

ORDINANCE NO. 2019-02-11 (8B)

AN ORDINANCE OF THE CITY OF ROCKDALE, TEXAS, ORDERING AND PROVIDING NOTICE OF A SPECIAL ELECTION ON MAY 4, 2019, IN THE CITY OF ROCKDALE, TEXAS, TO CONSIDER CHARTER AMENDMENTS TO THE CITY OF ROCKDALE CHARTER AND ESTABLISHING THE PROCEDURE THEREFOR, AND PROVIDING FOR RELATED MATTERS

WHEREAS, on May 4, 2019, the date of the general elections for Mayor and certain City Council positions (the "General Election"), there shall also be determined ballot measures regarding amendments to Charter of the City of Rockdale (hereinafter, the "City"); and

WHEREAS, the Texas Election Code is applicable to said election and this ordinance establishes procedures consistent with the Code, and designates the voting place for the election; and

WHEREAS, the City staff has made recommendations to Council for amendments; and

WHEREAS, the City Council has approved those Charter Amendments as set forth as Exhibit A, attached hereto and incorporated herein for all purposes and finds it to be in the public interest to call a special election to be held jointly with the General Election for electing certain City Council positions, including Mayor, to be held on May 4, 2019, and add to the ballot for voter consideration propositions for amendment of specific sections of the Charter; and

WHEREAS, the City Council has authority pursuant to Chapter 31, Texas Election Code, has already established the procedures and contract with the Milam County Election Officer to obtain certain election services; and

WHEREAS, the City Council 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 CITY COUNCIL OF THE CITY OF ROCKDALE, TEXAS that:

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

Section 2. Special Election. There is hereby called a Special Election to be participated in by the qualified voters of the City of Rockdale, Texas, to be held jointly with the General Election, to be held on Saturday, May 4, 2019, unless superseded by State or Federal law, at City Hall, 505 W. Cameron Ave, Rockdale, Texas, to propose amendments to the City of Rockdale Charter (see "Exhibit A").

Section 3. Ballots. Electronic ballots using the Verity electronic voting system shall be used for the election. The electronic voting machines shall be programmed in such a manner as to prevent a voter from voting in the city election in which he or she is not entitled to vote. Use of paper ballots to be voted by mail will remain the same.

Section 4. Printed Materials. The official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 5. Early Voting. Early voting by personal appearance will be conducted each weekday at City Hall, 505 W. Cameron Ave., Rockdale, Texas between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 22, 2019 and ending on April 30, 2019. Extended hours for early voting by personal appearance will be conducted at City Hall on April 29 and April 30, 2019 between the hours of 7:00 a.m. and 7:00 p.m. as required in the *Tex. Elec. Code*.

Section 6. Notice of Election. Notice of the election shall be given in the manner as provided in the *Tex. Elec. Code* and the *City Charter*. A notice containing a substantial copy of this Ordinance shall be posted on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid polling place not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least two times, not earlier than thirty (30) days nor later than fourteen (14) days prior to said election, in a newspaper in general circulation in the City. The Mayor shall give notice of this election in accordance with the terms and provisions of this Section, and all necessary orders and writs therefore shall be issued by the proper authority.

Section 7. General. The special election shall be held in accordance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 7, 2019 nor later than May 15, 2019.

Section 8. Election Precincts. The election precincts for the election shall be the election precincts established for the General Election.

Section 9. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Milam County, provided that such political subdivisions hold an election on May 4, 2019 in all or part of the same county as the City (the "Political Subdivisions"). The joint election for Political Subdivisions in Milam County will be conducted in accordance with state law, this ordinance, the City Charter and the Election Agreement.

Section 10. Open Meeting. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

Section 11. Effective Date. This ordinance shall be effective upon its adoption.

PASSED AND APPROVED on this the 14th day of January, 2019.


FINALLY PASSED, ADOPTED AND APPROVED on this the 11th day of February, 2019.

CITY OF ROCKDALE, TEXAS



John E. King, Mayor

ATTEST:



Terry Blanchard, TRMC
City Secretary

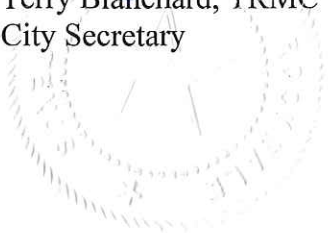


EXHIBIT A.

Proposition 1 ballot language shall read:

Shall Article IV, THE AUTHORITIES AND LIMITATIONS OF THE CITY COUNCIL, Section 4.05.02, entitled "Prohibitions" of the City of Rockdale, Texas Charter be amended to remove the words "other city office or"?

Section 4.05. Prohibitions. The council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually except where that power may be conferred upon the member in this charter or by written council resolution; provided that each member is expected to serve his or her constituency and shall have the right to inquire through an officer appointed by the council into any matter whether or not such matter is brought before the council in order that he or she may so serve as an independent member of the council.

No member of the council shall hold any ~~other city office or~~ city employment during his or her term of office, and no former member of the council shall hold any city office with compensation until one (1) year after the expiration of the full term of office to which such member was appointed or elected.

Neither the city council nor any of its members shall direct the appointment of any person to office by the city manager or any of his/her subordinates. No member of the council shall give orders directly to any city employee, except when empowered to do so by an emergency proclamation, and all members of the council shall, except for officers appointed by the council, deal with the non-elective officers, employees and administrative offices of the city solely through the city manager.

For

Against

In the event that Proposition 1 is approved by the voters on May 4, 2019, Article IV, THE AUTHORITIES AND LIMITATIONS OF THE CITY COUNCIL, Section 4.05.02, entitled "Prohibitions" of the City of Rockdale, Texas Charter shall thereafter read as follows:

Section 4.05. Prohibitions. The council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually except where that power may be conferred upon the member in this charter or by written council resolution; provided that each member is expected to serve his or her constituency and shall have the right to inquire through an officer appointed by the council into any matter whether or not such matter is brought before the council in order that he or she may so serve as an independent member of the council.

No member of the council shall hold any city employment during his or her term of office, and no former member of the council shall hold any city office with compensation until one (1) year after the expiration of the full term of office to which such member was appointed or elected.

Neither the city council nor any of its members shall direct the appointment of any person to office by the city manager or any of his/her subordinates. No member of the council shall give orders directly to any city employee, except when empowered to do so by an emergency proclamation, and all members of the council shall, except for officers appointed by the council, deal with the non-elective officers, employees and administrative offices of the city solely through the city manager.

Proposition 2 ballot language shall read:

Shall Article VI, INITIATIVE, REFERENDUM AND RECALL Section 6.11, entitled "Power of Recall" of the City of Rockdale, Texas Charter, be amended to add and clarify in the second paragraph that a recall petition for a councilmember shall only be initiated by a qualified voter who resides in the ward which that councilmember was elected from and represents?

Section 6.11. Power of Recall. Any person holding an elected office, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct or malfeasance in office. The people of the city reserve the power to recall any elected city officer and may exercise the power by filing with the city secretary a petition signed by qualified voters of the city equal in number to at least twenty percent (20%) of the number of votes cast in the last general city election, or 175 registered voters, whichever number is greater, demanding the removal of the elected officer. The petition shall be signed and verified as required for an initiative petition and a separate petition must be filed for each officer being recalled. If the council orders a recall election for any member, such election shall be held in the manner provided in this Article.

In each case where the recall of a councilmember is sought, the Sections of this Article insofar as applicable shall apply to the ward from which the councilmember was elected, rather than the city as a whole. That is, *a petition to recall a councilmember shall only be initiated by a qualified voter who resides in the ward which the councilmember was elected from and represents.* ¶The petition must be signed by qualified voters and in the percentage stated, but in no event less than fifty (50) such petitioners, from the ward from which the councilmember was elected, and any such recall election shall be held only in the ward from which the councilmember whose recall is sought was elected.

For

Against

In the event that Propositions 2 is approved by the voters on May 4, 2019, Article VI, INITIATIVE, REFERENDUM AND RECALL Section 6.11, entitled "Power of Recall" of the City of Rockdale, Texas Charter, shall thereafter read as follows:

Section 6.11. Power of Recall. Any person holding an elected office, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct or malfeasance in office. The people of the city reserve the power to recall any elected city officer and may exercise the power by filing with the city secretary a petition signed by qualified voters of the city equal in number to at least twenty percent (20%) of the number of votes cast in the last general city election, or 175 registered voters, whichever number is greater, demanding the removal of the elected officer. The petition shall be signed and verified as required for an initiative petition and a separate petition must be filed for each officer being recalled. If the council orders a recall election for any member, such election shall be held in the manner provided in this Article.

In each case where the recall of a councilmember is sought, the Sections of this Article insofar as applicable shall apply to the ward from which the councilmember was elected, rather than the city as a whole. That is, a petition to recall a councilmember shall only be initiated by a qualified voter who resides in the ward which the councilmember was elected from and represents. The petition must be signed by qualified voters and in the percentage stated, but in no event less than fifty (50) such petitioners, from the ward from which the councilmember was elected, and any such recall election shall be held only in the ward from which the councilmember whose recall is sought was elected.