

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS: (I) ORDERING A GENERAL ELECTION TO BE HELD ON MAY 01, 2021, FOR THE PURPOSE OF ELECTING A MAYOR AND ELECTING TWO (2) COUNCILMEMBERS FOR PLACES 2 AND 3; (II) CALLING A SPECIAL ELECTION TO BE HELD ON MAY 01, 2021, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS PROPOSITIONS TO AMEND THE CITY OF JERSEY VILLAGE CITY CHARTER REGARDING: (A) ELIMINATING SECTIONS 1.08 AND 1.09 RELATED TO THE USE OF RED LIGHT CAMERAS, (B) AMENDING SECTION 2.01 RELATED TO THE NUMBER, SELECTION, AND TERM OF OFFICE FOR THE CITY COUNCIL; (C) AMENDING SECTION 2.12 RELATED TO THE PUBLICATION OF ORDINANCES; AND, (D) AMENDING SECTIONS 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, AND 9.07 TO REFLECT GENDER-NEUTRAL LANGUAGE; (III) PROVIDING FOR BALLOTS; (IV) DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTIONS; (V) PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; (VI) PROVIDING FOR NOTICES; (VII) PROVIDING FOR PUBLICATION; (VIII) PROVIDING FOR A RUNOFF ELECTION, IF REQUIRED; (IX) PROVIDING FOR SEVERABILITY; AND, (X) PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council (the “Council”) of the City of Jersey Village, Texas (the “City”) desires to order a general election on May 1, 2021 for the purpose of electing a Mayor for the City and two (2) members to fill Positions 2 & 3 of the Council; and

WHEREAS, it is the intention of the Council to call, at the same time as the general election, 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, Section 3.005 of the Texas Election Code requires that special elections be ordered not later than the 78th day before the date of the election; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS;

Section 1. In accordance with the general laws, the City Charter, and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for Saturday, May 1, 2021, the same being the first Saturday in May, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

Mayor
Councilmember, Place 2
Councilmember, Place 3

Section 2. No person’s name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless and until such person shall have filed a sworn application, as provided by the laws of the State of Texas, with the City Secretary of the City at the Municipal Government Center, located at 16327 Lakeview Drive, Jersey Village, Texas 77040, not later than five o’clock (5:00) p.m. on February 12, 2021. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the position the candidate is seeking.

Section 3. In accordance with the general laws and the Constitution of the State of Texas, a Special Municipal Election is hereby called and ordered for Saturday, May 1, 2021, the same being the first (1st) Saturday in May, at which the election the following propositions for proposed amendments to the City Charter of the City of Jersey Village (the “Charter”) shall be submitted to the qualified voters of the City for their action thereon. The proposed amendments to the Charter are set forth below, a separate number being assigned to each subject on which an amendment is proposed for convenience in reference. In the election, the registered voters of the City shall decide by voting “Yes” or “No” whether they are in favor of the following propositions:

Proposition A

Eliminating Sections 1.08 and 1.09 of the City Charter related to the use of Red Light Cameras within the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE I – INCORPORATION, FORM OF GOVERNMENT AND POWERS” BY ELIMINATING SECTION 1.08 AND SECTION 1.09, “PHOTOGRAPHIC TRAFFIC SIGNAL SYSTEMS”, IN ORDER TO BAN RED LIGHT CAMERAS?

YES

NO

In the event of the approval of this proposition, Article I of the City Charter shall be amended by removing Section 1.08 and Section 1.09 in their entirety.

Proposition B

Amending Section 2.01 of the City Charter related to the number, selection, and term of office the members of the City Council of the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE II – THE COUNCIL”, SECTION 2.01, “NUMBER, SELECTION AND TERM OF OFFICE”, IN ORDER TO REFLECT GENDER NEUTRAL LANGUAGE AND TO REQUIRE A MAJORITY VOTE FOR A CANDIDATE FOR CITY COUNCIL OR FOR MAYOR TO BE ELECTED?

YES

NO

In the event of the approval of this proposition, Article II, Section 2.01 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.01. – Number, selection and term of office.

The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until his a successor has been elected and installed. The members of the council, other than the mayor, shall be elected to and occupy a place on the council, such places being numbered One, Two,

Three, Four and Five, respectively. Places One, Four and Five on the council shall be filled by **popular majority** vote each even-numbered year, and places Two and Three on the council shall be filled by **popular majority** vote each odd-numbered year. The office of mayor shall be filled by **popular majority** vote each odd-numbered year.

No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall count in calculating the total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

Proposition C

Amending Section 2.12 of the City Charter related to the requirements for the publication of ordinances of the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE II – THE COUNCIL”, SECTION 2.12, “PUBLICATION OF ORDINANCES”, IN ORDER TO ALLOW FOR THE POSTING ON THE CITY’S WEBSITE OF ORDINANCES PASSED BY THE CITY COUNCIL IN LIEU OF POSTING SUCH ORDINANCES IN A NEWSPAPER?

YES

NO

In the event of the approval of this proposition, Article II, Section 2.12 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.12. – Publication of ordinances and other required public notices.

Except as otherwise ~~provided~~ **required** by law or this Charter, the city secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing said ordinance, or its caption and penalty, to be published **(i) at least one time within ten (10) days after passage thereof in the official newspaper of the city, or (ii) by posting on the municipal bulletin board for City Council agendas at City Hall and on the city’s internet website continuously for twenty (20) days after passage. Except as otherwise required by law or this Charter, any requirement of the city council, or any board, department or official of the city, to provide notice with respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, publication of such advertisement or notice on the municipal bulletin board and on the city’s internet website, continuously for at least seventy two (72) hours or for such other longer time frame for advertisement or prescribed by law, if any, shall be sufficient public notice.**”

Proposition D

Amending Sections 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, and 9.07 of the City Charter to provide for gender-neutral language.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY REPLACING GENDER SPECIFIC LANGUAGE WITH GENDER NEUTRAL LANGUAGE IN SECTIONS 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, AND 9.07?

YES

NO

In the event of the approval of this proposition, Sections 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, and 9.07 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.03. - Vacancies.

Vacancies on the council arising from any cause shall be filled by a vote of the council. The person appointed to fill any such vacancy shall possess all qualifications required for the office. There shall not be more than one (1) appointee on the council at any given time. If two (2) or more vacancies, or one (1) or more vacancies together with one (1) appointee exist at the same time, a special election shall be called to fill said vacancies and replace said appointee. However, if such vacancies occur within one hundred twenty (120) days of a regular election, such vacancies shall be filled by appointment by vote of the council. A council position filled by appointment shall be filled by election at the next city general election for the remaining year of the unexpired term or for the next full term, as the case may be. A member of the council shall be disqualified for office if ~~he~~ the person fails to meet the qualifications of office or if ~~he~~ the person is absent from three (3) consecutive or five (5) nonconsecutive regular council meetings per two-year term. Upon determination by vote of the council that a member of the council is disqualified for office, the office shall be vacant. No action taken by the council prior to such vote shall be invalid because of such disqualification.”

“Sec. 3.01. - Regular elections.

The regular election of members of the council to the positions to be filled on the council shall be held on the first election date authorized by state law on or after the first day of April of each year at a place or places designated by the council by ordinance. At every such election such voter shall not vote for more than one (1) candidate for each council position to be filled. Such election shall be ordered by the mayor, and in the event of ~~his~~ the mayor’s failure to order the same, the council shall make such order. In the event of the failure of the mayor and the council to so act, such election may be called by the city secretary; and in the event of ~~his~~ the city secretary’s failure to act, by the County Judge of Harris County, Texas; and in the event of ~~his~~ the County Judge’s failure to act, by the Governor of the State of Texas. The city secretary shall give such notice of the election as may be prescribed by law.”

“Sec. 3.03. - Filing for office.

Any person qualified to serve under the provisions of Article II hereof may be a candidate for election to a position on the council. A person who desires to be a candidate for an elective position on the city council shall file an application with the city secretary within the time prescribed by law. Such application shall clearly designate the desired position on the council and shall contain a sworn statement by the person that the person is fully qualified under the Constitution and laws of the State of Texas and the provisions of this Charter to hold the office sought. The names of all candidates who have filed for office shall be printed on the official ballot by position without party designations, in an order as provided by law.”

“Sec. 4.09. - Results of recall election.

If the majority of the votes cast at a recall election are for the recall of the officer named on the ballot, the office shall be vacant and shall be filled as specified in Article II of this Charter. An officer thus removed shall not be eligible to hold elective or appointive office in the city for a period of two years from the date of his such recall election.”

“Sec. 4.10. - Limitation on recall.

No recall petition shall be filed against an officer within six months after he the person takes office, and no officer shall be subjected to more than one recall election during any one term of office.”

“Sec. 5.01. - City manager.

The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. He The city manager shall be chosen by the council on the basis of the person’s executive and administrative training, experience and ability.

The city manager shall be appointed for an indefinite term, and may be removed at the will of the council. The decision of the council as to such appointment or removal shall be final. The city manager shall receive such compensation as may be fixed by the council. No member of the council shall, during the term for which the member is elected and for two years thereafter, be chosen as city manager.

By letter filed with the city secretary, the city manager may designate, subject to council approval, a qualified city administrative officer to be acting city manager during his the city manager’s temporary absences or disabilities. The council may revoke such designation at any time and appoint another person acting city manager to serve during such times; and if the city manager fails to make such designation, the council may appoint an acting city manager to serve during such times. The council may remove an acting city manager at any time.”

“Sec. 9.04. - Tort liability.

Before the city shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article I, Section 17, Constitution of the State of Texas, the person injured, if living, or the person’s legal representatives, if deceased, or the parent or guardian of a minor child, or the owner, his the owner’s agent or attorney of the property damaged or destroyed, shall give the city manager notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six months after same has been sustained, stating specifically in such written notice when, where and how the death, injury, damage or destruction occurred, and the

apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. The failure to so notify the city manager within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever. No act of any officer, employee or agent of the city shall waive compliance, or preclude the city from requiring compliance, with the provisions of this section as to notice.”

“Sec. 9.07. - Personal interest in city business.

No member of the council or employee of the city shall personally engage in any business with the city nor shall have any financial interest, direct or indirect, in any commercial entity doing business with the city. The provisions of this section relating to financial interest in such commercial entity shall not apply when the ownership share of such councilmember or city employee is less than one percent of such entity. Any willful violation of this section shall constitute malfeasance in office, and any such councilmember or city employee guilty thereof shall thereby forfeit ~~his~~ **the person’s** council position or city employment, as applicable. Further, any violation of this section with the express or implied knowledge of a person or entity doing business with the city shall render the person’s or entity’s contract with the city voidable by the council.”

Section 4. The present boundaries of the City constituting one (1) election precinct, the polls shall be open for voting from seven o’clock (7:00) a.m. until seven o’clock (7:00) p.m. at the following polling place, and the following persons are hereby appointed officers to conduct the election at said polling place:

Polling Place

Civic Center Auditorium
16327 Lakeview Drive
Jersey Village, Texas 77040

Election Officers

Barbara Freeman – Presiding Judge
John Baucum – Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by the Texas Election Code. The City Secretary is empowered to appoint replacement judges, should the presiding and/or alternate election judge be unavailable for the election.

The Presiding Judge shall have the authority to appoint no more than sixteen (16) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint fewer than two (2) clerks. The judges shall be paid at the rate of fourteen dollars (\$14.00) per hour; and the election clerks shall be paid at the rate of twelve dollars (\$12.00) per hour.

Section 5. The City Secretary is hereby appointed clerk for early voting. The appointment of deputy clerks for early voting by the City Secretary shall be in accordance with the Texas Election Code. The **Civic Center Meeting Room 16327 Lakeview Drive Jersey Village, Texas 77040** is hereby designated as the place for early voting for said election. Except as otherwise provided herein, early voting by personal appearance shall be conducted on weekdays during the hours that the City Secretary’s main business office is regularly open for business, that is, from eight o’clock (8:00) a.m. until five o’clock (5:00) p.m., beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of said election. The City Secretary shall provide for early voting for at least 12 hours on two weekdays, being April 26, 2021 and April 27, 2021 from seven o’clock (7:00)

a.m. to seven o'clock (7:00) p.m. with such dates and times being included in the notice of election provided herein. The early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent is 16327 Lakeview Drive, Jersey Village, Texas 77040. Applications for ballots by mail may also be received by the early voting clerk electronically at:

lcoody@jerseyvillagetx.com.

The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom an early ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 6. Barbara Freeman is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with the Texas Election Code, said Presiding Judge shall appoint at least two (2) other members to said Board, and said Board shall process early voting results in accordance with said Texas Election Code.

Section 7. All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting and for voting on Election Day. In accordance with Section 61.012 of the Texas Election Code, the City will provide in every polling place at least one voting station that is accessible to a voter with disabilities. The ExpressVote Ballot Marking Device will be provided for those voters. All expenditures necessary for the conduct of the election, purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

Section 8. A central counting station is established at the place designated as the polling place in Section 4 hereof. The City Secretary is appointed counting station manager and tabulation supervisor. Barbara Freeman is appointed presiding judge of the central counting station. The manager may appoint such clerks to serve at the central counting station as she may deem necessary.

Section 9. The candidate for each position receiving a majority of all the votes cast at such election for such position shall be declared elected. In the event no candidate receives a majority of all votes cast at such election for any such position, a run-off election shall be ordered at which election the names of the two (2) candidates receiving the highest number of votes for such position shall be placed on the ballot in the same order as they appeared on the ballot for the general election. If a run-off election is required, it shall be held on Saturday, the 19th day of June 2021.

Section 10. Pursuant to Chapter 146 of the Texas Election Code, write-in votes cast in the election shall not be counted unless the name written in appears on the list of write-in candidates. To be entitled to a place on the list of write-in candidates, a candidate must make a declaration of write-in candidacy. Such declaration is to be filed with the City Secretary not later than 5 p.m. on the 74th day before Election Day, and all of said declarations shall be on a form prescribed by the Secretary of State.

Section 11. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice in her office, at least seventy-two (72) hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by such candidate, shall have a right to be present and observe the drawing.

Section 12. Notice of this election shall be given in accordance with provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 13. Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act.

Section 14. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 18th day of January 2021.

s/ANDREW MITCHAM, MAYOR

ATTEST:

s/Lorri Coody, City Secretary

