

**RESOLUTION NO. 790-2014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 10, 2014 AND CALLING FOR A SPECIAL ELECTION ON MAY 10, 2014 SUBMITTING TO THE VOTERS FOR APPROVAL, THE SALE OF PARK PROPERTIES AS HEREIN DESCRIBED WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS, TEXAS PURSUANT TO CHAPTER 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE AND CALLING A SPECIAL ELECTION ON MAY 10, 2014 PURSUANT TO THE TEXAS CONSTITUTION TO FILL A VACATED COUNCIL PLACE (PLACE 3) ON THE CITY COUNCIL; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the regular election for City Council members of the City of River Oaks is required to be held on May 10, 2014 at which time the voters will elect persons to fill the offices of Mayor and City Council Place 5; and

**WHEREAS**, pursuant to the City Charter as amended in 2009 the offices of Mayor and City Council Members are for 3-year terms; and

**WHEREAS**, the election will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code; and

**WHEREAS**, pursuant to Chapter 253 of the Texas Local Government Code "Sale or Lease of Property by Municipalities", specifically in Section 253.001 (b) "land owned, held or claimed as a public square or park may not be sold unless the issue of the sale is submitted to the qualified voters of the municipality at an election and is approved by a majority of the votes received at an election"; and

**WHEREAS**, the City desires to sell the following properties designated as "parks" by the City Council:

- A. A triangular shape 0.0784 acre park site designated and named by the City Council on August 4, 2004 as Schieffer Park legally described as being Block 2, Lot B in the CF Cates Subdivision located at the point where Sansom Circle in the 2100 block intersects with the 1900 block of Yale Street.

B. a 0.29 acre park site at 901 Lydick Lane designated and named by the City Council on August 4, 2004 as Lydick Park legally described as being Block 2, Lot 18; Clyde W. Mays Addition located at the northwest corner of the intersection of Lydick Lane and Black Oak Lane; and

**WHEREAS**, the Special Election for the sale of park properties as fully described herein this Resolution within the corporate limits of the City of River Oaks will be placed on the ballot for the May 10, 2014 Election; and

**WHEREAS**, the special election for the sale of park properties will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code; and

**WHEREAS**, Place 3 City Councilmember Joe Harold Crews officially announced his candidacy for the office of Mayor in the May 10, 2014 General Election; and

**WHEREAS**, since there is more than (1) one-year and (30) thirty days remaining in his term of office as the Place 3 City Council Member, his announcement of such candidacy for the Office of Mayor constitutes an automatic resignation of the office then held of Place 3; and

**WHEREAS**, with the announcement of candidacy, Councilman Joe Crews must resign the office then held, thereby creating a vacancy for Place 3 on the River Oaks City Council that pursuant to the Texas Constitution must be filled by a Special Election of the voters called within 120-days after the vacancy occurs; and

**WHEREAS**, Section 201.052 of the Texas Statutes requires that the Special Election be called 45-days prior to the date of the General Election or by March 26, 2014 in order to be on the May 10, 2014 General Election ballot; and

**WHEREAS**, the special election to fill a vacancy on the City Council will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code; and

**WHEREAS**, by this Resolution, it is the intention of the City Council to designate a polling place for the election, to appoint the necessary election officers to establish and set forth procedures for conducting the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, THAT:

**Section 1. General Election Called.** An election is hereby called to elect the offices of Mayor and City Council Member, Place 5 to serve from May of 2014 until May of 2017 or until their successors are duly elected and qualified. The election shall be held on May 10, 2014 between the hours of 7:00 a.m. and 7:00 p.m. at locations set forth in the Agreement.

**Section 2. Special Election for the sale of Park Properties.** A Special election is hereby called to determine if the voters approve the sale of city owned lands designated as park properties by considering the following proposition:

**PROPOSITION NO. 1**

Shall the City Council of the City of River Oaks be authorized to sell Schieffer Park, a 0.0784 site located at the intersection of Samson Circle and Yale Street and Lydick Park, a 0.29 site located at 901 Lydick Lane?

The special election will be held in conjunction with the general election on May 10, 2014 between the hours of 7:00 a.m. and 7:00 p.m. at locations set forth in the Agreement.

**Section 3. Special Election to fill a vacated place on the City Council.** A special election is hereby called to fill the unexpired Council Place 3 to serve from May of 2014 until May of 2016 or until the successor is duly elected and qualified. The election shall be held in conjunction with the general election on May 10, 2014 between the hours of 7:00 a.m. and 7:00 p.m. at locations set forth in the Agreement.

**Section 4. Joint Election Agreement Approved.** Prior to the election, the City anticipates that it will enter into a joint election agreement and contract for election services with Tarrant County, conducted under the authority of Chapter 271 of the Election Code (the "Agreement").

**Section 5. Application for Place on the General Election Ballot.** Qualified persons may file as candidates in the general election for the offices of Mayor and City Council Place 5 by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m. during regular business

hours, from Wednesday, January 29, 2014 at 8:00 A.M. through Friday, February 28, 2014 at 5:00 P.M.

**Section 6. Application for Place on the Special Election Ballot to fill a vacated place on the City Council.** Qualified persons may file as candidates in the special election to fill the vacated Place 3 on the City Council by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m. during regular business hours, from Wednesday, February 11, 2014 at 8:00 A.M. through Monday, March 10, 2014 at 5:00 P.M.

**Section 7. Early Voting.**

**a. Early voting by personal appearance.** Early voting by personal appearance for the General and both Special Elections shall commence April 28, 2014 and shall continue until May 6, 2014 at the location designated in the Agreement. On at least two days during the early voting period, the location for early voting shall be open for at least twelve (12) hours.

**b. Early voting by mail.** Steve Raborn or his successor, the Tarrant County Election Administrator (Elections Administrator) is hereby designated as Early Voting Clerk for the special elections held concurrently with the general election. Applications for early voting by mail may be delivered to the Elections Administrator at the following address: Early Voting Clerk, 2700 Premier Street, Fort Worth, Texas 76111, not earlier than March 11, 2014 and not later than 7:00 P.M. on May 10, 2014 if delivered by mail. Early voting by ballots shall be mailed to the Elections Administrator at the same address.

**c. Early voting by Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, appointed herein, shall serve as the presiding officer and alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

**Section 8. Appointment of Election Judge and Alternate Election Judge.** The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized

by Chapter 271 of the Texas Election Code.

**Section 9. Method of Voting.** Early voting by personal appearance shall be conducted exclusively on Tarrant County's eSlate electronic voting system. On Election Day, voters shall have a choice between voting on the eSlate electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County's eScan voting system. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Agreement and the Code.

**Section 10. Governing Law and Qualified Voters.** The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 11. Photo I.D. Required to Vote.** Voters are required to present an approved form of photo identification in order to vote in all Texas Elections. The acceptable forms of photo ID include a Texas driver license issued by the Texas Department of Public Safety (DPS) or Texas Election Identification Certificate issued by DPS or Texas personal identification card issued by DPS or Texas concealed handgun license issued by DPS or United States military identification card containing the person's photograph or United States citizenship certificate containing the person's photograph or a United States passport. With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

**Section 12. Publication and Posting of Notice of Election.** Notice of the election shall be given as required by Chapter 4 of the Code.

**Section 13. Necessary Actions.** The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

**Section 14. Effective Date.** This resolution shall be effective upon its adoption.

COUNCIL MEMBER JOANN GORDON, MADE THE MOTION, SECONDED BY COUNCIL MEMBER JOE ASHTON TO APPROVE RESOLUTION NUMBER 790-2014 CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 10, 2014 FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICES OF MAYOR AND CITY COUNCIL PLACE 5 AND A SPECIAL ELECTION FOR THE SALE OF PARK PROPERTIES AND A SPECIAL ELECTION TO FILL A VACANCY ON THE CITY COUNCIL PLACE 3. ALL VOTED AYE. MOTION PASSES.

APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS 11<sup>TH</sup> DAY OF FEBRUARY 2014 AND IS AFFIRMED BY THE SIGNATURES AFFIXED BELOW:

PASSED AND APPROVED this 11<sup>th</sup> day of February 2014.

ATTEST:

  
\_\_\_\_\_  
City Secretary

CITY OF RIVER OAKS

  
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Mayor