

**CITY OF LAGO VISTA
ORDINANCE NO. 18-07-19-01**

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, ORDERING A SPECIAL ELECTION ON 6TH OF NOVEMBER, 2018 TO CONSIDER SEVEN (7) PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF LAGO VISTA CLARIFYING THE CITY'S ANNEXATION AND DIS-ANNEXATION AUTHORITY; REMOVING THE EXECUTIVE POWER OF THE MAYOR AND LIMITING THE MAYOR'S AUTHORITY; CLARIFYING THE POWERS OF THE CITY COUNCIL TO ACT; CLARIFYING THE ROLE OF THE CITY MANAGER; ADDING NEW RULES FOR CANDIDATES ELECTED TO OFFICE; CLARIFYING THE AUTHORITY OF THE BOARD OF ADJUSTMENT; CORRECTING TYPOGRAPHICAL ERRORS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTIONS AND THE LANGUAGE TO BE USED ON BALLOTS; AUTHORIZING THE CITY MANAGER TO CONTRACT FOR ELECTION SERVICES; AND OTHER PROVISIONS INCIDENT AND RELATING TO THE ELECTIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lago Vista wishes to order a Special Election for the purpose of submitting to the voters seven (7) amendments to the City Charter of the City of Lago Vista; and

WHEREAS, the City Council of the City of Lago Vista deems it desirable to proceed with the ordering of an election to be held on November 6th, 2018; and

WHEREAS, the City Council of the City of Lago Vista has entered into an ("Election Agreement") for joint election services with Travis County Elections Division which will provide voter availability to Travis County early voting locations and election day precincts providing accessibility to the County's DRE (direct recording electronic) voting equipment and certified HAVA-compliant voting equipment which preserves the City's compliance with Texas Election laws; and

WHEREAS, the said election is to be held more than seventy-eight (78) days from the date of adoption of this ordinance ordering the special election; 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 LAGO VISTA, TEXAS, THAT:

SECTION 1. A special election for the purpose of submitting to the voters seven (7) proposed amendments to the Charter of the City of Lago Vista is hereby ordered to be held on November 6, 2018 in conformance with all applicable law and as provided in this Ordinance.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Travis County Election Officer for use on the voting devices and ballots used by Travis County.

SECTION 3. The Travis County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 4. Early voting, both by personal appearance and by mail, will be conducted by the Travis County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Travis County Election Officer. Early voting shall commence on Monday, October 22, 2018, and continue through Friday, November 2, 2018. Early voting shall also be held at any time and location authorized by the Travis County Election Officer. Early voting by City residents may be conducted at any Travis County early voting location and any location exclusively designated by the Travis County Election Officer for City residents. The early voting clerk's official mailing address is:

Travis County Early Voting Clerk
P.O. Box 149325
Austin, TX 78714-9325

SECTION 5. The election precincts for the election shall be the election precincts established by Travis County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Travis County for such election precincts in Travis County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Travis County will be provided by precinct and the Travis County Election Officer shall tabulate and provide the election returns for the election.

SECTION 6. The City Secretary, or designee, is instructed to aid the Travis County Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Travis County and the City, the Travis County Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Travis County Election Officer shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Travis County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Travis County for the election.

SECTION 8. Notice of the election shall be given by posting a notice containing a substantial copy of this Ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 9. The Mayor is authorized and directed to post an election order for this election that complies with the Texas Election Code by August 20, 2018.

SECTION 10. The City Manager is authorized to execute any necessary joint election documents to carry out the election as described in this Ordinance.

SECTION 11. All resident electors of the City shall be entitled to cast a vote in the special election of the City.

SECTION 12. At the special election, the voters of the City will vote FOR or AGAINST the following amendments to the City Charter of the City of Lago Vista, Texas:

PROPOSITION A

Shall Section 1.04, entitled “Annexation and Dis-annexation” be amended to provide for the City’s annexation authority in accordance with current Texas Law

and to specify dis-annexation by ordinance? If approved, Section 1.04 would read as follows:

Section 1.04 Annexation and Dis-annexation.

- a. Annexation by City Council. The Council shall have the power, by ordinance, to annex adjacent property, to fix the boundaries of the City and to provide for the alteration or extension of said boundaries, pursuant to the laws of the State of Texas, now or as may be amended.
- b. Dis-annexation. The City Council may, by ordinance, dis-annex any territory within the corporate boundaries of the City if the City Council determines that the territory is not necessary or sustainable for City purposes.

PROPOSITION B

Shall Section 3.06, entitled "Mayor" be amended to remove the executive power of the Mayor, limit the Mayor's authority to direct employees and to require the Mayor to work through the City manager when seeking information from employees? If approved, Section 3.06 would read as follows:

Section 3.06 Mayor.

- a. The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law.
- b. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government.
- c. The Mayor may call special meetings of the Council and any board or commission and set the agenda therefore,
- d. The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto.
- e. The Mayor may meet with and obtain information from the City Manager
- f. The Mayor may consult with and advise the City Manager with respect to any city business or issue,
- g. The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted.

- h. The Mayor shall have signatory authority for all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the City Council.
- i. The Mayor shall sign all approved ordinances and resolutions,
- j. The Mayor may recommend appointees for boards and commissions.

The Mayor, in time of declared emergency, may govern the City by proclamation and direct the City Manager so as to maintain order and enforce all laws. The Mayor shall have such additional powers as are granted to the office by state law, or by ordinance not inconsistent with this Charter.

PROPOSITION C

Shall Section 3.23, entitled “Prohibitions” be amended to clarify Council, including the Mayor, only has powers as a body with a quorum present except where a power is conferred upon an individual member by the Charter or by Council? If approved, Section 3.23 would read as follows:

Section 3.23 Prohibitions. The Council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually, except where that power may be conferred upon the member in this Charter or by the Council. The individual Council members shall have the right to meet with the Mayor to inquire about any matter or issue and with the City Manager or department head to obtain information deemed necessary to make informed decisions regarding the business of the city. No member of the Council shall give orders directly to the City Manager, and no Council Member shall give orders directly to any other City employee.

PROPOSITION D

Shall Section 4.01, entitled “City Manager” be amended to clarify that the City Manager is the chief executive and administrative officer of the City? If approved, the first sentence of the second paragraph of Section 4.01 would read as follows:

The City Manager is the chief executive and administrative officer of the City, responsible to the Council for the efficient administration of all the City's affairs placed in the Manager's charge by or under this Charter.

PROPOSITION E

Shall Section 5.01, entitled “Elections” be amended to add new rules regarding candidates for elected office? The new rules would require an incumbent to file for the same position as presently held or to file for office earlier and resign from their

current office. If approved, the following paragraph will be added to the end of Section 5.01:

Candidates shall follow these rules:

- a. No candidate for office, including incumbents, may withdraw their candidacy and refile in the same election; and
- b. No candidate may file for more than one office or position number per election; and
- c. Incumbents seeking re-election must file for the same position that he or she presently holds; and
- d. An elected Councilmember, filing for office of Mayor, shall file for election fifteen (15) days on or before the filing deadline; and
- e. An elected Councilmember, filing for office of Mayor, shall resign from the office presently held on or before the canvassing date.

PROPOSITION F

Shall Section 7.04, entitled “Board of Adjustment” be amended to remove the Board’s authority to consider variances and hear appeals of decisions regarding the building code that are heard by the Building Committee? If approved, Section 7.04 would read as follows:

Section 7.04 Board of Adjustment. A Board of Adjustment is established to perform such duties and functions as required or authorized by state law, this Charter, and the enabling ordinance.

PROPOSITION G

Shall the Charter be amended to correct non-substantive grammatical and typographical errors and to allow for the addition of a table of contents?

SECTION 13. 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 14. 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 15. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 16. 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 17. 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 18. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED this the 19th day of July, 2018.



CITY OF LAGO VISTA, TEXAS

Ed Tidwell

Ed Tidwell, Mayor

ATTEST:

Sandra Barton

Sandra Barton, City Secretary