



ORIGINAL

ORDINANCE NO. 2014-08-11-10

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY, FOR ADOPTION OR REJECTION, TWO (2) PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY OF RANGER, TEXAS; THE ADOPTION OF AMENDMENTS TO THE CITY CHARTER; AUTHORIZING HOLDING A JOINT ELECTION; COUNTY; PROVIDING THE ELECTION IS TO BE CONDUCTED BY THE EASTLAND COUNTY ELECTIONS OFFICER; DESIGNATING NOVEMBER 4, 2014 AS THE DATE OF THE SPECIAL ELECTION; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR NOTICE AND HOLDING OF THE ELECTION; PROVIDING FOR EARLY VOTING; AND PROVIDING FOR AN ELECTION SERVICES CONTRACT; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RELATED MATTERS.

WHEREAS, Section 41.001 of the Texas Election Code establishes November 4, 2014, as a “uniform election date” for the purposes of conducting an election;

WHEREAS, the City Council of the City of Ranger, Texas, has on its own motion determined to submit to the qualified voters of said City of Ranger for their adoption or rejection thereof certain proposed amendments to the existing Home Rule Charter of the City of Ranger, Texas, pursuant to the Charter of the City of Ranger and Section 9.004(a) of the Texas Local Government Code;

WHEREAS, the laws of the State of Texas further provide that Section 3.001 of the Texas Election Code is applicable to said elections, and in order to comply with said Code, an Order should be passed ordering said election and establishing the procedure to be followed in said election;

WHEREAS, the City Council, pursuant to and in compliance with the Texas Open Meetings Act, proposed Charter amendments during a public meeting;

WHEREAS, the City Council believes that the Ranger voters should vote on the following proposed amendments, in the form of propositions;

WHEREAS, the City Council hereby directs City staff to publish notice of the election in a newspaper of general circulation in the City on the same day in each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days prior to the of the November 4, 2014 election; and

WHEREAS, the City has contracted with Eastland County, Texas to hold and conduct the election for the City, and such election may be held as a joint election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RANGER, TEXAS, THAT:

Section 1. Findings. The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Order of Election. A special election of the City of Ranger, Texas is ordered to be held on Saturday, November 4, 2014, between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock (7:00 p.m.), for the purpose of submitting to the qualified voters of the City two (2) ballot propositions for amendments to the Home Rule Charter of the City of Ranger. The special election shall be held and conducted by the Eastland County Elections Officer, pursuant to a contract authorized by state law, and such election may be held as a joint election with Eastland County and/or any other government jurisdiction contracting with Eastland County therefore. Any proposed amendments to the Home Rule Charter, if adopted, shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted.

Section 3. Proposed Charter Amendments. The proposed amendments affect only the Articles and Sections of the City Charter listed below and shall be submitted to the qualified voters of the City of Ranger, Texas for amendment to read as follows:

Article V.

Section 2. Term of Office. The Mayor and four (4) Commissioners shall be elected to two-year terms. The Mayor, Commissioner No. 1 and Commissioner No. 3 shall be elected in odd numbered years. Commissioner No. 2 and Commissioner No. 4 shall be elected in even numbered years. At the general election in May 2015, the Mayor, Commissioner No. 1 and Commissioner No. 3 shall be placed on the ballot for election for a term of two (2) years and Commissioner No. 2 and Commissioner No. 4 shall be placed on the ballot for election for a term of one (1) year. At the general election in May 2016, Commissioner No. 2 and Commissioner No. 4 shall be placed on the ballot for election for a term of two (2) years.

All positions shall be elected to two-year terms after the foregoing provisions have been effected.

Article V.

Section 8. Election Day. Municipal elections of the City of Ranger shall be held on the first Saturday in May or the date nearest thereto as required by law.

Section 4. Charter Amendment Notice and Ballot Propositions. Notice of the election shall be given and the election shall be held in compliance with the provisions of the Tex. Elec. Code and Chapt. 9, Tex. Loc. Gov't. Code, in all respects. The ballot propositions for the special election shall comply with the Tex. Elec. Code and be in the form provided by the City to the Eastland County Elections Officer for use on the voting devices and ballots used by Eastland County; provided that the official ballot shall be prepared in such a manner as will permit the qualified voters to vote "YES" or "NO" on each proposition submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

Term of Office

Shall Article V, Section 2 of the City Charter be amended to require staggered terms for the City Council?

YES _____ NO _____

PROPOSITION NO. 2

Election Day

Shall Article V, Section 8 of the City Charter be amended to establish the date of holding elections in accordance with State of Texas law?

YES _____ No _____

Section 5. Election Procedures. In addition to the laws governing the holding of city charter amendment elections by home rule cities in the State of Texas, the Eastland County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges, members of the early voting ballot board, clerks and other personnel necessary for conducting the election and properly appointed for the election, shall hold and conduct the election for the City pursuant to the contract for election services between the City and Eastland County and in compliance with State law. The official ballots, together with other such election materials as are required by the Texas Election Code, shall be prepared in both English and Spanish languages and shall contain such provisions, markings and language as is required by law. The propositions to be voted on shall be those set out above herein. All registered, qualified voters of the City shall be permitted to vote at the election.

Section 6. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Eastland County Elections Administrator, who is appointed the Early Voting Clerk, in accordance with the *Texas Election Code*. The polling places for early voting by personal appearance shall be conducted at places and locations in Eastland County as authorized by Eastland County Elections Administrator and State law. Early voting shall commence on and continue through the dates as required by the *Texas Election Code*. And, early voting shall be held on the dates and times designated by the Eastland County Elections Administrator in compliance with the *Texas Election Code*.

Section 7. Polling Locations. The election precincts for the election shall be the election precincts established by Eastland County, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter. The polling places for election-day voting shall be as designated by the Eastland County Elections Administrator. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Eastland County will be provided by precinct and the Eastland County Elections Administrator shall tabulate and provide the election returns for the election.

Section 8. Notice of Election. Notice of the election shall be given in the manner as provided in the *Texas Elections Code, Chapter 9 of the Texas Local Government Code* and the *City Charter*. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election on the same day in each of two successive weeks, with the first such publication occurring before the fourteenth (14th) day before the date of the election. The City Secretary is hereby authorized and directed to provide for and cause any such notice required to be made and published if such notice is not given by the Eastland County Elections Administrator.

Section 9. Joint Election. The City has agreed to conduct a joint election with other political subdivisions within Eastland County, provided that such political subdivisions hold an election on the November 4, 2014 Election Day and will contract with the Eastland County Elections Administrator for election services. The joint election will be conducted in accordance with state law, this ordinance, and the contract for election services with Eastland County.

Section 10. Election Compliance. The election shall be held and conducted by the Eastland County Elections Administrator in compliance with state law, the City Charter and the Election Agreement. This Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 11. Statement of Fiscal Impact. Pursuant to Section 9.004(c)(2) of the Texas Local Government Code, (requiring a statement of the anticipated fiscal impact to the City if the proposed amendments are approved), the City asserts it is difficult to accurately account for the fiscal impact for all of each of the proposed amendments in light of the peculiar unknown effect to the actual operation of the City government, but an overall analysis reflects that there will be negligible or no

fiscal impact to the probable economic cost to the City if one or all of the proposed amendments are approved.

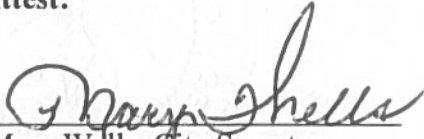
Section 12. Severability. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereof to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 13. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed 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*.

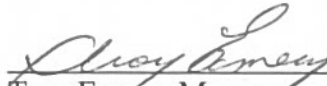
PASSED AND APPROVED on this the 11 day of August 2014.

Attest:

City of Ranger, Texas



Mary Wells, City Secretary



Troy Emery, Mayor