

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, CALLING FOR A SPECIAL ELECTION FOR THE PURPOSES OF SUBMITTING TO THE VOTERS PROPOSITIONS TO AMEND THE SAGINAW HOME RULE CHARTER TO BE HELD ON MAY 4, 2019; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas, (the "City") 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 uniform election date that occurs 30 days after 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, 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, and authorize the Mayor to execute a contract with Tarrant County for conducting the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, 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 Saginaw 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. The Mayor is authorized to execute the Joint Election Agreement for Tarrant County and the City of Saginaw (the "Agreement"). In the event of conflict between this resolution and the Agreement, the Agreement shall control.

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 – Boundary

Shall the Saginaw Home Rule Charter be amended to clarify procedures for boundary adjustments by revising Section 2.01?

PROPOSITION B – Corporate Powers

Shall the Saginaw Home Rule Charter be amended to enumerate, without limitation, the corporate powers of the city by revising Section 4.01 to specify powers instead of providing a general statement of powers, and by revising Section 11.01 to provide that city control over streets is inalienable?

PROPOSITION C – Compensation for Council Members

Shall the Saginaw Home Rule Charter be amended to provide that a council member shall be paid a minimum of \$25.00 for each council meeting, provided that the amount annually paid to the entire council in the aggregate shall not exceed the annual compensation of the lowest paid permanent, fulltime city employee, by revising Section 5.01?

PROPOSITION D – Council Vacancies

Shall the Saginaw Home Rule Charter be amended to permit a vacancy on the council to be filled by city council appointment or by special election in the event there is less than twelve (12) months remaining in the unexpired term, by revising Section 5.09?

PROPOSITION E – City Council Meetings, Quorum and Duties

Shall the Saginaw Home Rule Charter be amended to allow the council to establish additional regular meetings by revising Section 5.10; to transfer responsibilities over city departments to the city manager by deleting Section 6.03(2) and Section 7.01 and adding Section 6.05(10); to provide for a quorum and procedures for filling vacancies in the event there are more than three vacancies on the council by adding Section 5.11; to change “inquiry” to “conduct investigations” in Section 6.03(5); and to provide that the city council shall appoint the city secretary by amending 6.06, and to provide that the mayor pro tem shall be appointed by the city council by revising Section 6.02?

PROPOSITION F – Municipal Court

Shall the Saginaw Home Rule Charter be amended to eliminate the authority of the mayor to act as magistrate, to require that the judge be a licensed attorney as required by state law, to provide a procedure for removal of the judge, and to make non-substantive grammatical changes by revising Section 6.08?

PROPOSITION G – Utilities

Shall the Saginaw Home Rule Charter be revised to clarify and expand the cities authority to operate city owned utilities and regulate utility franchises to include limiting a franchise term to twenty (20) years, providing procedures to grant franchises, providing terms to be included in a utility franchise, providing for regulation of utilities, and requiring annual reports by adding new Sections 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08 and 8.09 and deleting current Sections 8.01, 8.02, and 9.05, and revising Section 16.09?

PROPOSITION H – Competitive Bidding

Shall the Saginaw Home Rule Charter be amended to revise Section 9.04 to provide that all purchases must be made in compliance with state bidding requirements?

PROPOSITION I – Acquisition of Property

Shall the Saginaw Home Rule Charter be amended to delete archaic rules for the acquisition of utilities by deleting Sections 10.01(3), 10.01(4), 10.01(5) and 10.01(6), while retaining Sections 10.01(1) and 10.01(2), and updating references to state law?

PROPOSITION J – Budget

Shall the Saginaw Home Rule Charter be amended to provide that procedures for the adoption of the budget shall be in accordance with state law by revising Sections 12.02 and 12.03, and to require that the annual audit be made available for public inspection no later than 180 days after the close of the fiscal year by revising Section 12.06?

PROPOSITION K – Planning and Zoning Commission

Shall the Saginaw Home Rule Charter be amended to require that members of the planning and zoning commission have resided in the city limits for at least one (1) year, and that the commission shall meet as needed, by revising Section 14.01; and by revising Section 14.04 to comply with state law procedures for adopting a comprehensive plan and zoning?

PROPOSITION L – Building Regulation

Shall the Saginaw Home Rule Charter be amended to revise Section 14.05 to provide that building regulations be adopted by ordinance and clarifying authority to enact such regulations?

PROPOSITION M – Recall, Initiative and Referendum

Shall the Saginaw Home Rule Charter be amended to require that petitions for initiative, referendum and recall, and comply with state law, and to provide that the minimum number of signatures on a petition for initiative, referendum and recall be 500, by revising Section 15.02 & 16.02.

PROPOSITION N – Initiative and Referendum

Shall the Saginaw Home Rule Charter be amended to provide that ordinances levying taxes, authorizing debt, relating to personnel matters, or relating to any matter a court has determined inappropriate for initiative or referendum shall not be subject to initiative or referendum; or by revising Section 16.02?

PROPOSITION O – Ethics

Shall the Saginaw Home Rule Charter be amended to provide for a definition of “substantial interest” with regard to an officer or employee interest in contracts with the city, and to provide that the purchase of goods or services from a council member must

be in compliance with state law by revising Section 17.13?

PROPOSITION P – Political Activities

Shall the Saginaw Home Rule Charter be amended to delete Section 17.15 regarding political activity of employees as it is partially contrary to state law?

PROPOSITION Q – Non-Substantive

Shall the Saginaw Home Rule Charter be revised to make non-substantive changes including deleting redundancy, making grammatical changes, and compliance with state law, by revising Sections 5.02, 5.07, 5.08, 6.03(5), 6.05, 6.07, 10.01(B), 13.01, 15.04, 15.07, 17.07, 17.19 and 19.01, deleting Section 13.03, and renumbering throughout?

Section 4. Early Voting.

a. Early voting by personal appearance. Early voting by personal appearance shall commence April 22, 2019 and shall continue daily, until April 30, 2019. Specific days, times and locations shall be designated by the Elections Administrator and included in the contract and shall be in compliance with state law. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.

b. Early voting by mail. Heider Garcia, the Tarrant County Election Administrator (“Elections Administrator”) or his successor is hereby designated as Early Voting Clerk for the general election. Applications for early voting by mail may be delivered to the Elections Administrator or his successor at the following address: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011, not later than close of business on April 23, 2019. Early voting by mail ballots shall be mailed to the Elections Administrator or his successor at the same address.

c. Early Voting Ballot Board. Early voting, both by personal appearance

and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

d. Recommended Branch Early Voting Polling Places. The Council finds that the following locations can most adequately and conveniently serve the voters in this election, and that these early voting locations will facilitate the orderly conduct of the election:

1. Eagle Mountain-Saginaw ISD Administration Building 6-Training Room, 1200 Old Decatur Road, Saginaw, Texas 76179.
2. Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas, 76111.

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 Code.

Section 6. Method of Voting. Tarrant County's eSlate electronic voting system shall be used for early voting by personal appearance. 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. Provisional ballots cast on Election Day will be cast only on the eSlate electronic voting system to prevent the possibility of paper provisional ballots from being immediately counted via the eScan ballot scanner. 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 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.

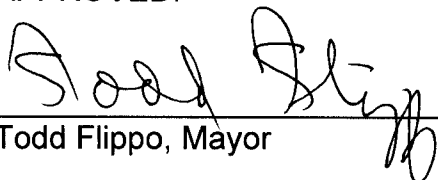
Section 8. Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Code, and additionally, a substantial copy of the proposed amendments shall be published on the same day twice in each of two successful weeks, with the first publication occurring before the 14th day of the election in conformance 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.


ADOPTED AND APPROVED this 5th day of February, 2019.

APPROVED:




Todd Flippo, Mayor

ATTEST:



Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith, City Attorney

