

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENTS TO THE VOTERS; PROVIDING AN ESTIMATE OF ANTICIPATED FISCAL IMPACT; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 9.004 of the Local Government Code allows for charter amendments to be submitted to the qualified voters of a home rule municipality; and

WHEREAS, it is the desire of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Local Government Code; and

WHEREAS, Section 9.004(b) of the Local Government Code requires the election to be held on a uniform election date; and

WHEREAS, Section 41.001 of the Election Code establishes the first Saturday in May as a uniform election date, and the City Council has determined that date sufficient in time to comply with the requirements of the law; and

WHEREAS, the special election will be held in conjunction with the general election held on the same dates.

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

**SECTION 1
CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Kennedale proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth below and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 4, 2024, from 7:00 a.m. to 7:00 p.m. The proposed amendments are as follows:

Section 3.03 - Mayor and Mayor Pro Tem

The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. The Mayor shall have the right to vote only in the event of a tie. The Mayor shall also have veto power. The City Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor except veto power. The Mayor Pro Tem shall retain the right to vote as a Council member when acting as mayor.

The Mayor may exercise veto power over a Council action within five (5) working days of that action. The Mayor shall give written notice of a veto to the City Secretary. Upon proper notice, Council action to consider overriding a veto shall be an agenda item at the next scheduled Council meeting. The decision of the Council to override a veto is not subject to veto by the Mayor and becomes effective immediately.

In the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall, on the effective date of the vacancy, assume the office of Mayor, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code.

The council seat vacated by the Mayor Pro Tem be filled according to Section 3.06 of this charter. A new Mayor Pro Tem shall be selected according to this Section 3.03.

Section 3.06 - Vacancies and Forfeiture of Office

(a) *Vacancies.* The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter.

(1) Reserved.

(2) In the event of a vacancy on the City Council in a seat other than the Mayor, the City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code.

(3) A member of the governing body is ineligible to vote to fill a vacancy after resigning from the governing body.

(b) *Forfeiture of Office.* A Council member shall forfeit office if the member:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter;
 - (2) Violates any express prohibition of this Charter;
 - (3) Is convicted of a felony or any offense involving moral turpitude while in office; or
 - (4) Fails to attend three (3) consecutive scheduled meetings without valid excuse, or fails to maintain an eighty (80) percent attendance record, excluding excused absences, for each elected year (including all scheduled budget and special meetings).
- (c) *Declaration.* Upon finding the occurrence of a condition of forfeiture, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.
- (d) *Qualifications.* The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.

SECTION 2 BALLOT

The official ballots for the election shall be prepared in accordance with the Election Code so as to permit the electors to vote "Yes" or "No" on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth below.

PROPOSITION A

Shall the Kennedale Home Rule Charter be amended by revising Section 3.03 to provide that in the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall, on the effective date of the vacancy, assume the office of Mayor, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code. The council seat vacated by the new Mayor shall be filled according to Section 3.06 of this charter. A new Mayor Pro Tem shall be selected according to this Section 3.03.

PROPOSITION B

Shall the Kennedale Home Rule Charter be amended by revising Section 3.06 to provide that in the event of a vacancy on the City Council in a seat

other than the Mayor, the City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code.

**SECTION 3
POLLING PLACES**

Voting shall be conducted on Election Day between the hours of 7:00 a.m. and 7:00 p.m. at the Kennedale Community Center in the Kennedale Public Library, located at 316 W. 3rd Street, Kennedale, Texas.

**SECTION 4
AGREEMENT WITH TARRANT COUNTY**

Prior to the election, the City anticipates that it will enter into contract agreement for election services with Tarrant County. The Mayor is hereby authorized to execute contract agreement (the "Agreement") with Tarrant County for the conduct of the election in accordance with Chapter 31, Subchapter D of the Texas Election Code and offer applicable statutes and laws. In the event of a conflict with this Ordinance and the Agreement, the Agreement shall control.

**SECTION 5
APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES**

Election judges for the election shall be appointed by Tarrant County as authorized by Chapter 271, of the Texas Election Code.

**SECTION 6
EARLY VOTING**

a. **Early voting by personal appearance.** Early voting by personal appearance shall be conducted beginning April 25, 2022, and continue through May 3, 2022, at the Kennedale Community Center (in the Kennedale Public Library), 316 W. 3rd Street, Kennedale, Texas 76060, at the following times:

MONDAY, APRIL 22, 2024	8:00 A.M. – 5:00 P.M.
TUESDAY, APRIL 23, 2024	8:00 A.M. – 5:00 P.M.
WEDNESDAY, APRIL 24, 2024	8:00 A.M. – 5:00 P.M.
THURSDAY, APRIL 25, 2024	8:00 A.M. – 5:00 P.M.
FRIDAY, APRIL 26, 2024	8:00 A.M. – 5:00 P.M.
SATURDAY, APRIL 27, 2024	7:00 A.M. – 7:00 P.M.
SUNDAY, APRIL 28, 2024	11:00 A.M. – 4:00 P.M.
MONDAY, APRIL 29, 2024	7:00 A.M. – 7:00 P.M.
TUESDAY, APRIL 30, 2024	7:00 A.M. – 7:00 P.M.

Branch offices for early voting by personal appearance shall also be established as outlined in the Joint Election Agreement with Tarrant County.

b. **Early Voting by Mail.** Clinton Ludwig, the Tarrant County Elections Administrator, or his successor, acting pursuant to Texas Government Code §601.002 ("Election Administrator"), is hereby designated as Early Voting Clerk for the election. Applications for early voting by mail may be delivered not later than the close of business on April 26, 2022, to the Election Administrator in any of the following ways: via mail to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011; via courier or hand delivery to Tarrant County Elections, 2700 Premier St., Fort Worth, Texas 76111-3011; via fax to 817-850-2344; or via email to votebymail@tarrantcountytx.gov.

c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

SECTION 7 METHOD OF VOTING

The Agreement shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election. All expenditures necessary for the conduct of the election, the purchase of materials therefor, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

SECTION 8 FISCAL IMPACT

It is estimated that there could be a cost to the City of approximately Twenty Thousand Dollars (\$20,000.00) if a vacancy in a council position requires a special election to be held on a November uniform election date for which no other election is required.

SECTION 9 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of 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 any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 10
NOTICE**

(a) Notice of the election shall be published in accordance with Chapter 4 of the Election Code.

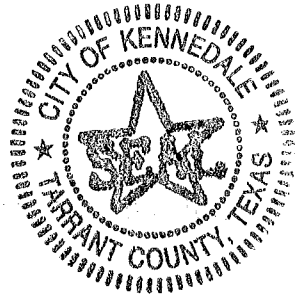
(b) Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice of the election shall be published in a newspaper of general circulation in Flower Mound on the same day, in each of two consecutive weeks, with the first publication occurring before the 14th day before the Election Day. The notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

**SECTION 11
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after approval.

PASSED AND APPROVED THIS 8TH DAY OF FEBRUARY 2024.

APPROVED:




MAYOR PRO TEM, KENNETH MICHELS

ATTEST:


CITY SECRETARY, RAEANNE BYINGTON

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY, CARVAN E. ADKINS

RESOLUTION NO. 630

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 4, 2024; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas, (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the regular election for City Council of the City of Kennedale is required to be held on May 4, 2022, at which time the voters will elect persons to fill the offices of Mayor and City Council Places 2 and 4; and

WHEREAS, the election will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code (the "Code"); and

WHEREAS, by this Resolution, it is the intention of the City Council to designate a polling place for the election, to appoint the necessary election officers, to establish and set forth procedures for conducting the election, and to authorize the Mayor to execute a contract with Tarrant County for conducting the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1. GENERAL ELECTION CALLED.

An election is hereby called to elect the offices of Mayor and City Council Places 2 and 4 to serve from May of 2024 until May of 2026, or until their successors are duly elected and qualified. The election shall be held on Saturday, May 4, 2024, between the hours of 7:00 a.m. and 7:00 p.m. at Kennedale Community Center (in the Kennedale Public Library), 316 W. 3rd Street, Kennedale, Texas 76060.

SECTION 2. JOINT ELECTION AGREEMENT APPROVED.

The Mayor is authorized to execute a Joint Election Agreement (the "Agreement") with Tarrant County for the purpose of having Tarrant County furnish all or any portion of the election services and equipment needed to conduct the election. The Agreement and election services provided therein shall conform to Chapter 31, Subchapter D of the Code and other applicable statutes and laws. In the event of conflict between this resolution and the Agreement, the Agreement shall control.

SECTION 3. APPLICATION FOR PLACE ON BALLOT.

Qualified persons may file as candidates by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m., Monday through Friday, from January 16, 2024 through February 16, 2024.

SECTION 4. EARLY VOTING.

- a. **Early voting by personal appearance.** Early voting by personal appearance shall

be conducted beginning April 25, 2022, and continue through May 3, 2022, at the Kennedale Community Center (in the Kennedale Public Library), 316 W. 3rd Street, Kennedale, Texas 76060, at the following times:

MONDAY, APRIL 22, 2024	8:00 A.M. – 5:00 P.M.
TUESDAY, APRIL 23, 2024	8:00 A.M. – 5:00 P.M.
WEDNESDAY, APRIL 24, 2024	8:00 A.M. – 5:00 P.M.
THURSDAY, APRIL 25, 2024	8:00 A.M. – 5:00 P.M.
FRIDAY, APRIL 26, 2024	8:00 A.M. – 5:00 P.M.
SATURDAY, APRIL 27, 2024	7:00 A.M. – 7:00 P.M.
SUNDAY, APRIL 28, 2024	11:00 A.M. – 4:00 P.M.
MONDAY, APRIL 29, 2024	7:00 A.M. – 7:00 P.M.
TUESDAY, APRIL 30, 2024	7:00 A.M. – 7:00 P.M.

Branch offices for early voting by personal appearance shall also be established as outlined in the Joint Election Agreement with Tarrant County.

- b. **Early Voting by Mail.** Clinton Ludwig, the Tarrant County Elections Administrator, or his successor, acting pursuant to Texas Government Code §601.002 (“Election Administrator”), is hereby designated as Early Voting Clerk for the election. Applications for early voting by mail may be delivered not later than the close of business on April 26, 2022, to the Election Administrator in any of the following ways: via mail to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011; via courier or hand delivery to Tarrant County Elections, 2700 Premier St., Fort Worth, Texas 76111-3011; via fax to 817-850-2344; or via email to votebymail@tarrantcountytx.gov.
- c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

SECTION 5. APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE.
The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Code.

SECTION 6. METHOD OF VOTING; COSTS.

The Joint Election Agreement shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election. All expenditures necessary for the conduct of the election, the purchase of materials therefor, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Code.

SECTION 7. GOVERNING LAW AND QUALIFIED VOTERS.

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

SECTION 8. PUBLICATION AND POSTING OF NOTICE OF ELECTION.

Notice of the election shall be given as required by Chapter 4 of the Code.

SECTION 9. SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT.

Tarrant County is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance for any changes in voting practices as authorized by the Voting Rights Act of 1965, as amended.

SECTION 10. 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 federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 11. RUNOFF ELECTION.

The Council hereby orders that, following the canvass of the May 7, 2022 election, any runoff election required shall be held in accordance with Section 2.025(a) of the Code, and on a date as agreed to between the City of Kennedale and Tarrant County Elections Administration.

SECTION 12. EFFECTIVE DATE.

This resolution shall be effective upon its adoption.

PASSED AND APPROVED THIS 8TH DAY OF FEBRUARY 2024.



APPROVED:

[Handwritten signature of Kenneth Michels]
MAYOR PRO TEM KENNETH MICHELS

ATTEST:

[Handwritten signature of Raeanne Byington]
CITY SECRETARY RAEANNE BYINGTON

APPROVED AS TO FORM AND LEGALITY:

[Handwritten signature of Carvan Adkins]
CITY ATTORNEY, CARVAN ADKINS