

**ORDINANCE NO. 3131**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 5, 2019, FOR THE PURPOSE OF VOTING “YES” OR “NO” ON A PROPOSED HOME-RULE CHARTER AMENDMENT; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

WHEREAS, Section 41.001 of the Texas Election Code, as amended, establishes Tuesday, November 5, 2019, as a “uniform election date” for the purposes of conducting an election within the City of Waxahachie, Texas (“City”); and

WHEREAS, the City Council of the City of Waxahachie, Texas (“City Council”), has determined to submit to the qualified voters of the City, in a special election, a proposition for the adoption or rejection of proposed amendment to the existing Home-Rule Charter of the City of Waxahachie, Texas (“City Charter”), pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, the City has entered into a Joint Election Contract for Election Services (“Election Services Contract”), with the Ellis County Elections Administrator (“Elections Administrator”) located at 204 E. Jefferson Street, Waxahachie, Texas 75176, for conducting the special election within the City. Early voting by personal appearance will be conducted each weekday as outlined in Exhibit “A”.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**Section 1. Findings.**

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this ordinance for all purposes.

**Section 2. Election Order; Election Date; Purpose of Election.**

A special election of the City shall be held on November 5, 2019, between the hours of 7:00 a.m. and 7:00 p.m., at those Election Day voting sites as determined by the Elections Administrator, for the following purposes:

- (1) To consider one (1) ballot proposition for City Charter amendment.

**Section 3. Proposed City Charter Amendment.**

At the election the following amendment to the City Charter shall be submitted to the resident, qualified voters of the City of Waxahachie:

**PROPOSITION NO. A**

Shall Section 2.01(c) of the City Charter be amended to read as follows (words removed noted by **strikeouts**; words added noted in **bold and underlined**):

(c) *Election and terms.* The regular election of councilmen shall be held on the first Saturday of ~~April~~ **May** in each year. Each voter shall be entitled to vote for **one** ~~as many~~ candidates for **each** city council **place on the ballot**. ~~as there are members to be elected to the council.~~ The members of the city council shall hold their office for a term of two years and until their successors have been elected and qualified. The councilmen in the office at the time of the adoption of this charter shall continue in office until the expiration of the term for which they were elected, subject to the provisions of this charter, so that three councilmen shall be elected at the election to be held on the first Saturday in April, 1972, and two councilmen shall be elected at the election to be held on the

first Saturday in April, 1973; and annually thereafter there shall be elected three and two councilmen, respectively; that is, in each odd-numbered year two councilmen shall be elected and in each even-numbered year three councilmen shall be elected. Beginning with the election in May, 2020, City Council Places 1, 2, and 3 shall be established, and any eligible candidate may run for office for one of the three Places. Beginning with the election in May, 2021, City Council Places 4 and 5 shall be established, and any eligible candidate may run for office for one of the two Places. All City Council Places shall be at large and no candidate need live in any particular geographic location of the City to be eligible to run for a City Council Place. The candidate receiving the majority of all votes in each City Council Place shall be elected as the Council Member for that City Council Place. In the event a candidate fails to receive a majority of all votes for a City Council Place, a runoff election shall be conducted between the two (2) candidates who received the highest number of votes for that City Council Place. If more than two (2) candidates tie for the highest number of votes for that City Council Place, the tied candidates shall draw by lots to determine which two (2) are to be in a runoff election. The City Secretary shall supervise the drawing of lots under this section.

**Section 4. Severability Clause; Conflicts with Election Services Agreement.**

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto 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. Additionally, it is the intent of the City Council in adopting this ordinance to fully comply with the terms of the Election Services Agreement. Should any conflict arise between any term of this ordinance and the City's obligations under the Election Services Agreement, it is the express intent of the City Council that the terms of the Election Services Agreement should control and govern—the administration of the general and special election addressed in this ordinance.

**Section 5. Effective Date.**

This ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

**PASSED AND APPROVED** by the City Council of the City of Waxahachie, Texas this the 19<sup>th</sup> day of August, 2019.




  
David Hill, Mayor

ATTEST:

  
Lori Cartwright, City Secretary

APPROVED AS TO FORM:

  
Robert F. Brown, City Attorney



