

**ORDINANCE NO. 1218-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 TO SUBMIT PROPOSED CHANGES TO THE HOME RULE CHARTER TO THE VOTERS; 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**, it is the intention of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

**WHEREAS**, an election to submit to the voters proposed amendments to the city charter is required by law to be held on the first uniform election date that occurs on or after 30 days from the date the election is ordered and Section 3.005 of the Texas Election Code requires that a special election be ordered prior to February 15, 2019; and

**WHEREAS**, Section 41.001 of the Texas Election Code specifies that the May 4, 2019 is a uniform election date; and

**WHEREAS**, the election will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code ("Code"); 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**, by this ordinance, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
RIVER OAKS, TEXAS, THAT:**

**Section 1. Special Election Called.** The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of River Oaks proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in Exhibit "A," attached to this ordinance and incorporated herein for all purposes and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 4, 2019 from 7:00 a.m. to 7:00 p.m.

**Section 2. 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 3. Ballots.** The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" on each proposition, with the ballots to contain such provisions, markings and language as required by law, and with the propositions to be expressed substantially as set forth as follows:

**PROPOSITION A – Vacancies on the Council**

Shall the River Oaks Home Rule Charter be amended to permit a vacancy on the council to be filled by special election or by city council appointment in the event there is less than twelve (12) months remaining on the unexpired term and to delete obsolete provisions, by revising Section 3.13?

**PROPOSITION B – City Manager Form of Government**

Shall the River Oaks Home Rule Charter be amended to provide for city manager form of government by adding Section 1.03 "Form of Government;" revising Section 3.03 "Duties and Powers of Mayor;" adding Section 3.14 "Interference in Administrative Matters;" and revising Chapter 4 "Administration" in its entirety to provide for the qualifications,

compensation, term, removal and duties of the city manager, city secretary, department heads and city attorney?

#### **PROPOSITION C – Quorum**

Shall the River Oaks Home Rule Charter be amended to provide that a quorum of the city council is three (3) council place members, not counting the mayor, by adding Section 3.10(b), and revising Section 3.12?

#### **PROPOSITION D – Employee as Candidate**

Shall the River Oaks Home Rule Charter be amended to delete Section 7.07(b) prohibiting an employee from becoming a candidate as it is contrary to state law?

#### **Section 4. Early Voting.**

a. **Early voting by personal appearance.** Early voting by personal appearance shall commence Monday, April 22, 2019 and shall continue until Tuesday, April 30, 2019 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.** The Tarrant County Election Administrator (Elections Administrator) is hereby designated as Early Voting Clerk for the general election. Applications for early voting by mail may be delivered to the Elections Administrator between January 1, 2019 and April 23, 2019 (received not postmarked) at the following address: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011. 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 5. 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 6. 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 7. 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 8. Publication and Posting of Notice of Election.** Notice of the election shall be given as required by Chapter 4 of the Code, and by publishing a substantial copy of the proposed amendments on the same day in each of two weeks with the first publication at least 14 days before election day in compliance with Section 9.004(c) of the Texas Local Government Code.

**Section 9. 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.

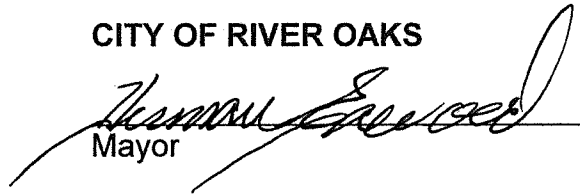
**Section 10. Effective Date.** This resolution shall be effective upon its adoption.

COUNCIL MEMBER STEVE HOLLAND, MADE THE MOTION, SECONDED BY COUNCIL MEMBER JOANN BUTLER, TO APPROVE ORDINANCE NUMBER 1218-2019 CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 FOR THE PURPOSE SUBMITTING PROPOSED CHANGES TO THE HOME RULE CHARTER. ALL VOTED AYE. MOTION PASSES.

APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS 29<sup>TH</sup> DAY OF JANUARY 2019 AND IS AFFIRMED BY THE SIGNATURES AFFIXED BELOW:

PASSED AND APPROVED this 29<sup>TH</sup> day of January 2019.

CITY OF RIVER OAKS

  
Mayor

ATTEST:

  
City Secretary