Special Meeting of the:

Pampa City Commission
February 29, 2012
12:00 p.m.

City of Pampa
201 W. Kingsmill St.
P.O. Box 2499
Pampa, Texas 79066-2499
Phone: 806-669-5750
Fax: 806-669-5767
CITY OF PAMPA
CITY COMMISSION AGENDA
SPECIAL MEETING

John Studebaker, Commissioner Ward 1
Rebecca Holmes, Commissioner Ward 2
Robert Dixon, Commissioner Ward 3
Neil Fulton, Commissioner Ward 4

Brad Pingel, Mayor
Richard Morris, City Manager
Karen Price, City Secretary
Leland Waters, City Attorney
Shane Stokes, Asst. City Manager

Notice is hereby given of a SPECIAL MEETING of the City Commission of the City of Pampa to be held on WEDNESDAY, FEBRUARY 29, 2012 at 12:00 p.m. at City Hall – City Commission Chamber, Third Floor, 201 W. Kingsmill, Pampa, Texas, for the purpose of considering the following agenda items.

All agenda items are subject to action. The City Commission reserves the right to adjourn into Executive Session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

PUBLIC COMMENTS:
Citizens who have signed a card to speak to the City Commission will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Commission members are prevented from discussing the subject and may respond only with statements of factual information or existing city policy. Citizens are limited to three (3) minutes for their presentation to the City Commission.

AUTHORIZATIONS BY CITY COMMISSION

1. Consider adopting on second and final reading, Ordinance No. 1564, an Ordinance ordering and providing notice of a General and Special Election to be held on May 12, 2012 for the City of Pampa, Texas.
(Considerse la adopción en segunda y última lectura, Ordenanza No. 1564, un pedido de Ordenanza y aviso de un General y elección especial que se celebrará el 12 de Mayo de 2012 para la ciudad de Pampa, Texas).

ADJOURNMENT

CERTIFICATION

I certify that the above Agenda was posted on the outside officially designated bulletin board in front of City Hall, facing Kingsmill, a place convenient and readily accessible to the general public at all times and said Agenda was posted on Friday, February 24, 2012 before 5:00 P.M. and remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

KAREN L. PRICE
Karen L. Price, City Secretary

ASSESSIBILITY STATEMENT

In compliance with the Americans with Disabilities Act, the City of Pampa will provide for reasonable accommodations for persons attending City Commission meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Karen Price, City Secretary, at 669-5750. City Hall is wheelchair accessible. Entry is on the West side of the building.

AGENDA REMOVAL NOTICE

This public notice was removed from the official designated bulletin board at 201 W. Kingsmill, Pampa City Hall on the following date and time:

Date: ____________________ Time: ____________________

By: _____________________________
CITY OF PAMPA, TEXAS
ORDINANCE NO. 1564

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE CITY OF PAMPA, TEXAS, TO BE HELD ON THE 12TH DAY OF MAY, 2012, FOR THE PURPOSE OF ELECTING A COMMISSION MEMBER FOR WARD 2 AND FOR WARD 4, AND CALLING A SPECIAL ELECTION ON THE 12TH DAY OF MAY, 2012 FOR VOTER CONSIDERATION OF AN AMENDMENT OF SPECIFIC SECTIONS OF THE HOME RULE CHARTER; DECLARING BALLOT LANGUAGE FOR SUCH PROPOSITION FOR AMENDMENT; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR THE ESTABLISHMENT OF POLLING PLACES; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH GRAY COUNTY; PROVIDING FOR CERTAIN JOINT ELECTION ARRANGEMENTS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pampa (Commission) seeks to proceed with the ordering of a general and a special election for Saturday, May 12, 2012, the next uniform election date, and appointing election officials required for the conduct of the election, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the City’s annual municipal election, at which Commissioners for Wards 2 and 4 shall be elected, is due to be held on the uniform election date occurring in May, 2012; and

WHEREAS, the City of Pampa, Texas, (“City”) is a home rule municipality with a Charter that was approved by the voters in 1927 and which may be amended by majority vote of the qualified voters of the City; and

WHEREAS, it has been more than two (2) years since the Charter was last amended; and

WHEREAS, the Commission finds that the Charter should be amended in order to address certain changes in State law enacted by the State Legislature in Senate Bill 100, effective in 2011, and to further the ability of the City to provide for effective and efficient operation of the City; and

WHEREAS, the Commission hereby finds and determines that it is in the public interest to call a special election (“Election”) to place a proposed amendment to the City Charter at the earliest practicable date to allow the voters to decide whether to authorize the amendment; and
WHEREAS, state law, in Section 9.004 (d), Texas Local Government Code, provides that an amendment may not contain more than one subject; and

WHEREAS, the one subject to be addressed in the proposed amendment is the extension of the terms of office of the Mayor and Commissioners from two years to four years in order to provide that elections will be held only in odd-numbered years in order to comply with the requirements of Senate Bill 100; and

WHEREAS, the Texas Constitution, in Article XI, Section 11, contains specific rules that apply when a Texas city provides for terms of office for its governing body that exceed two years, being specifically a requirement that any vacancy on the governing body be filled by special election rather than appointment and that any member of the governing body who shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held; and

WHEREAS, should the qualified voters of the City of Pampa approve the amendment of the Charter as proposed, it shall require and result in the modification of multiple sections of the Charter in order to accomplish the single purpose and subject of the amendment, all of which is more fully described herein; and

WHEREAS, the Commission has determined that an election on May 12, 2012, the next uniform election date authorized by state law, would constitute an appropriate date for such an Election; and,

WHEREAS, the Commission has heretofore found that a city general election shall be held on the 12th day of May, 2012, wherein the electors of the City shall vote on the election of public officials and other matters (the “City General Election”) and

WHEREAS, the Commission has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Gray County Election Officer to obtain certain election services; and

WHEREAS, the Commission has made provision to contract with Gray County to conduct the City General Election and the Special Election; and

WHEREAS, the Commission hereby finds that it is in the public interest that the City General Election and this Special Election be conducted as one election; and

WHEREAS, the Commission has the authority pursuant to Chapter 271, Texas Election Code and Chapter 31, Texas Election Code, to enter into joint election agreements with the other political subdivisions also holding a general election on the same date; and
WHEREAS, the Commission has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with other political subdivisions holding elections on the same day in all or part of the same territory;

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

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the Commission and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. There is hereby called a General Election to be participated in by the qualified voters of the City of Pampa, Texas, to be held on the second Saturday in May, being the 12th day of May, 2012, between the hours of 7:00 am and 7:00 pm (the “Election”), for the purpose of electing a City Commissioner for Ward 2 and a City Commissioner for Ward 4.

SECTION 3. There is hereby called a Special Election to be participated in by the qualified voters of the City of Pampa, Texas, to be held jointly on the second Saturday in May, being the 12th day of May, 2012, between the hours of 7:00 am and 7:00 pm (the “Election”), and at the election, for the purpose of amending the Home Rule Charter of the City of Pampa, and the following proposition shall be added to the ballot and submitted:

Proposition 1 ballot language shall read:

Amend the Charter to change Commission terms of office from two years to four years, elected in odd-numbered years, for all Commission members except those for Wards 2 and 4 elected in 2012, who shall serve until 2015, by amending Sections 2, 3, 7, and 8 of Article VII as they relate to those issues and to changes required by law when terms of office are extended from two years to four years.

☐ For ☐ Against

In the event that Proposition 1 is approved by the voters on May 12, 2012, Sections 2, 3, 7, and 8 of Article VII of the Pampa Charters shall thereafter read as follows:

Sec. 2. Term of office.

The mayor and each commissioner shall serve for a term of four (4) years, and until the successor of each mayor and commissioner is elected and qualified, unless sooner removed from office as herein provided.

The term of office of the mayor and the commissioner elected from ward 1 and the commissioner elected from ward 3 shall expire in May of each odd-numbered year occurring four years after the date of their election, beginning in 2013. and the term of office of the commissioner elected from ward 2 and the commissioner elected from ward
shall expire in May of each odd-numbered year occurring four years after the date of their election beginning in 2015. The term of office of the commissioner from ward 2 elected in May, 2012 and the term of office of the commissioner from ward 4 elected in May, 2012, shall be for three years and shall expire in May, 2015.

Sec. 3. Vacancies.

(1) The office of a Commission member or the Mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized or required by law.

(2) Vacancies in the Commission, including the Mayor, shall be filled for the unexpired term by a special election at the next available uniform election date following creation of the vacancy by majority vote of the qualified voters in such municipality, and no vacancy or vacancies occurring on such governing body shall be filled by appointment.

Sec. 7. Election day.
The regular municipal election of the City of Pampa shall be held on the uniform election date occurring in or the nearest to the month of May in each odd-numbered year, commencing with the year 2013.

Sec. 8. Elections; laws controlling.
All elections provided in this charter or allowed by law and called the Commission, other than those described in Section 7 of this Article, 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 such General Election Laws shall control in all municipal elections, except as otherwise herein provided.

SECTION 4. The official ballots for the Charter election shall be prepared in accordance with the Texas Election Code and the Local Government Code and all applicable laws so as to permit the electors to vote “FOR” or “AGAINST” the proposition.

SECTION 5. Candidates for Commission shall meet the qualifications as prescribed by law and by the Charter of the City of Pampa, Texas.

SECTION 6. On Election Day, the polls shall be open from 7:00 AM to 7:00 PM. The polling places and voting precincts for the Election shall be: M. K. Brown Auditorium, 1000 N. Sumner, Pampa, Texas.

SECTION 7. EARLY VOTING BY PERSONAL APPEARANCE will be conducted at City of Pampa, City Hall, located at 200 W. Kingsmill, Second Floor, Pampa, Texas, during the following times: Monday, April 30, 2012 thru Tuesday, May 8, 2012, 8:00 a.m. to 5:00 p.m. Pursuant to Texas Election Code, Section 85.005, Subsection (d), early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours:
between the hours of 7:00 am and 7:00 pm on Tuesday, May 1, 2012 and again on Wednesday, May 2, 2012.

APPLICATIONS FOR BALLOT BY MAIL shall be mailed to:
Karen Price
City Secretary
P.O. Box 2499
Pampa, TX 79066-2499

Applications for ballot by mail must be received no later than 5:00 PM on May 4, 2012.

SECTION 8. The Commission hereby appoints Karen Price as the Regular Early Voting Clerk, Charlene Gardner as the Deputy Early Voting Clerk and appoints Linda Lewis as the Joint Early Voting Clerk.

SECTION 9. Karen Price, City Secretary, shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days beginning not later than the 50th day before the date of the Election and ending not earlier than the 40th day after the date of the Election. The City Secretary shall accept and maintain documents filed under Title 15 of the Election Code and maintain and receive any other documents as may be required by the Election Code.

SECTION 10. Chapter 31 of the Texas Election Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Texas Election, the Commission is expressly providing the Election shall be conducted in accordance with the terms and conditions of the Joint Election Agreement and Election Service Contract which shall be approved by a separate act of Commission.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivision that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Commission is expressly authorizing this action, as set out and described in the Joint Election Agreement and Election Service Contract which shall be approved by a separate act of Commission.

SECTION 11. Notice of the Election shall be published two times in the English and Spanish languages, in a newspaper published in the territory that is covered by the Election and is in the jurisdiction of the City. The notice shall include a substantial copy of the proposed amendment, shall include an estimate of the anticipated fiscal impact to the city if the amendment is approved at the election, and shall be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the election. Notice of the Election shall also be posted on the bulletin board on which the Commission posts notices of its meetings not later than the 21st day before the Election. The contents of the Notice of Election shall comply with the requirements of the Election Code. The Notice of Election shall be delivered to the Gray County Clerk not later than the 60th day before the Election.
SECTION 12. The recitals contained in the preamble hereof are hereby found to be true and correct, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

SECTION 13. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 14. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 15. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 16. This Ordinance is effective immediately upon its passage and approval.

INTRODUCED, PASSED AND APPROVED on its first reading this the 28th day of February, 2012.

READ, APPROVED AND ADOPTED on its second and final reading this the ______ day of February, 2012.

CITY OF PAMPA

By: __________________________
Brad Pingel, Mayor

ATTEST:

__________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

__________________________
Leland W. Waters, City Attorney