

**CITY OF NOLANVILLE
ORDINANCE NO. 2014-11-04 #007**

AN ORDINANCE OF THE CITY OF NOLANVILLE, TEXAS, ORDERING A SPECIAL ELECTION ON THE 4TH OF NOVEMBER, 2014 TO CONSIDER THIRTEEN (13) PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF NOLANVILLE, TEXAS SEEKING TO DELETE REDUNDANT AND IMPRECISE WORDING; CONFORM WITH STATE LAW THE QUALIFICATIONS FOR OFFICE; INCREASE THE TERMS OF OFFICE OF THE MAYOR AND EACH COUNCILMEMBER FROM TWO CONSECUTIVE TWO YEAR TERMS TO THREE CONSECUTIVE TWO YEAR TERMS; PROVIDE FOR THE CONDUCT OF THE ELECTIONS AND FOR THE LANGUAGE AND SPANISH TRANSLATION TO BE USED ON THE BALLOTS; AND OTHER PROVISIONS INCIDENT OR RELATING TO THE ELECTIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Nolanville wishes to order a Special Election for the purpose of submitting to the voters thirteen (13) amendments to the City Charter of the City of Nolanville; and

WHEREAS, the City Council of the City of Nolanville deems it desirable to proceed with the ordering of an election to be held on November 4, 2014;

WHEREAS, the City Charter (hereafter, "Charter" or "City Charter") was adopted by the City's voters in 2010, and the Charter provides that the City Council shall appoint a Charter Review Committee in the third year after the adoption of the Charter and every sixth year thereafter; and

WHEREAS, the City Council appointed a Charter Review Committee which recommended amendments to the Charter, which recommendations were approved by the City Council, which approved for submission to the voters a total of thirteen (13) Charter amendments; and

WHEREAS, the City Council wishes to designate certain officials to conduct various aspects of election services for the City,

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

SECTION 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 2. It is hereby ordered that a special election be held on November 4, 2014, in conformance with all applicable laws and as provided in this Ordinance, for the purpose of submitting to the voters thirteen (13) proposed amendments to the Charter of the City of Nolanville.

SECTION 3. CONDUCT OF ELECTION.

(a) In accordance with the Election laws of the State of Texas and with such Election Services Contract as may be entered into by and between the City of Nolanville and Elections Administrator of Bell County, election services for the voters of the City of Nolanville shall be administered by the Elections Administrator of the Bell County Elections Department from its offices located in the Bell County Belton Courthouse Annex, 550 East 2nd Avenue, Belton, Texas 76513.

(b) Pursuant to any applicable Election Services Contract by and between Bell County and the City of Nolanville, the City of Nolanville shall assume the responsibility for recruiting election personnel and training thereof, and be appointed to serve as the City's Election Officer and Early Voting Clerk to coordinate, supervise, and conduct all aspects of administering voting for the City's general and special elections, including the charter amendment election.

(c) Early voting by personal appearance will be conducted in accordance with the Texas Election Code law and administered pursuant to any applicable Election Services Contract by and between Bell County and the City of Nolanville. Nolanville voters may vote at any Bell County early voting mobile or permanent voting site and on such dates and times of operation as may be established by the Elections Administrator of Bell County. The Nolanville area Election Precinct:

Precinct 111

**JW Sims Community Center
408 North 10th Street, Nolanville 76559**

SECTION 4. All resident electors of the City shall be entitled to cast a vote in the special election of the City.

SECTION 5. The City Secretary of the City of Nolanville will perform those election duties listed below as (1) through (8) and any other election duties that is not delegated to another governmental entity:

- (1) prepare, adopt, and when required publish all required election orders, ordinances, notices and other documents, including bilingual materials, evidencing action by the City of Nolanville necessary for the conduct of the election;
- (2) administer the City's duties under state and local campaign finance laws including but not limited to compliance with hours of operation, preparing and providing

candidate information and filing forms for prospective interested citizens; receiving filings for office and conducting the City's drawing for places on the ballot;

- (3) prepare the text for the City's official ballot in English and Spanish, as required by law;
- (4) provide Bell County Elections Administrator with a list of candidates and propositions showing the order and the exact manner in which the candidates' names and the propositions are to appear on the official ballot;
- (5) assist Bell County and the City of Nolanville's Elections Personnel whenever possible when required;
- (6) conduct the official canvass of the City of Nolanville elections;
- (7) serve as the custodian of the City's elections records; and
- (8) file the Participating Entity's annual voting system report to the Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

SECTION 6. At the special election for consideration of proposed Charter amendments, the voters of the City of Nolanville may vote FOR or AGAINST the following amendments to the City Charter of the City of Nolanville, Texas:

PROPOSITION NO. 1

To amend the City Charter at Article XI to allow the City Council to make nonsubstantive vocabulary changes in order to use modern and consistent terminology, to correct errors in spelling and grammar, and to renumber and revise titles for consistency. If this proposition is approved, a new section would be added to Article XI, to wit: Section 11.13, which new section would read, in full, as follows:

"SECTION 11.12 Non-Substantive Revisions.

The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to the charter:

- (1) Renumbering, revising titles, and rearranging parts thereof;
- (2) Correcting errors in spelling, grammar, cross-references and punctuation; and
- (3) Revising language to reflect modern usage and style.

A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision."

_____FOR

_____AGAINST

PROPOSITION NO. 2

To amend the Charter at Article III, Section 3.05 to include a provision that the members of the City Council shall serve without pay, but will be entitled to reimbursement for all expenses incurred in the performance of their official duties as approved by the Council. Presently, Section 3.05, entitled, "Compensation" is marked "Reserved," with no provisions attached. If this proposition is approved, the language of Article III, Section 3.05 would be amended as follows:

"SECTION 3.05 Compensation

~~Reserved~~

Members of the Council shall serve without pay or compensation; provided, however, that they shall be entitled to reimbursement for all expenses incurred in the performance of their official duties as approved by the Council."

_____FOR

_____AGAINST

PROPOSITION NO. 3

To amend the Charter at Article III, Section 3.10, Subsection (B) to clarify the definition of a "Quorum." If this proposition is approved, the language of Article III, Section 3.05, Subsection (B) would be amended as follows:

"B. The City Council shall by resolution determine its own rules and order of business. Provisions shall be made for the taking of minutes, which shall be a public record. Three (3) Council Members ~~members~~ of City Council shall constitute a quorum."

_____FOR

_____AGAINST

PROPOSITION NO. 4

To amend the Charter at Article III, Section 3.09, Subsection (D) to provide that a person may not serve more than three (3) consecutive terms in any one office, rather than the current two (2) consecutive terms. If this proposition is approved, the language of Article III, Section 3.09, Subsection (D) would be amended as follows:

“D. **Term Limits.** No person shall serve for more than ~~two (2)~~ three (3) consecutive two (2) year terms in any one office, after the adoption of the amendment to this Charter Subsection in 2014.”

_____FOR

_____AGAINST

PROPOSITION NO. 5

To amend the procedure for adopting City ordinances that is specified in Article III, Section 11, Subsection (A) to require only one reading of an ordinance prior to its final passage, unless more than one reading is required by other law or by the Charter. If this proposition is approved, the relevant language of Article III, Section 3.11, Subsection (A) would be amended as follows:

“A. **Passage.** Ordinances shall be introduced to the City Council only in written or printed form and will require ~~two (2) readings~~ one (1) reading prior to final passage, unless otherwise provided by the law of the State of Texas or this Charter. The subject or subjects of all ordinances shall be clearly expressed in the title. Except as may otherwise be prescribed in the Charter, ~~an ordinance shall then be read, and after reading the ordinance or its caption, the City Council will determine whether it shall be passed, rejected or considered at a subsequent City Council meeting. If rejected, no further action shall be required. Upon second reading, the ordinance may be adopted and enacted.~~ The affirmative vote of three or more members of the City Council is required to enact any ordinance, unless state law or this Charter requires a greater number. [...]”

_____FOR

_____AGAINST

PROPOSITION NO. 6

To amend Article III, Section 3.11, Subsection (D) to clarify that the effective date that an ordinance shall become effective pursuant to Charter provisions may be superseded by State law. If this proposition is approved, the language of Article III, Section 3.11, Subsection (D) would be amended as follows:

“D. Effective Date. Effective date. Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine, or forfeiture shall become effective only after ~~having been published once in its entirety,~~ the ordinance or a caption that summarizes the purpose of the ordinance and the penalty for violation the ordinance has been published once in a newspaper designated as the official newspaper(s) of the City, or except as otherwise provided by the law of the State of Texas or this Charter. ~~An ordinance published under this section shall take effect when the publication requirement is satisfied unless provided otherwise in the ordinance.”~~

_____FOR

_____AGAINST

PROPOSITION NO. 7

To amend Article IV, Section 4.05, which provides for run-off elections and the procedure for calling a runoff election if no one candidate for an office receives more than fifty (50) percent of the votes cast, by repealing it in its entirety. If this proposition is approved, the language of Article IV would be amended as follows:

“SECTION 4.05 ~~Run-Off Elections~~ Reserved

- ~~(1) The candidate for elective office receiving a majority, meaning more than fifty (50) percent of the votes cast, shall be declared the winner. In the event that no candidate receives a majority of all votes cast at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code.~~
- ~~(2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. The city Council shall canvass and declare the results of the election, which shall be recorded in the Council minutes.”~~

_____FOR

_____AGAINST

PROPOSITION NO. 8

To amend Article X, Section 10.02, Subsection (A)(1) to add “sexual orientation” to the class of individuals protected from discrimination. If this proposition is approved, the language of Article X, Section 10.02, Subsection (A)(1) would be amended as follows:

“A. Activities Prohibited:

1. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to the City position or appointive City administrative office because of race, national origin, sex, political or religious opinions or affiliations, or sexual orientation.”

_____FOR

_____AGAINST

PROPOSITION NO. 9

To amend Article X, Section 10.03, Subsection (A) to require five (5) members to be appointed to the Charter Review Committee rather than nine (9), and for each City Council member to appoint one member to the committee. If this proposition is approved, the language of Article X, Section 10.03, Subsection (A) would be amended to read, in relevant part, as follows:

- “A. The City Council shall appoint a Charter Review Committee in the third (3rd) year after this Charter is adopted and every sixth (6th) year thereafter. The Charter Review Committee shall consist of ~~nine (9) citizens of the City~~ five (5) members, each City Council member appointing one, [...]”

_____FOR

_____AGAINST

PROPOSITION NO. 10

To amend Article IV, Section 4.01 to reflect the change from City elections being held in May to there being held in November, in conjunction with other State and/or National elections. If this proposition is approved, the language of Article IV, Section 4.01 would be amended to read, in relevant part, as follows:

“SECTION 4.01 Elections

The general City election shall be held annually on the uniform election date in ~~May~~ November, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year. [...]

_____FOR

_____AGAINST

PROPOSITION NO. 11

To amend Article III, Section 3.08, Subsection (C) to clarify the procedure for filling vacancies on the City Council. If this proposition is approved, the language of Article III, Section 3.08, Subsection (C) would be amended to read as follows:

“C. Filling of Vacancies. When a vacancy occurs in the City Council, the remaining members of the City Council may appoint a person meeting the requirements of that position to the vacant seat to serve until the next election. Should more than one (1) year remain on the vacant seat, the City shall call a special election and the candidate who wins the election for the seat shall serve the remainder of the term.”

_____FOR

_____AGAINST

PROPOSITION NO. 12

To amend Article II, Section 2.01 to reflect that the City boundaries have changed since the establishment of the City and the ratification of the Charter and to provide cleanup language that provides that the boundaries of the City include annexed areas. If this proposition is approved, the language of Article II, Section 2.01 would be amended to read as follows:

“SECTION 2.01 Boundaries

The boundaries of the City of Nolanville shall be the same as have heretofore been established and as they existed on the day of the ratification of this Charter, which boundaries are more full set out and described by the official city map of the City of Nolanville.”

The boundaries of the City of Nolanville shall be the same as have heretofore been established and as they existed on the day of the ratification of this Charter, and includes any and all subsequently annexed areas, which boundaries are more fully set out and described by the official city map of the City of Nolanville.”

_____FOR

_____AGAINST

PROPOSITION NO. 13

To amend Article V, Section 5.02, Subsection (C) regarding the appointment of the municipal court judge so that its provisions comply with State law. If this proposition is approved, the language of Article V, Section 5.02, Subsection (C) would be amended to read as follows:

“C. **Municipal Court; Judges(s).** The City Council shall establish a municipal court and shall appoint a presiding judge(s) and any such other associate judge(s) as are deemed necessary and fix the compensation therefore. The judge(s) of the municipal court shall serve ~~at the will and pleasure of the City Council, unless otherwise provided by law~~ a term of two years in accordance with the Government Code and State law.”

_____FOR

_____AGAINST

SECTION 7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 8. This Ordinance shall be construed and enforced in accordance with the

laws of the State of Texas and the United States of America.

SECTION 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

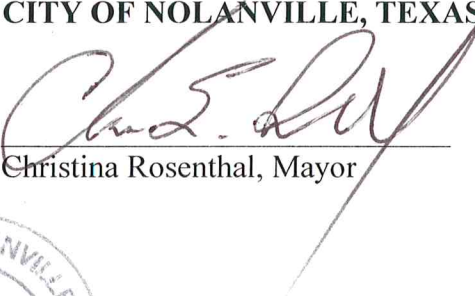
SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED on this, the 28 day of August, 2014.

CITY OF NOLANVILLE, TEXAS

by:


Christina Rosenthal, Mayor

ATTEST:


Crystal Briggs, City Secretary



First Reading – August 11, 2014

Second Reading – August 28, 2014