

ORDINANCE NO. 2023-0001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 6, 2023; CALLING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF SUBMITTING A HOME RULE CHARTER TO THE VOTERS OF THE CITY OF ALVARADO; ESTABLISHING PROCEDURES FOR THAT ELECTION; AUTHORIZING THE METHOD OF VOTING; APPROVING AN ELECTION CONTRACT WITH JOHNSON COUNTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado (“City”), Texas is a Type A general law municipality located in Johnson County, Texas created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the population of the City is in excess of 5,000 persons according to the North Central Texas Council of Governments and United States Census Bureau; and

WHEREAS, the City Council has passed Ordinance Number 2022-0009b, which declares that the City population exceeds 5,000 persons; and

WHEREAS, state law has established the 1st Saturday in May as the date for general municipal elections; and

WHEREAS, Article 11, Section 5 of the Texas Constitution permits cities having more than 5,000 inhabitants, by a majority vote of the qualified voters of the City at an election held for that purpose, to adopt a Home Rule Charter; and

WHEREAS, the City Council of the City deems that it is in the best interest of the City and its inhabitants for Alvarado to become Home Rule and thereby acquire the authority and local control that home rule status allows; and

WHEREAS, pursuant to Chapter 9 of the Local Government Code, a charter commission was appointed and has proceeded with the formation of a charter for the City of Alvarado; and

WHEREAS, the Alvarado Charter Commission has certified to the City Council that they have completed Alvarado’s Home Rule Charter; and

WHEREAS, the Charter Commission has determined, and the City Council concurs, that in the submission of this charter to the voters of the City of Alvarado, it would be impractical to segregate each subject for a separate vote thereon, for the reason that the charter is so constructed that, in order for it to work and function, it is necessary that it be adopted in its entirety. Therefore, it shall be submitted so as to be voted upon as a whole; and

WHEREAS, Section 9.03 of the Local Government Code requires that the charter be submitted to the qualified voters of the municipality at an election held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law and that occurs on or after the fortieth (40) day after the date the Charter Commission completes its work; and

WHEREAS, by this Ordinance, it is the intention of the City Council to call the General and Special Election (collectively, the “Election”), to designate a polling place for the Election, to appoint the necessary election officers, and to establish and set forth procedures for conducting the Election.

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

**SECTION 1.
General Election Called**

General Election Order. A General Election shall be held in the City of Alvarado, Texas, on Saturday, May 6, 2023, at which the following officials will be elected:

City Alderman, Ward 1, seat currently occupied by Beverly Short
City Alderman, Ward 2, seat currently occupied by Cherry Bryant
City Alderman, Ward 3, seat currently occupied by Scott Arthur

SECTION 2.

Home Rule Charter Election Order. The City Council hereby approves the proposed Home Rule Charter set forth in its entirety in Exhibit “A,” attached hereto and made a part of this Ordinance for all purposes. A Special Election is hereby ordered to be held on May 6, 2023, to submit this Charter to the voters of the City of Alvarado for approval.

SECTION 3.

Charter Adoption. The official ballots for the Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote FOR or AGAINST the proposition, with the ballots to contain such provisions, marking, and language as required by law and with such proposition to be expressed substantially as follows:

<p>FOR ()</p> <p>AGAINST ()</p> <p>THE ADOPTION OF A HOME RULE CHARTER</p>	<p>THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF ALVARADO TO INCLUDE PROVISIONS FOR THE INCORPORATION AND POWERS OF THE CITY; CITY COUNCIL AND THE MAYOR; RESPONSIBILITIES OF THE CITY COUNCIL; CITY ADMINISTRATION; MUNICIPAL COURT; CITY ATTORNEY; MUNICIPAL ELECTIONS; INITIATIVE, REFERENDUM, AND RECALL; FINANCE; FRANCHISES AND PUBLIC UTILITIES; TAXATION; BOARDS AND COMMISSIONS; NEPOTISM, PROHIBITIONS, AND PENALTIES; AND GENERAL AND TRANSITIONAL PROVISIONS</p>
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SECTION 4

Notice of Special Election. A notice of the Special Election, including a Spanish translation thereof, shall be posted not later than the twenty-first 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 Alvarado.

SECTION 5

Charter Mailed to Voters. Before the thirtieth (30th) day before the date of the Election, the City Secretary is directed to mail a copy of the proposed Home Rule Charter to each registered voter of the City of Alvarado.

SECTION 5.

Polling Place. The polling place for the Election shall be as follows:

Alvarado City Hall
104 West College
Alvarado, Texas, 76009

The polls shall be open from 7:00 a.m. until 7:00 p.m. on May 6, 2023, in accordance with and pursuant to the requirements of the Texas Election Code (the "Code").

SECTION 6.

Filing Dates. In accordance with the Code, eligible persons wishing to become candidates must file an application with the City Secretary of the City of Alvarado, 104 West College, Alvarado, Texas, 76009, and may do so beginning at 8:00 a.m., January 18, 2023, and continuing through February 17, 2023, until 5:00 p.m. Each application shall be on a form meeting the requirements of Section 141.031 of the Election Code.

SECTION 7.

Appointment of Election Judge and Alternative Election Judge. The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Johnson County as indicated in the Election Services Contract and authorized by Chapter 271 of the Texas Election Code.

SECTION 8.

Method of Voting. The City Secretary is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the Special Election, in accordance with this Ordinance and the Texas Election Code. Voting at the Election shall be by electronic means.

SECTION 9.

Early Voting.

(a) **Early Voting Clerk.** The Johnson County Election Administrator is hereby appointed to serve as the Early Voting Clerk. The Election Administrator may appoint deputy Early Voting Clerks.

(a) **Early Voting by Personal Appearance.** Early voting by personal appearance shall be conducted between the hours of 8:00 am until 5:00 pm Monday, April 24, 2023 – Friday, April 28, 2023 and between the hours of 7:00 am until 7:00 pm on Saturday, April 29, 2023, Monday, May 1, 2023, and Tuesday, May 2, 2023. Early Voting by personal appearance shall be at City Hall, City Council Chambers, 104 West College, Alvarado, Texas, 76009 and Johnson County Elections, 103. S Walnut St., Cleburne, Texas 76033.

(b) **Early Voting by Mail.** Applications for early voting by mail may be delivered to Patty Bourgeois, Early Voting Clerk, Cleburne, Texas 76033, not later than close of business on April 25, 2023. Early voting by mail ballots shall also be mailed to the Johnson County Elections Administrator at PO Box 895, Cleburne, Texas 76033.

(c) **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, appointed herein, shall serve as the presiding officer and 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.

SECTION 10.

Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at this election.

SECTION 11.

Publication and Posting of Notice of General Election. Notice of the General Election shall be given as required by Chapter 4 of the Election Code.

SECTION 12.

Joint Election. This Ordinance shall be construed with any action of the Johnson County Commissioners Court providing for the conduct of a joint election with other public entities as herein contemplated.

SECTION 13.

Election Services Contract. The Contract for a joint election and election services between the City of Alvarado and Johnson County, which is incorporated herein for all purposes, is hereby approved. The City Manager is hereby authorized to execute the contract for a joint election and election services with Johnson County as the authorized representative of the City. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

SECTION 14.

Necessary Actions. The Mayor and the City Secretary of the City, 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 Code in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 15.

Cumulative Clause. This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Alvarado, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 16.

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 a phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid

judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect 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 the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 17.

Effective Date. This Ordinance shall be effective upon its adoption.

PASSED AND APPROVED this 23rd day of January, 2023.



CITY OF ALVARADO

By:



Jacob Wheat, Mayor

ATTEST:



Beth A Walls, City Secretary/HRD