

CITY OF RICHLAND HILLS ORDINANCE NO. 1327-17

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF RICHLAND HILLS, TEXAS TO SUBMIT TO THE VOTERS A PROPOSITION TO REQUIRING A MINIMUM PAY SCALE FOR ALL FIRE AND POLICE OFFICERS WHICH IS NO LESS THAN THE AVERAGE PAY OF THE EQUIVALENT POSITIONS IN THE CITIES OF FORT WORTH, NORTH RICHLAND HILLS, HURST AND HALTOM CITY; MAKING PROVISION FOR THE CONDUCT OF SUCH ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; 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 7, 2017 is thus designated as a uniform election day; and

WHEREAS, per section 16.02 of the Home Rule Charter of Richland Hills, initiative power may be used to enact a new ordinance; and

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

WHEREAS, the petition obligates the City Council to call an election for November 7, 2017; and

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

Section 1. Special Election Called

An election to be held on the 7th day of November, 2017, a uniform election day, is hereby called for the purpose of submitting the following propositions to the qualified voters of the City:

Proposition No. 1

- FOR
- AGAINST Shall the City of Richland Hills require by ordinance that all police officers and firefighters be paid no less than the average of all salary and benefits paid to equivalent positions in the Cities of Fort Worth, North Richland Hills, Hurst and Haltom City.

Section 2. Joint Election Administration Contract

The City Secretary is hereby authorized to execute the 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 polling place for the Special Election shall be as follows:

Richland Hills Library
6724 Rena Dr
Richland Hills, Texas 76118

Other polling places may be established as provided in the Contract. The polls shall be open from 7:00 a.m. to 7:00 p.m. on November 7, 2017, 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 eSlate electronic voting system. On Election Day, voters shall have a choice between voting on the eSlate electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County's eScan 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. 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 pursuant to state law. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Early Voting.

a. Early voting by personal appearance. Stephen Vickers, Tarrant County Chief Deputy Elections Administrator, is hereby appointed as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall commence October 23, 2017 and shall continue until November 3, 2017. The main early voting site shall be at the Richland Hills Public 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. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.

b. Early voting by mail. Applications for a ballot by mail may be submitted throughout the calendar year, beginning January 1 and must be received by Tarrant County Elections no later than the close of business October 10, 2017. All voted ballots that are returned on or before Election Day will be counted. Voted ballots mailed from outside the United States may be counted if clearly postmarked on or before Election Day and

received by the Elections Administrator not later than the fifth day after Election Day. Completed applications may be submitted by mail, contract or common carrier, fax or (Effective September 1, 2015, you may submit by email a completed, signed with the voter's original signature and scanned application to the Early Voting Clerk.):

**Mailing Address: Tarrant County Elections
PO Box 961011
Fort Worth, Texas 76161-0011**

**Express Courier Delivery: Tarrant County Elections
2700 Premier St.
Fort Worth, Texas 76111-3011**

Fax: 817-831-6118

Email: votebymail@tarrantcounty.com

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.

Notice of said election shall be given as required by the Texas Election Code.

Section 7. Election Officials.

The election judge, alternate election judge, and ballot board will be appointed by the Tarrant County Elections Administrator, as permitted by law. 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 Constitution of the State of Texas and the Texas Election Code, 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 authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the City Charter, and the City Code in carrying out and conducting the election, whether nor not expressly authorized by this Order.

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. Notice and Publication

This Ordinance shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code) for the Special Election. A copy of the Ordinance shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice shall be published in the newspaper in accordance with state law.

Section 12. Effective Date.

This order shall be effective upon its adoption.

PASSED AND APPROVED ON THIS 21st DAY OF February, 2017.



THE HONORABLE BILL AGAN, MAYOR

ATTEST:



CATHY BOURG, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



BETSY ELAM, CITY ATTORNEY

