CITY OF RICHLAND HILLS ORDINANCE NO. # 1317-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, ORDERING A SPECIAL ELECTION TO DETERMINE WHETHER TO WITHDRAW FROM THE FORT WORTH TRANSPORTATION AUTHORITY, SUCH SPECIAL ELECTION TO BE HELD ON Tuesday November 8th, 2016; ESTABLISHING PROCEDURES FOR THE ELECTION, INCLUDING EARLY VOTING, AUTHORIZING A JOINT ELECTION ADMINISTRATION CONTRACT WITH TARRANT COUNTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR NOTICE AND PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code (the "Code") specifies that the first Tuesday after the first Monday in November is a "Uniform Election Date" and that a special election of a City may be held on such day; and

WHEREAS, November 8th, 2016 is thus designated as a uniform election day; and

WHEREAS, per section 16.02 of the home Rule Charter of Richland Hills, imitative power may used to enact a new ordinance and

WHEREAS, the City Council has received a valid petition in accordance with the provisions of the Home Rule Charter **of** Richland Hills and

WHEREAS, the petition obligates the City council to approve the ordinance calling an election for **November 8th, 2016.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

Section 1. Election Order for Special Election.

The City Council hereby orders that a special election shall be held in the City of Richland Hill on **Tuesday November 8th, 2016**, at which there shall be submitted to the qualified voters of Richland Hills for adoption or rejection the following proposition:

Shall the Fort Worth Transportation Authority be continued in the City of Richland Hills?

YES _____
NO _____

Section 2. Joint Election Administration Contract.

The City Secretary is hereby authorized to contract (the "Contract") with Tarrant County

for joint election services. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

Section 3. Polling Place.

The main polling place for the Election shall be as follows:

Richland Hills Library
6724 Rena Drive
Richland Hills, Texas

Other polling places may be provided as provided in the Contract. The polls shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election, in accordance with and pursuant to the requirements of the Texas Election Code.

The City shall constitute a single election precinct for said election.

Section 4. Ballots and Election Method.

Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Early voting by personal appearance shall be conducted exclusively on Tarrant County's electronic voting system, or as otherwise provided in the Contract. On Election Day, voters shall have a choice between voting on Tarrant County's electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County's voting system. 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 Contract and the Code.

Section 5. Early Voting.

a. Early voting by personal appearance. The Tarrant County Elections Administrator ("Elections Administrator") is hereby designated as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall be on the dates provided by law. The main early voting site shall be at Richland Hills Library 6724 Rena Drive Richland Hills, Texas. 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.

b. Early voting by mail. The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to the County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, as provided by law. The City Secretary is directed to forward applications and ballots she may receive to the Elections Administrator as provided in the Contract.

c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by an Early Voting Ballot Board which is hereby created. According to the Contract, Tarrant County shall appoint the Early Voting Ballot Board to process early voting results from the election.

Section 6. Notice and Publication

Notice of said election shall be given as required by the Texas Election Code, a substantial copy of the ordinance shall serve as proper notice of the election. Said notice 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 earlier 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 Richland Hills

Section 7. Election Officials.

The election judge, alternate election judge, and ballot board will be appointed by the Tarrant County Elections Administrator, as authorized in the Contract and Chapter 271 of the Texas Election Code. The presiding judge shall appoint elections clerks as may be necessary for the proper conduct of the election. The election judge, or the alternate election judge in the absence of the election judge, and the election clerks shall constitute the early voting ballot board. The election judge, and alternate election judge, and election clerks shall be qualified voters of the city.

Section 8. Governing Law.

The election shall be held in accordance with the City Charter and the Constitution of the State of Texas and all resident qualified voters of the City shall be eligible to vote at the election.

Section 9. Necessary Actions.

The Mayor and the City Secretary, 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 Texas Election Code, the Home Rule City Charter, or other federal statutes and constitutions in carrying out and conducting the election, whether or not expressly authorized herein

Section 10. Severability Clause.

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

Section 11. Effective Date.

This order shall be effective upon adoption, signature and attestation.

PASSED AND APPROVED ON THIS . August 18, 2011

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE:

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY