad trains, street cars and jitney cars operated on, along or across the streets, avenues, or alleys of said city; to license and control the operation of automobiles, motorcycles, taxicabs, busses, cabs and carriages and all character of vehicles using the public streets and to prescribe the qualifications of drivers thereof and to regulate the use and occupancy of the streets by any such vehicles.~~

~~[7] — To require all persons, firm or corporation doing any work or service for the City, or for any citizen or citizens thereof or for any person owning property therein when such work or service is done or performed by or under the direction supervision or authority of said City, to enter into such bond or bonds as may be deemed expedient by the governing authority of said city for the faithful performance, maintenance or guarantee of such work or service.~~

~~[8] — To provide for the regulation and control of plumbers and plumbing works and to secure efficiency in the same.~~

~~[9] — To provide for the inspection of weight, measures and meters and fixing a standard of such weights, measures and meters and require conformity to such standards and to provide penalties for failure to use or conform to the same, and to provide for inspection fees.~~

~~[10]—To provide for the issuance of permits erecting all building; for the inspection of the construction of all buildings in respect to proper wiring for electric wiring for electric lights and other electric appliances as well as piping for gas, flues, chimneys, plumbing, and sewer connections, and to make and enforce regulations in regard thereto. To provide for the gathering within the City, the filing, recording and keeping of any character of statistics; to prescribe the forms of blank reports and books that shall be used in connection therewith; to determine who shall make and file any such report and to provide a penalty for failure to do so.~~

~~[11]—To provide for the establishment and designation of fire limits, to prescribe the kind and character of structures to be erected therein; to provide for the erection of fireproof buildings within said city limits and for the condemnation of dangerous or dilapidated structures which are calculated to increase the fire hazard and to prohibit the repair of wooden or iron clad buildings within the fire limits which have been damaged by fire to within fifty per cent of the sound value thereof and may prescribe the manner of ascertaining such damages and direct the removal and abatement thereof.~~

~~[12]—To require the construction and determine the sufficiency and regulate the safety of all exits and fire escapes on and in all public buildings, office buildings, hotels, apartment houses, rooming houses, hospitals, theatres, and store buildings within said city and to enact and enforce all ordinances and resolutions necessary to regulate the safety thereof.~~

~~[13]—To regulate the location and control, the conduct of theatres, moving picture shows, vaudeville shows, dance halls, ten pin alleys, pool halls, and all other public amusements in said city and all programs, plays and performances therein and to appoint, create and establish a board of censors therefor of not less than three and not more than five members, and to give and designate to said board such powers and authority concerning the same as such governing authority may deem necessary, expedient and proper, and to regulate and define the location of gins, mills, and factories within the limits of said City.~~

~~[14]—To restrain and punish vagrants, mendicants, beggars and prostitutes, and to regulate, control or prohibit the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof.~~

~~[15]—To prohibit keepers and inmates of bawdy assignation and disorderly houses, and to prevent and suppress such bawdy and assignation and disorderly houses, and to punish such keepers, inmates and owners of such houses knowingly permitting such house to be occupied as such bawdy, assignation or disorderly houses, and to determine such inmates and keepers to be vagrants.~~

~~[16]—To establish and maintain the City Police Department, prescribe the qualifications and duties of policemen and regulate their conduct. To provide for the establishment and maintaining the Fire Department of the City.~~

~~[17]—To require water works corporations, gas companies, telephone and telegraph companies, electric light and power companies or other companies or individuals exercising franchise now or hereafter from the City, to make and furnish extensions of their service to such territory as may be required by ordinance.~~

~~[18]—To require that the holder of any franchise or right, heretofore or hereafter granted by this City for the use or occupancy of any of its streets, avenues, alleys or public grounds, shall at their own expense, make and furnish to said City correct and complete maps or plats, showing the location, extent and such other general information as may be desired of their respective improvements and uses of whatever nature or character located on the streets, avenues, alleys or public grounds of said City.~~

~~[19]—To provide for the enforcement of all ordinances enacted by it, by fine not to exceed two hundred (\$200) Dollars, providing that no ordinance shall prescribe a greater or less penalty than is indicated for a like offense by the laws of the State, except that the City Council may provide a different penalty for the obstruction or encumbrance of its streets, alleys, avenues and highways from that provided by the State law.~~

~~[20]—To provide for the suspension and remission of punishment and the commutation of fines imposed by labor in a work house or on the public streets and grounds of the City, and for the collection of any fine imposed, execution may be enforced as executions in civil cases, provided that the punishment imposed for a violation of any offense denounced by the State law over which the corporation court has jurisdiction may not be suspended or remitted unless provision is made therefor by the general laws of the State.~~

The City shall have all the authority granted home rule cities by state law as well as all authority not prohibited by state law to exercise its police powers for the protection of the health, safety, and welfare of the public and to identify, define, abate, and punish any public nuisance existing or threatening to exist within the City or outside the City limits for a distance of 5,000 feet.

If Proposition 5 is approved by the voters on November 8, 2022, Section 20 of Article III of the Childress City Charter shall thereafter read as follows:

The City shall have all the authority granted home rule cities by state law as well as all authority not prohibited by state law to exercise its police powers for the protection of the health, safety, and welfare of the public and to identify, define, abate, and punish any public nuisance existing or threatening to exist within the City or outside the City limits for a distance of 5,000 feet.

Section Affected: Article III, Section 20.

Ballot Text:

PROPOSITION No. 5

To amend Article III, Section 20 of the Childress City Charter to provide a general statement related to the City’s powers related to peace and good order.

_____ FOR

_____ AGAINST

Proposition No. 6 – Municipal Court

WHEREAS, in Article IV, Sections 1 – 10 the Charter provides details regarding the appointment, qualifications, powers and duties of the Municipal Court Judge; and WHEREAS, the Charter has some outdated provisions regarding the name of the court, the judge, removal of the Municipal Court Judge, and does not provide for the appointment of a temporary judge to serve when the regular judge is not able or available that needs to be corrected; and WHEREAS, the Charter prescribes procedures, timelines, and details related to criminal procedure because in 1917 there was little state law on the subject. However, today state statutes regarding criminal procedure in municipal courts are highly developed; NOW, THEREFORE, this proposition shall repeal and replace Article IV, Sections 1 through 10 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. ~~Created~~Municipal Court

~~There is hereby created in the City of Childress a Court, to be known as Corporation Court, shall have the jurisdiction defined by Article 904 of Chapter 5, Title 22, of the Revised Civil Statutes of the State of Texas.~~

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 Council 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 Council. The salary and the period for which the judge is appointed shall be fixed by the Council at the time of the judge’s appointment. The judge cannot be discharged by the Council during such period except for malfeasance in office, conviction of a felony or conviction of a misdemeanor involving moral turpitude, nor may the Council reduce the judge’s compensations fixed for the tenure of service during the term for which the judge was appointed. The City Council 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. ~~Reecorder~~Repealed

~~Such court shall be presided over by a judge to be known as the Recorder of such Court, whose appointment shall be made, duties defined, and compensation fixed by the governing authority of the City and the governing authority may select and appoint the Mayor of the City to be and act as Recorder of said court, in which event the Mayor shall receive no salary for his services as Recorder of said court. In case of the absence or disqualification of the recorder herein provided, either of the Aldermen in their numerical order shall act as Recorder.~~

Sec. 3. RepealedJury trial

~~Every person brought before the Recorder to be tried for an offense shall be entitled, if he shall demand it, to be tried by a jury of six legal voters of the City, who shall be summoned, empaneled and qualified as jurors as in Justice Courts under the laws of the State.~~

Sec. 4. RepealedPractice and procedure

~~Proceedings in the Corporation Court shall be commenced by complaint, which may be sworn to before the Recorder, or the person acting as the City Attorney, or his deputies or any other officer authorized by law to administer oaths. Where not otherwise prescribed by this charter, or ordinance, the rules of pleading, practice and procedure prevailing and prescribed by law for Justice Courts shall apply to the Corporation Court as far as applicable.~~

Sec. 5. RepealedSeal

~~The corporation Court shall have a seal, having engraved thereon a star of five points in the center and the words "'Corporation Court in Childress, Texas,'" the impress of which shall be attached to all processes, except subpoenas issued out of said court, and shall be used to authenticate the official acts of the clerk and Recorder where he is authorized or required to use the seal of office.~~

Sec. 6. RepealedComplaint contents

~~In all prosecutions in said court, either under ordinance or the provisions of the Penal Code of the State, the complaint shall commence, "'In the Name and by the Authority of the State of Texas,'" and shall conclude, "'Against the Peace and Dignity of the State'" and where the offense is covered by an ordinance, the complaint may also conclude as "'Contrary to said ordinance.'" Prosecution in said Court shall be conducted by the person acting in the capacity of City Attorney or his deputy, but the County Attorney of Childress County, may if he so desires, also represent the State of Texas in such prosecutions, and if so directed by resolution or ordinance of the City Council he may receive the fees allowed by ordinance to the City Attorney.~~

Sec. 7. RepealedCourt costs, fines deposit

~~All costs and fines imposed and collected by the said Court shall be paid into the City Treasury for the use and benefit of the City provided, that the costs taxed against a defendant shall conform to as near as may be, but shall in no case exceed the amount prescribed by law to be collected of defendant convicted before Justice Court.~~

Sec. 8. Repealed State law adopted

~~The provisions of Articles 915, 916, 917, 918, and 919 of Chapter 5, Title 22, of the Revised Civil Statutes of the State of Texas, relating to the jury and witness fees, enforcing the attendance of witnesses upon said court and authority of the court to punish for contempt, service of process, execution and issuance of writs, and proceedings in relation to peace bonds and similar bonds are hereby adopted as a part of this charter.~~

Sec. 9. Repealed Compensation of officers

~~The fee system for the compensation of the offices of said court is hereby abolished, except as to, the person acting as, and performing the duties of the City Attorney and except as to Marshals costs. The governing authority of said city may employ any licensed attorney or firm of attorneys, to act for the city both before said corporation Court and in all matters in which the city may be interested, and shall fix the compensation therefor.~~

Sec. 10. Repealed City workhouse

~~To enforce the judgments of said Court, the governing authority of said City may establish, maintain and regulate a city workhouse and other means of punishment for vagrants, city convicts and disorderly persons, and such hospitals, orphanages and charitable institutions as may be deemed expedient by the governing authority.~~

If Proposition 6 is approved by the voters on November 8, 2022, Sections 1 – 10 of Article IV of the Childress 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 appointed by a majority vote of the Council 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 Council. The salary and the period for which the judge is appointed shall be fixed by the Council at the time of the judge’s appointment. The judge cannot be discharged by the Council during such period except for malfeasance in office, conviction of a felony or conviction of a misdemeanor involving moral turpitude, nor may the Council reduce the judge’s compensations fixed for the tenure of service during the term for which the judge was appointed. The City Council 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. 10. Repealed

Sections Affected: Article IV, Sections 1 through 10.

Ballot Text:
PROPOSITION No. 6

To amend Article IV, Section 1 of the Childress 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 IV, Sections 2 through 10 in accordance with the amendment to Article IV, Section 1.

_____ FOR

_____ AGAINST

Proposition No. 7 – Poll tax – Repeal

WHEREAS, Article V, Section 2, the Charter provides for a poll tax and such a tax has been prohibited since the 1960s. NOW, THEREFORE, this Proposition shall repeal and delete Article V, Section 2.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 2. ~~Poll tax~~Repealed.

~~The City Council shall have power to, and it is hereby authorized to levy and collect an annual poll tax not to exceed one dollar for every male inhabitant of said city between the ages of twenty-one and sixty years, (except those exempt by the laws of Texas) who is a resident thereof at the time of such annual assessment.~~

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

Sec. 2. Repealed

Section affected: Article V, Section 2.

**Ballot text:
PROPOSITION No. 7**

The amendment to repeal Article V, Section 2 (poll tax) of the Childress City Charter.

_____FOR

_____AGAINST

Proposition No. 8 – 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 V, Section 17.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 17. ~~Equalization board~~Repealed.

~~The governing authority of the City of Childress shall constitute the board of equalization or it may by an ordinance when properly enacted provide for the appointment of the three citizens of the City of Childress to constitute the board of equalization which shall then act instead of the governing authorities of the City of Childress, whose duty shall be to equalize upon proper notice and hearing the values of all properties rendered for taxation in the City of Childress and the governing authority may enact and enforce all ordinances necessary to regulate and control the equalization of such values.~~

If Proposition No. 8 is approved by the voters on November 8, 2022, Section 17 of Article V of the Childress City Charter shall thereafter read as follows:

Sec. 17. Repealed

Sections affected: Article V, Section 17.

Ballot text:
PROPOSITION No. 8

The amendment to repeal Article V, Section 17 (Board of Equalization) of the Childress City Charter.

_____FOR

_____AGAINST

Proposition No. 9 – Vacancies in Council

WHEREAS, the Charter currently provides that any vacancy in the City Council must be filled by special election but prudent practice would allow the Council discretion to appoint a successor in the event of a vacancy with less than one year remaining in a term while requiring that the Council 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 Council of under one (1) year shall be filled by majority vote of the remaining members of the City Council 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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 3. Vacancies.

A vacancy occurring in the Council, 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 Council member's seat which is vacated has less than one year remaining, then the Council 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 Council 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 Council in accordance with the Election Code to fill the vacancies for the unexpired terms.

~~Vacancies in the City Council shall be filled by a special election for the remainder of the unexpired term as provided by this Charter or by ordinance.~~

If Proposition 9 is approved by the voters on November 8, 2022, Section 3 of Article VII of the Childress City Charter shall thereafter read as follows:

A vacancy occurring in the Council, 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 Council member's seat which is vacated has less than one year remaining, then the Council 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 Council 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 Council in accordance with the Election Code to fill the vacancies for the unexpired terms.

Section affected: Article VII, Section 3.

Ballot Text:
PROPOSITION No. 9

To amend Article VII, Section 3 of the Childress City Charter by providing that a vacancy in the City Council of under one (1) year may be filled by majority vote of the remaining members of the City Council, that a vacancy of over one (1) year shall be filled by appointment until the next regular city election at which time a special election for the unexpired term shall be conducted in accordance with state law, and that if two or more vacancies occur at one time, a special election shall be called by the remaining members of the Council in accordance with the Election Code to fill the vacancies for the unexpired terms.

_____ FOR

_____ AGAINST

Proposition No. 10 – City Council – Qualifications; Conflicts of interest

WHEREAS, Article VII, Section 4 of the Charter provides for the qualifications of a member of the City Council, including specifically that each member of the City Council “shall not be indebted to the City,” and such a specific requirement is no longer valid under Texas law; and WHEREAS, this Section further provides a conflicts of interest provision for members of the Council, or any officer or employee of the City that is more restrictive than state law and the City has been following applicable state law.

NOW, THEREFORE, this proposition shall delete the outdated requirements for office outlined above and provide for a required period of residency of twelve (12) months; and this Proposition shall amend Article VII, Section 4 to update the conflicts of interest provisions to explicitly acknowledge that the Mayor, and Alderman, 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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 4. Qualifications; Conflicts of Interest

The Mayor and each alderman shall be a resident citizen of the City of Childress, ~~and shall be a qualified voter of Texas, have the qualifications of electors therein. The Mayor and the alderman and other officers and employees shall not be indebted to the City,~~ shall not hold any other public office of emolument, and shall have been such a resident citizen of the City of Childress for a period of not less than twelve (12) months immediately preceding such election; provided, however that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his election of any of the territory not formerly in the incorporated limits of said city, but which is annexed under the provisions of this charter, may be elected to said office. Any mayor or alderman who, during his or her term in office, establishes his or her domicile outside the City limits, shall thereupon ipso facto forfeit his or her office and the vacancy shall be filled as provided in Article VII, Section 3, shall not be interested in the profits or emolument of any contract, job, work, or service for the Municipality or interest in the sale to the City of any supplies, equipment, material or articles purchased. Any officer or employee of the City who shall cease to possess any of the qualifications herein required shall forfeit his office or position any contract which any officer or employee shall or may become interested, may be declared void by the City Council. No officer or employee of the City shall accept any frank, free ticket, pass or service, or anything of value, directly or indirectly from any person, firm or corporation, upon terms more favorable than are granted to the public, and any violation of this section shall be a misdemeanor, and on conviction thereof, such office or employment shall be forfeited.

~~The City Council may require, however by ordinance all proprietors of theatres, moving picture shows and other places of public amusement to admit, without charge, all policemen in the employ of the City.~~

It is hereby prohibited for the Mayor, an Alderman, 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. For purposes of this Section, the term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

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

The Mayor and each alderman shall be a resident citizen of the City of Childress, shall be a qualified voter of Texas, shall not hold any other public office of emolument, and shall have been such a resident citizen of the City of Childress for a period of not less than twelve (12) months immediately preceding such election; provided, however that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his election of any of the territory not formerly in the incorporated limits of said city, but which is annexed under the provisions of this charter, may be elected to said office. Any mayor or alderman who, during his or her term in office, establishes his or her domicile outside the City limits, shall thereupon ipso facto forfeit his or her office and the vacancy shall be filled as provided in Article VII, Section 3.

It is hereby prohibited for the Mayor, an Alderman, 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. For purposes of this Section, the term “City Official” means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

Section Affected: Article VII, Section 4.

Ballot Text:
PROPOSITION No. 10

Shall Article VII, Section 4 of the Childress City Charter regarding the qualifications of the Mayor and each alderman be updated to provide for a required period of residency to twelve (12) months and to comply with current state law and further to explicitly acknowledge that the Mayor, an Alderman, 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. 11 – Election of Police Chief

WHEREAS, Article VII, Section 4A of the Charter provides for the election of the Chief of Police but the Chief of Police is no longer an elected position, that having changed at a previous City election for which proper records cannot be found; and WHEREAS, the City desires to clarify and clearly provide that the Chief of Police is appointed by the City Manager, subject to approval by the City Council. NOW, THEREFORE, this proposition shall delete the outdated provision

regarding the election of the Chief of Police and provide that the Chief of Police is appointed by the City Manager, subject to approval by the City Council.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 4A. ~~Election-Appointment~~ of Police Chief.

~~There shall be elected by the qualified voters of the City of Childress a Chief of Police, who shall hold office for a term of four years, and he may appoint such assistants as he may deem necessary, and whose compensation and that of his assistants, may be fixed by the City Council. (Amended by elections held February 3, 1948, and May 7, 1988)~~

The City Manager shall appoint, subject to approval by the City Council, a Chief of Police for an indefinite term. The Chief of Police shall perform such duties as assigned by the City Manager, as provided for in this Charter, and as required by law. The Chief of Police may be removed from office by the City Manager, subject to approval by the City Council.

If Proposition 11 is approved by the voters on November 8, 2022, Section 4A of Article VII of the Childress City Charter shall thereafter read as follows:

The City Manager shall appoint, subject to approval by the City Council, a Chief of Police for an indefinite term. The Chief of Police shall perform such duties as assigned by the City Manager, as provided for in this Charter, and as required by law. The Chief of Police may be removed from office by the City Manager, subject to approval by the City Council.

Section Affected: Article VII, Section 4A.

**Ballot Text:
PROPOSITION No. 11**

Shall Article VII, Section 4A of the Childress City Charter be revised to current City practice and to specifically provide that the Chief of Police is appointed by the City Manager, subject to approval by the City Council?

_____ FOR

_____ AGAINST

Proposition No. 12 – Election Day

WHEREAS, in Article VII, Section 9, the Charter specifies a precise day for Election Day; and State Law supersedes this Charter provision 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 the precise day for Election Day and instead specify that Election Day shall be held on uniform election days prescribed by State Law.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 9. Election day.

The regular municipal election of the City of Childress shall be held on the uniform election day prescribed by state law~~first Tuesday in April in the year A.D. 1918, and on said day every year thereafter.~~

If Proposition 12 is approved by the voters on November 8, 2022, Article VII, Section 9 of the Childress City Charter shall thereafter read as follows:

The regular municipal election of the City of Childress shall be held on the uniform election day prescribed by state law.

Section Affected: Article VII, Section 9.

**Ballot Text:
PROPOSITION No. 12**

To amend Article VII, Section 9 of the Childress City Charter to remove and amend the precise day for Election Day and instead specify that Election Day shall be held on uniform election days prescribed by State Law.

_____ FOR

_____ AGAINST

Proposition No. 13 – Election Laws Controlling

WHEREAS, in Article VII, Section 10, the Charter references outdated laws regarding conducting elections in the city and the Texas Election Code now mandates all election dates and time periods for all activities related to conducting any election and the state requirements are subject to change by the Legislature; NOW, THEREFORE, this Proposition would amend this Section to provide that all City elections shall be conducted in accordance with the Texas Election Code, as amended.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 10. Election laws controlling

~~All elections provided for in this charter, except the regular elections held on the first Tuesday in April A.D. 1918, and on said day every year thereafter, shall be called special elections, and all such elections shall be conducted and results canvassed and announced by the authorities as prescribed in the General Election Laws of the State of Texas, and said General Election Laws shall control in all Municipal Elections, except as otherwise herein provided. All City elections shall be conducted in accordance with the Texas Election Code, as amended.~~

If Proposition 13 is approved by the voters on November 8, 2022, Article VII, Section 10 of the Childress City Charter shall thereafter read as follows:

All City elections shall be conducted in accordance with the Texas Election Code, as amended.

Section Affected: Article VII, Section 10.

Ballot Text:
PROPOSITION No. 13

To amend Article VII, Section 10 of the Childress City Charter to remove the outdated references and provide that all City elections shall be conducted in accordance with the Texas Election Code, as amended.

_____ FOR

_____ AGAINST

Proposition No. 14 –Meeting of the City Council

WHEREAS, Section 14 of Article VII of the City Charter states that it may determine its own rules and orders of business and minutes 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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 14. Meeting of the city council.

~~On the first Monday after the election of the City Council has been declared, the City Council shall meet at ten o'clock A.M. in the Council Chamber of the City Hall, at which time the alderman shall qualify and assume the duties of their office. Thereafter the Aldermen shall meet at such time as may be prescribed by ordinance or resolution, but they shall meet at least once each month. The Mayor or four aldermen may call special meetings of the City Council at any time deemed advisable. The City Council shall determine its own rules and order of business and shall keep a journal of its proceedings in a permanently bound book, and any citizen shall have access to the Minutes and Records thereof at all reasonable times.~~

At the first regular meeting of the city council of the City of Childress following the regular municipal elections, or as soon thereafter as is practical, the council shall meet at the usual place for holding such meetings, and the newly elected members shall qualify and assume the duties of

office. The council 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 three aldermen. Public notices of the date, hour and place of City Council meetings shall be given in accordance with the Texas Open Meetings Act, as amended, or successor statute. All meetings of the City Council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute.

If Proposition No. 14 is approved by the voters on November 8, 2022, Section 14 of Article VII of the Childress City Charter shall thereafter read as follows:

At the first regular meeting of the city council of the City of Childress following the regular municipal elections, or as soon thereafter as is practical, the council shall meet at the usual place for holding such meetings, and the newly elected members shall qualify and assume the duties of office. The council 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 three aldermen. Public notices of the date, hour and place of City Council meetings shall be given in accordance with the Texas Open Meetings Act, as amended, or successor statute. All meetings of the City Council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute.

Section affected: Article VII, Section 14.

Ballot text:
PROPOSITION No. 14

To amend Article VII, Section 14 of the Childress City Charter to give the Mayor authority to cancel a regular council 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

Proposition No. 15 – Legislative Procedure

WHEREAS, Section 16 of Article VII of the City Charter provides for legislative procedures that require the Mayor to be at all meetings to constitute a quorum, require all aldermen to vote on every matter before the Council without providing an exception when there is a legal conflict of interest, and do not clearly state when the Mayor votes. NOW, THEREFORE, this Proposition would clarify the requirement for a quorum and voting, provide that all aldermen must vote on every matter before the Council unless there is a legal conflict of interest, and clearly state when the Mayor votes.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 16. Legislative procedure.

~~Any four members~~~~The Mayor and any three members~~ of the Council shall constitute a quorum for the transaction of any business, and the affirmative vote of a majority of such quorum ~~four members of the Council~~ shall be sufficient and necessary to adopt or repeal any ordinance or resolution. The vote upon the passage or repeal of any ordinance or resolution shall be taken by "Yea" and "Nay" vote and entered upon the journal. Unless there is a legal conflict of interest, A~~all Aldermen~~~~members of the Council~~ present shall vote upon every question, ordinance, or resolution. Any alderman refusing to vote shall be entered on the journal as voting in the affirmative. The Mayor may participate in the discussion of all matters coming before the Council, but shall be entitled to a vote as a member thereof only when necessary to break a tie vote of the Aldermen. Every ordinance passed by the Council shall be signed by the Mayor, and attested by the person acting as Secretary, and the seal of the City impressed thereon within two days after its passage.

If Proposition No. 15 is approved by the voters on November 8, 2022, Section 16 of Article VII of the Childress City Charter shall thereafter read as follows:

Any four members of the Council shall constitute a quorum for the transaction of any business, and the affirmative vote of a majority of such quorum shall be sufficient and necessary to adopt or repeal any ordinance or resolution. The vote upon the passage or repeal of any ordinance or resolution shall be taken by "Yea" and "Nay" vote and entered upon the journal. Unless there is a legal conflict of interest, all Aldermen present shall vote upon every question, ordinance, or resolution. Any alderman refusing to vote shall be entered on the journal as voting in the affirmative. The Mayor may participate in the discussion of all matters coming before the Council, but shall be entitled to a vote as a member thereof only when necessary to break a tie vote of the Aldermen. Every ordinance

passed by the Council shall be signed by the Mayor, and attested by the person acting as Secretary, and the seal of the City impressed thereon within two days after its passage.

Section affected: Article VII, Section 16.

Ballot text:
PROPOSITION No. 15

To amend Article VII, Section 16 of the Childress City Charter to clarify the requirement for a quorum and voting, provide that all aldermen must vote on every matter before the Council unless there is a legal conflict of interest, and clearly state when the Mayor votes.

_____FOR

_____AGAINST

Proposition No. 16 – Ordinances, enactment of

WHEREAS, the Charter requirement of two readings for each ordinance is not stated very clearly and it would be better to clearly state the requirement that the two readings be done at two separate meetings, whether regular or special meetings called in accordance with the Texas Open Meetings Act. NOW, THEREFORE, this Proposition would require that Ordinances must be passed, read, and voted upon at two (2) separate meetings of the Council, whether regular or special meetings.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 17. Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in written or printed form, shall not contain more than one subject, which shall be clearly stated in the title, but the general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. No ordinance, unless it be declared an emergency ordinance, shall be passed finally on the date it is introduced, but must be passed, read, and voted upon at two (2) separate meetings of the council, either regular or special meetings. ~~No ordinance unless it be declared an emergency measure and passed by a unanimous vote of the council shall be passed on the day on which it shall be introduced.~~

If Proposition No. 16 is approved by the voter on November 8, 2022, Section 17 of Article VII of the Childress City Charter shall thereafter read as follows:

Each proposed ordinance or resolution shall be introduced in written or printed form, shall not contain more than one subject, which shall be clearly stated in the title, but the general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. No ordinance, unless it be declared an emergency ordinance, shall

be passed finally on the date it is introduced, but must be passed, read, and voted upon at two (2) separate meetings of the council, either regular or special meetings.

Section Affected: Article VII, Section 17.

Ballot Text:

PROPOSITION No. 16

To amend Article VII, Section 17 of the Childress City Charter to clarify the requirement that Ordinances must be passed, read, and voted upon at two (2) separate meetings of the Council, either regular or special meetings.

_____ FOR

_____ AGAINST

Proposition No. 17 – Emergency measures – defined and provided for

WHEREAS, the Charter contains outdated provisions regarding emergency measures and appropriations during an emergency, and WHEREAS, applicable state law is much more defined than when the Charter was passed in 1917. NOW, THEREFORE, this Proposition would update Section 18 of Article VII to detail procedures for emergency ordinances.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 18. Emergency ~~measures—defined and provided for~~ordinances

~~An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money not exceeding Two Hundred Fifty (\$250) Dollars, and ordinances for the payment of salaries and wages, may be passed as an emergency measure, but no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility shall ever be passed as an emergency measure.~~

The city council may adopt emergency ordinances to meet an emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the city. Such ordinances shall not levy taxes, grant, renew or extend a franchise, or regulate the rates or fees charged by any public utility. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected

at the meeting at which it is introduced. The affirmative vote of majority of a quorum of the City Council present and qualified to vote shall be required for adoption. If adopted, the ordinance shall take effect immediately and the caption of the ordinance shall be published as soon thereafter as practicable. Excluding ordinances appropriating funds or authorizing the issuance of financial obligations required to respond to an emergency affecting the public health or safety, every emergency ordinance shall automatically be repealed as of the 61st day following the day on which it became effective. The ordinance may be reenacted if the emergency still exists.

If Proposition No. 17 is approved by the voter on November 8, 2022, Section 18 of Article VII of the Childress City Charter shall thereafter read as follows:

The city council may adopt emergency ordinances to meet an emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the city. Such ordinances shall not levy taxes, grant, renew or extend a franchise, or regulate the rates or fees charged by any public utility. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of majority of a quorum of the City Council present and qualified to vote shall be required for adoption. If adopted, the ordinance shall take effect immediately and the caption of the ordinance shall be published as soon thereafter as practicable. Excluding ordinances appropriating funds or authorizing the issuance of financial obligations required to respond to an emergency affecting the public health or safety, every emergency ordinance shall automatically be repealed as of the 61st day following the day on which it became effective. The ordinance may be reenacted if the emergency still exists.

Section Affected: Article VII, Section 18.

Ballot Text:
PROPOSITION No. 17

To amend Article VII, Section 18 of the Childress City Charter to provide updated procedures for emergency ordinances.

_____ FOR

_____ AGAINST

Proposition No. 18 – Publication of ordinances

WHEREAS, the Charter requires that “all ordinances carrying a penalty shall be published once a week in some daily newspaper published in the City of Childress,” and WHEREAS there is no longer a daily newspaper published in the City of Childress and the newspaper business continues to change because of the internet. NOW, THEREFORE, this Proposition would provide updated publication procedures for Ordinances requiring publication.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 19. Publication of ordinances.

~~All ordinances carrying a penalty shall be published once a week in some daily newspaper published in the City of Childress and no such ordinance shall become effective until ten days after the date of its last publication, provided the Emergency Measure shall take effect according to their terms.~~

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City’s publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

If Proposition No. 18 is approved by the voter on November 8, 2022, Section 19 of Article VII of the Childress City Charter shall thereafter read as follows:

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City’s publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

Section Affected: Article VII, Section 19.

Ballot Text:
PROPOSITION No. 18

To amend Article VII, Section 19 of the Childress City Charter to provide updated requirements and procedures for Ordinances requiring publication.

_____ FOR

Proposition No. 19 – Investigation by the city council

WHEREAS, Article VII, Section 21 of the Charter states that City Council shall, and citizens may, investigate certain city matters and that the City Council has the power to fine someone who does not cooperate with such an investigation in contempt \$100; and WHEREAS, citizens now have access to public information in accordance with the Public Information Act. NOW, THEREFORE, this Proposition would clarify that it is only the City Council that has such authority of investigation and would also raise the fine for contempt from \$100 to \$500.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 21. Investigation by the city council.

The City Council shall, ~~or any citizens may,~~ have the power to inquire into and investigate the financial transactions of any office, agency, or department of the City Government, and the acts and conduct of any official or employee. In conducting such investigation, the Council may compel the attendance of witnesses, the production of books and papers, and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor, and which may be served and executed by any officer authorized by law to serve subpoenas or other process or any peace officer of the City. If any witness shall refuse to appear or testify to any facts within his knowledge or to produce any papers or books in his possession or under control relating to the matter under investigation before the council, the council shall have the power to cause the witness to be punished as for contempt, not to exceed a fine of ~~Five~~One Hundred Dollars.

If Proposition No. 19 is approved by the voter on November 8, 2022, Section 21 of Article VII of the Childress City Charter shall thereafter read as follows:

The City Council shall have the power to inquire into and investigate the financial transactions of any office, agency, or department of the City Government, and the acts and conduct of any official or employee. In conducting such investigation, the Council may compel the attendance of witnesses, the production of books and papers, and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor, and which may be served and executed by any officer authorized by law to serve subpoenas or other process or any peace officer of the City. If any witness shall refuse to appear or testify to any facts within his knowledge or to produce any papers or books in his possession or under control relating to the matter under investigation before the council, the council shall have the power to cause the witness to be punished as for contempt, not to exceed a fine of Five Hundred Dollars.

Section Affected: Article VII, Section 21.

Ballot Text:
PROPOSITION No. 19

To amend Article VII, Section 21 of the Childress City Charter to clarify that the City Council has the power of investigation of any office, agency, department, official, or employee of the City and to increase the fine for anyone held in contempt of such an investigation from \$100 to \$500.

_____ FOR

_____ AGAINST

Proposition No. 20 – contracts for services – Repeal

WHEREAS, Article VII, Section 22, the Charter prohibits contracts for personal services and this section is outdated as current practice occasionally requires such contracts. NOW, THEREFORE, this Proposition shall repeal and delete Article VII, Section 22.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 22. ~~Contracts for service~~Repealed.

~~No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time, but all officers and employees of the City other than the Mayor and aldermen shall be appointed and shall be subject to peremptory discharge as in this charter provided.~~

If Proposition No. 20 is approved by the voters on November 8, 2022, Section 22 of Article VII of the Childress City Charter shall thereafter read as follows:

Sec. 22. Repealed

Section affected: Article VII, Section 22.

Ballot text:
PROPOSITION No. 20

The amendment to repeal Article VII, Section 22 (contracts for [personal] services) of the Childress City Charter.

_____ FOR

_____ AGAINST

Proposition No. 21 – Payment of claims

WHEREAS, Article VII, Section 25 of the Charter provides for who may sign checks on behalf of the City and this section needs to be updated to conform with current practice of allowing the Mayor or any Alderman and countersigned by the City Secretary or his/her designee. NOW, THEREFORE, this Proposition would provide those checks issued on behalf of the City shall be signed by the Mayor or any Alderman and countersigned by the City Secretary or his/her designee.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 25. Payment of claims.

No warrant for the payment of any claim shall be issued by the City unless such claim shall be evidenced by an itemized account approved by and audited and allowed by the governing authority at a regular meeting and all warrants shall be signed by the Mayor or any Alderman, and countersigned by the person acting as City Secretary or his/her designee.

If Proposition No. 21 is approved by the voter on November 8, 2022, Section 25 of Article VII of the Childress City Charter shall thereafter read as follows:

No warrant for the payment of any claim shall be issued by the City unless such claim shall be evidenced by an itemized account approved by and audited and allowed by the governing authority at a regular meeting and all warrants shall be signed by the Mayor or any Alderman and countersigned by the person acting as City Secretary or his/her designee.

Section Affected: Article VII, Section 25.

Ballot Text:

PROPOSITION No. 21

To amend Article VII, Section 25 of the Childress City Charter to clarify that checks issued on behalf of the City shall be signed by the Mayor or any Alderman and countersigned by the City Secretary or his/her designee.

_____ FOR

_____ AGAINST

Proposition No. 22 – Contracts

WHEREAS, Article VII, Section 28 of the Charter has an outdated amount and outdated language related to the purchasing procedures and contracts to be followed by the City; NOW, THEREFORE, this proposition would update Article VII, Section 28 to clearly provide that the City of Childress will comply with all applicable purchasing and procurement laws when expending public funds.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 28. Contracts.

~~All contracts for public printing, public improvements and public works of every kind and character and the purchase of supplies for use in any departments of the City, exceeding an expenditure of Five Hundred Dollars shall be let on sealed competitive bids.~~

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

If Proposition 22 is approved by the voters on November 8, 2022, Article VII, Section 28 of the Childress City Charter shall thereafter read as follows:

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

Section affected: Article VII, Section 28.

**Ballot text:
PROPOSITION No. 22**

To amend Article VII, Section 28 of the Childress City Charter to clearly provide that the City of Childress will comply with all applicable state purchasing and procurement laws and ordinances when expending public funds.

_____ FOR

_____ AGAINST

Proposition No. 23 – Nepotism

WHEREAS, the Charter has a nepotism provision that is contradictory and is more restrictive than applicable state law. NOW, THEREFORE, this Proposition shall delete the current section 29 of Article VII and amend it to explicitly acknowledge that the City will follow applicable state nepotism laws.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 29. Nepotism.

~~No person related within the 4th degree by affinity or consanguinity to the Mayor or to either of the Aldermen shall be appointed to any office, position, clerkship or service of the City.~~

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

If Proposition No. 23 is approved by the voter on November 8, 2022, Section 29 of Article VII of the Childress City Charter shall thereafter read as follows:

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

Section affected: Article VII, Section 29.

Ballot text:
PROPOSITION No. 23

To amend Article VII, Section 29 of the Childress City Charter to explicitly provide that the City will follow applicable state nepotism laws.

_____FOR

_____AGAINST

Proposition No. 24 – Hours of labor upon public works

WHEREAS, Article VII, Section 30, the Charter specifies the hours of labor for “laborers, workmen or mechanics” on public works projects “by or on behalf of the city” and this section is outdated and superseded by applicable state and federal law. NOW, THEREFORE, this Proposition shall repeal and delete Article VII, Section 30.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 30. ~~Hours of labor upon public works~~Repealed.

~~Eight hours shall constitute a day's work for all laborers, workmen or mechanics who may be employed by or on behalf of the city, in any one calendar day, where such employment, contract or work is for the purpose of construction, repairing or improving buildings, bridges, streets, avenues, alleys or improving other public improvements of similar character, requiring the service of laborers, workmen or mechanics.~~

If Proposition No. 24 is approved by the voters on November 8, 2022, Section 30 of Article VII of the Childress City Charter shall thereafter read as follows:

Sec. 30. Repealed

Section affected: Article VII, Section 30.

Ballot text:
PROPOSITION No. 24

The amendment to repeal Article VII, Section 30 (Hours of labor upon public works) of the Childress City Charter.

_____FOR

_____AGAINST

Proposition No. 25 – Re-forming City Council after a Disaster

WHEREAS, the current Charter is silent as to how the City Council would re-form in the unlikely event of a joint disaster involving over a quorum of the Council; and WHEREAS, the experience of other Cities suggests it is prudent to have a Charter provision detailing how to re-constitute the Council in such an unlikely event. NOW, THEREFORE, this Proposition shall add Section 33 to Article VII to provide for procedures to re-form the City Council in the unlikely event of a joint disaster.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

ADD Article VII. Sec. 33 – Re-forming City Council after a Disaster

In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and officers first, then members of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) Childress Municipal Development District and (2) Planning & Zoning Commission. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.

Section affected: Article VII, Section 33.

Ballot Text:
PROPOSITION No. 25

To amend Article VII of the Childress City Charter to add a Section 33 to Article VII which would read as follows: “In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and officers first, then members of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill vacant City Council positions. Such constituted interim

City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) Childress Municipal Development District and (2) Planning & Zoning Commission. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.”

_____FOR

_____AGAINST

Proposition No. 26 – Of powers

WHEREAS, Article VIII, Section 1 of the Charter references cities exceeding one thousand population and outdated state law when providing for 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 VIII, Section 1 to provide an updated section describing in more detail the City’s powers.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 1. Of powers.

1. The City of Childress shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare, and good order of said City and its inhabitants. Under the name of the City of Childress 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 Childress 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 Childress 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 Childress 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 Childress, 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 Childress 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 Childress 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 Childress, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

~~All powers vested in cities exceeding One Thousand population by the provisions of Title 22 or other provisions of the Revised Statutes are hereby retained and are cumulative of the powers vested by this Charter in the City of Childress and the enumeration of the powers made in this charter shall never be construed to preclude by implication or otherwise the City from exercising all the powers incident to the enjoyment of local self-government and from doing any and all things not inhibited by the Constitution and Laws of the State of Texas.~~

If Proposition 26 is approved by the voters on November 8, 2022, Section 1 of Article VIII of the Childress City Charter shall thereafter read as follows:

1. The City of Childress shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare, and good order of said City and its inhabitants. Under the name of the City of Childress 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 Childress 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 Childress 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 Childress 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 Childress, 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 Childress 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 Childress 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 Childress, all the powers conferred by

the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

Sections Affected: Article VIII, Section 1.

Ballot Text:

PROPOSITION No. 26

To amend Article VIII, Section 1 of the Childress City Charter to better describe the powers of the City as a Home-Rule municipality.

_____ FOR

_____ AGAINST

Proposition 27 – Amendments to Charter

WHEREAS, Article VIII, Section 3 of the City Charter references outdated law when providing for the procedures to amend the Charter and state law now clearly provides for such procedures in Texas Local Government Code 9.004. NOW, THEREFORE, this proposition would amend Article VIII, Section 3 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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

Sec. 3. Amendments to charter.

~~This charter, after its adoption, may be amended in accordance with the provisions of an act of the Thirty-third Legislature of the State of Texas, entitled An Act Authorizing Cities Having More than 5,000 Inhabitants, by a Majority Vote of the Qualified Voters of Said City, at an election Held for That Purpose, to Adopt and Amend their Charter, etc." approved April 7th, 1913, and any acts amendatory thereof.~~

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.

If Proposition No. 27 is approved by the voters on November 8, 2022, Section 3 of Article VIII of the Childress 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 VIII, Section 3.

Ballot Text:
PROPOSITION No. 27

To amend Section 3 of Article VIII of the Childress City Charter to follow current state law regarding amending the City Charter.

_____ FOR

_____ AGAINST

Proposition No. 28 – 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.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

ADD Article XI, Section 2 - initiative and referendum – frequency of petitions

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.

Section affected: Article XI, Section 2.

Ballot Text:
PROPOSITION No. 28

To amend Article XI of the Childress City Charter to add a Section 2 to Article XI 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. 29 – Non-Binding Referendum

WHEREAS, the current Charter does not provide the City Council 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 Council the authority to order an election for a non-binding referendum. NOW, THEREFORE, this Proposition shall add Section 3 to Article XI to provide that the City Council has the authority to order an election for a non-binding referendum.

REDLINE VERSION OF APPLICABLE CHARTER SECTION

ADD Article XI, Section 3 - Non-binding referendum

The City Council 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.

Section Affected: Article XI, Section 3.

Ballot Text:
PROPOSITION No. 29

To amend Article XI of the Childress City Charter to add a Section 3 to Article XI to provide that: “The City Council 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