

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, CALLING A SPECIAL ELECTION FOR TUESDAY, NOVEMBER 3, 2020 FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield, Texas, 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

**WHEREAS**, Section 41.001 of the Texas Election Code specifies that the November 2, 2020 is a uniform election date.

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

**SECTION 1.  
CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Mansfield 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 Tuesday, November 3, 2020 from 7:00 a.m. to 7:00 p.m.

**SECTION 2.  
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**

Shall the Mansfield Home Rule Charter be amended to delete matters contrary to or superseded by state law with regard to qualifications for candidates for City Council, the Department of Taxation and amending the Charter by deleting Subsection 3.02(c) and Section 9.15 and revising Section 12.12?

## **PROPOSITION B**

Shall the Mansfield Home Rule Charter be amended to delete the procedure for appointing the Mayor Pro Tem, thereby allowing the Council to establish the procedure by revising Subsection 3.06(b)?

## **PROPOSITION C**

Shall the Mansfield Home Rule Charter be amended to require one reading for the approval of all ordinances save and except ordinances changing a zoning classification or approving a planned development zoning, which shall require at least two readings by revising Section 3.13(c)?

## **PROPOSITION D**

Shall the Mansfield Home Rule Charter be amended to provide that the City Manager may be removed by an affirmative vote of four (4) members of the City Council instead of five (5), establish the duties of the City Secretary, provide that the City Council appoint the City Attorney and the City Secretary, and may remove each by an affirmative vote of four (4) members by revising Subsection 6.01(b), adding Section 6.03 and revising Section 8.05?

## **PROPOSITION E**

Shall the Mansfield Home Rule Charter be amended to require members of the Planning and Zoning Commission be residents, but need not own property in Mansfield and to delete the requirement that a member resign their position before running for City Council by revising Section 10.01?

## **PROPOSITION F**

Shall the Mansfield Home Rule Charter be amended to provide that a quorum of the City Council shall be four (4) Council Members, that three (3) members shall be required to call a special meeting or to approve an emergency ordinance by revising Sections 3.09 and 3.14?

**SECTION 3.**  
**AGREEMENT WITH TARRANT, ELLIS AND JOHNSON COUNTIES**

Prior to the election, the City anticipates that it will enter into agreements for election services with Tarrant, Ellis, and Johnson Counties (the "Agreement" or collectively the "Agreements"). The City Manager is authorized to execute the agreement.

**SECTION 4.**

(a) **ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The main polling places for Election Day in Tarrant County shall be as follows, with additional locations provided for in the Agreement:

- (1) The polling place for City of Mansfield Precinct No. 1 (which is hereby created, comprised of Tarrant County Precinct Nos. 1034, 2221, 2258, 2308, 2355, 2357, 2636 and 2712) is:

Donna Shepard Intermediate School  
1280 FM 1187  
Mansfield, Texas 76063

- (2) The polling place for City of Mansfield Precinct No. 2 (which is hereby created, comprised of Tarrant County Precinct Nos. 2426, 2435, 2524, 2548, and 2645) is:

J.L. Boren Elementary School  
1401 Country Club Drive  
Mansfield, Texas 76063

- (3) The polling place for City of Mansfield Precinct No. 3 (which is hereby created, comprised of Tarrant County Precinct Nos. 2033, 2360, 2614, 2618, 2643, 2697 and 2708) is:

Mansfield Sub-Courthouse  
1100 East Broad Street  
Mansfield, Texas 76063

(b) **ELECTION DAY POLLING PLACE – JOHNSON COUNTY:** The polling places for Election Day in Johnson County shall be as follows:

Pct. 8	Pct. 3 Maintenance Facility 10420 E. FM 917 Alvarado, Texas 76009
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Pct.35            Lillian Baptist Church  
                     10544 CR 519  
                     Lillian, Texas 76061

- (c) **ELECTION DAY POLLING PLACE – ELLIS COUNTY:** The polling places for Election Day for the areas of Mansfield in Ellis County shall be as set forth on Exhibit "B."

**SECTION 5.  
APPOINTMENT OF ELECTION JUDGES AND  
ALTERNATE ELECTION JUDGES**

Election judges for the general and special elections shall be appointed by Tarrant, Ellis and Johnson Counties as authorized by Chapter 271, of the Texas Election Code.

**SECTION 6.**

- (a) **EARLY VOTING – TARRANT COUNTY:** Heider Garcia, Tarrant County Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on October 13, 2020 and continuing through October 30, 2020 in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

October 13 -17	Tuesday – Saturday	8:00 a.m. – 5:00 p.m.
October 19 - 23	Monday – Friday	8:00 a.m. – 5:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	11:00 a.m. – 4:00 p.m.
October 26 – 30	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted throughout Tarrant County as established by the Agreement. If there is any discrepancy between this resolution and the Agreement as to early voting locations or times, the Agreement shall control.

- (b) **EARLY VOTING – JOHNSON COUNTY:** Patty Bourgeois, Johnson County Elections Administrator, is designated as the Early Voting Clerk for the portions of Mansfield within Johnson County (City Precinct 3) and he/she may appoint the necessary deputy clerks as required for early voting.

Early voting by personal appearance shall be conducted beginning on October 13, 2020 and continuing through October 30, 2020 at the Precinct 3 Maintenance Facility, 10420 E. FM 917, Alvarado, Texas 76009 at the following times:

October 13 -16	Tuesday – Friday	8:00 a.m. – 6:00 p.m.
October 19 - 23	Monday – Friday	8:00 a.m. – 6:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	11:00 a.m. – 4:00 p.m.
October 26 – 30	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

- (c) **EARLY VOTING – ELLIS COUNTY:** Jana Onyon, Ellis County Elections Administrator, is designated as the Early Voting Clerk for the portions of Mansfield within Ellis County (City Precinct 6) and she may appoint the necessary deputy clerks as required for early voting.

Early Voting by personal appearance shall be conducted beginning on October 13, 2020 and continuing through October 30, 2020 at the locations listed on Exhibit “C” at the following times:

October 13 -16	Tuesday – Friday	8:00 a.m. – 5:00 p.m.
October 17	Saturday	8:00 a.m. – 4:00 p.m.
October 19 - 23	Monday – Friday	8:00 a.m. – 6:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	1:00 p.m. – 6:00 p.m.
October 26 – 30	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

- (d) Applications for early voting by mail must be delivered not later than the close of business on October 16, 2020 if delivered in person and by October 19, 2020 if delivered by mail. Early Voting ballots for Tarrant County shall be mailed to Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. The City Secretary is directed to forward the applications and ballots to the Election Administrator as provided in the Agreement. Early Voting ballots for Johnson County shall be mailed to Elections Administrator, Johnson County, P.O. Box 895, Cleburne, Texas 76033. Early Voting ballots for Ellis County shall be mailed to Elections Administrator, Ellis County, 204 East Jefferson St., Waxahachie, Texas 75165.
- (e) Early voting both by personal appearance and by mail for Tarrant County shall be by electronic voting machines and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

Early voting both by personal appearance and by mail for Johnson County shall be by paper ballot and an ES&S AutoMark approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be

canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central County/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

Early voting both by personal appearance and by mail for Ellis County shall be by paper ballot and an ES&S Express Vote Marking Device approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central County/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

## **SECTION 7. METHOD OF VOTING**

The Hart InterCivic Verity System v. 2.3.1 shall be used for voting by personal appearance on Election Day and the Hart InterCivic Verity System v. 2.3.1 for early voting by personal appearance and Election for the Tarrant County portion of the election. The City Council hereby adopts the Hart InterCivic Verity System v. 2.3.1 for early voting and Election Day. 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 Election Code.

The ES&S AutoMark shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Johnson County portion of the election. The City Council hereby adopts the ES&S AutoMark for early voting and Election Day. 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 Election Code.

The ES&S Express Vote Marking Device shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Ellis County portion of the election. The City Council hereby adopts the ES&S Express Vote Marking Device for early voting and Election Day. 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 Election Code.

## **SECTION 8. 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 9. NOTICE**

- (a) **NOTICE OF ELECTION:** A substantial copy of this ordinance shall serve as proper notice of the special election. Said notice, including a Spanish translation thereof, shall be posted not later than the twenty-first (21st) day before the election on the bulletin board used for posting notices of meetings of the city council and shall be published at least once, not early than the thirtieth (30th) day nor later than the tenth (10th) day before the election in a newspaper published and of general circulation in the City of Mansfield.
- (b) **PUBLICATION OF AMENDMENTS:** Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Mansfield on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14<sup>th</sup> day before election day. The notice shall contain a substantial copy of the proposed amendments.

## **SECTION 10. AMENDMENTS**

Matters contained in this ordinance relating to discretionary procedural matters may be amended by resolution of the City Council.

## **SECTION 11. OTHER ACTION**

The Mayor and City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

## **SECTION 12. CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and resolutions of the City of Mansfield, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and resolutions are hereby repealed.

**SECTION 13.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 14.  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**FIRST READING APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**SECOND READING APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL  
OF THE CITY OF MANSFIELD, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**David L. Cook, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susana Marin, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**CITY ATTORNEY**



**EXHIBIT AA@**

**EXHIBIT AB@**

**EXHIBIT AC@**