

ORDINANCE NO. 671

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE ADOPTION OF AMENDMENTS TO THE CITY CHARTER; PROVIDING FOR THE ELECTION PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council studied and reviewed the City Charter of the City of Manor, and made recommendations for the amendment of the City Charter;

Whereas, the City Council desires to submit to the voters the charter amendments set forth herein; and

WHEREAS, the City Council finds it appropriate to substitute the words “Yes” and “No” on the ballot for “For” and “Against” to be consistent with requirements for proposition language set forth in the City Charter; and

Whereas, the City Council is contracting with the Travis County Elections Officer to hold and conduct the election for the City (the “Election Agreement”), and such election may be held as a joint election;

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

SECTION 1: Special Election Ordered. A special election is ordered to be held in the city on Tuesday, November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Manor should be amended. The special election shall be held and conducted by the Travis County Elections Officer, pursuant to a contract authorized by state law, and such election may be held as a joint election with Travis County and/or any other government jurisdiction contracting with Travis County therefore and located within the same territory as the City. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below and submitted for amendment to read as follows (with proposed new language being underlined, bolded, and italicized and language proposed to be removed is italicized and struck through):

**Article III
The City Council**

Section 3.05. Vacancies in Office.

(c) If a vacancy occurs for an unexpired term of 12 months or less for a position other than the mayor when there are less than two place[s] on council filled by appointment, then the vacancy

may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. *Vacancies filled by appointment must be filled within 45 days from the date the vacancy occurs.*

Section 3.06. Quorum and Attendance.

Four members of the council shall constitute a quorum for transacting business and no action of the council shall be valid or binding unless taken in an open meeting with a quorum present. Less than a quorum may adjourn any meeting, or order and compel the attendance of absent members. It shall be the duty of each member of the council to attend each regular and special council meeting and each committee meeting to which council member is assigned, and the failure of any member to attend three consecutive, regular meetings, without good and sufficient cause, shall constitute misconduct in office. The council shall adopt a policy for determining whether an absence is without good and sufficient cause and may be excused. In the event that a council member is absent from thirty percent (30%) of all regular meetings, special meetings, and committee meetings to which the council member is assigned, the council may revoke its approval of prior excused absences and deem such absences to be without good and sufficient cause for the purposes of Sections 3.04 of the city charter. A council member may not have excused absences revoked until they have been in office at least six months.

~~**Section 3.09. Compensation.**~~

~~*The mayor shall not be paid and each other council member shall not be paid. They shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.*~~

~~**Section 3.10**~~ **3.09. Automatic Resignation.**¹

Article IV.

The Authority and the Limitations of the City Council

Section 4.01. Mayor.

The mayor serves as the ceremonial head of the city and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may take command of the police and govern the city by proclamation, maintain order and enforce all laws; provided that the mayor must immediately call for an emergency

¹ Note that Section 3.10. Automatic Resignation of the City Charter will be renumbered to Section 3.09 if a majority of voters approve deletion of Section 3.09. Compensation.

meeting of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

Section 4.02. Mayor Pro-Tem.

At its first regular meeting after all the members of the council elected at a general election and any runoff election associated with the general election, have taken office, or after a vacancy in the office of mayor pro-tem, the council shall elect one of its members to be mayor pro-tem for a ~~one~~ two-year term, or to fill the unexpired term resulting from the vacancy. The mayor pro-tem shall be the council member who receives a majority of the votes cast but not less than four votes. In the absence of the mayor, the mayor pro-tem shall perform the duties of the mayor and in such capacity shall be vested with all powers conferred on such office. In the event of the failure, inability or refusal of the mayor to act in respect to any matter or duty, the mayor pro-tem shall act. In the event the office of mayor becomes vacant, the mayor pro-tem shall serve as mayor until the office is filled.

Article VII. Administrative Services

Section 7.10. Municipal Court.

The department of the Municipal Court shall be established and maintained. There shall be a court, designated as the "Municipal Court" of the City of Manor, for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be, prescribed by laws of the State of Texas relative to municipal courts. The municipal court shall be organized and supervised as follows:

- (a) The presiding municipal judge and the associate judges shall be ~~authorized by a majority of council and are~~ appointed by the City Manager, subject to confirmation by the City Council. They shall be compensated as recommended by the city manager and approved by the city council. ~~The municipal judge is responsible for the supervision and management of the court.~~

Section ~~10.10~~ 10.11. Community Committees.

[CITY SECRETARY OPTION 1:

Section 7.07. City Secretary.

The office and department of city secretary shall be established and maintained. ~~The city secretary may appoint such assistant city secretaries as are authorized. The duties of the city secretary are as set forth in this charter and/or as established by ordinance. Such duties include, but are not be limited to, the giving notice of all council meetings; keeping the minutes of the proceedings of council meetings and the archives of the city; authenticating by his or her signature, and recording~~

~~in full in books kept and indexed for the purpose, all ordinances and resolutions; performing such other duties as shall be assigned to the position by state law; maintain appropriate files of all contracts and other legal documents resulting from and/or having a bearing on actions of council; and assisting the city manager in gathering of appropriate records, files and resources which pertain to city business or specific council meeting agenda items.~~ **The City Manager shall appoint, subject to confirmation by the City Council, an officer of the City and such assistants as deemed necessary, who shall have the title of City Secretary. The duties of the City Secretary shall be as set forth in this charter and as established by ordinance. The City Secretary may be removed from office by the City Manager subject to confirmation by the City Council.**

CITY SECRETARY OPTION 2:

Section 7.07. City Secretary.

The office and department of city secretary shall be established and maintained. The city secretary may appoint such assistant city secretaries as are authorized. The duties of the city secretary are as set forth in this charter and/or as established by ordinance. ~~Such duties include, but are not be limited to, the giving notice of all council meetings; keeping the minutes of the proceedings of council meetings and the archives of the city; authenticating by his or her signature, and recording in full in books kept and indexed for the purpose, all ordinances and resolutions; performing such other duties as shall be assigned to the position by state law; maintain appropriate files of all contracts and other legal documents resulting from and/or having a bearing on actions of council; and assisting the city manager in gathering of appropriate records, files and resources which pertain to city business or specific council meeting agenda items.~~

CITY SECRETARY OPTION 3:

Remove the proposition addressing appointment of the City Secretary.]

SECTION 2. Printed Materials and Ballots. The official ballots, together with such other election materials as are required by the *Texas Election Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law. The ballot propositions for the special election shall comply with the Tex. Elec. Code and be in the form provided by the City to the Travis County Elections Officer for use on the voting devices and ballots used by Travis County; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote “Yes” or “No” each proposition submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

CITY OF MANOR PROPOSITION C
Filling Vacancies in Office

Shall Section 3.05(c) of the City Charter be amended to delete the requirement that vacancies must be filled within 45 days from the date the vacancy occurs?

_____ YES _____ NO

CITY OF MANOR PROPOSITION D
Council Attendance Requirements

Shall Section 3.06 of the City Charter be amended to require that: Council members attend each committee meeting to which the council member is assigned; Council adopt a policy for determining whether an absence is without good and sufficient cause; Council may revoke a prior-excused absence for a Council member who is absent from thirty percent of all regular, special, and committee meetings for the purposes of removal under Section 3.04 of the City Charter; and providing that a member of Council may not have an excused absence revoked during the first six months in office?

_____ YES _____ NO

CITY OF MANOR PROPOSITION E
Council Compensation and Renumbering of Sections

Shall Section 3.09 of the City Charter be deleted (which provides that the mayor and city councilmembers shall not be paid, shall be entitled to reimbursements for expenses incurred in the performance of official duties as budgeted, and shall not be provided staff or assistants) and Section 3.10. Automatic Resignation be renumbered as Section 3.09?

_____ YES _____ NO

CITY OF MANOR PROPOSITION F
Mayoral Duties

Shall Section 4.01 of the City Charter be amended to add that the Mayor may take command of the police and maintain order and enforce all laws during the time of a declared emergency?

_____ YES _____ NO

CITY OF MANOR PROPOSITION G
Appointment of the Mayor Pro Tem

Shall Section 4.02 of the City Charter be amended to clarify that the appointment of the Mayor Pro Tem occurs at the first regular meeting following the canvass of the general election and any runoff election associated with that general election?

_____ YES _____ NO

CITY OF MANOR PROPOSITION H
Term of the Mayor Pro Tem

Shall Section 4.02 of the City Charter be amended to provide that the Mayor Pro Tem shall serve a two-year term?

_____ YES _____ NO

CITY OF MANOR PROPOSITION I
Municipal Court

Shall Section 7.10 of the City Charter be amended to establish the department of the Municipal Court and provide that the City Manager's appointment of the presiding municipal judge and associate judges are subject to confirmation by the City Council?

_____ YES _____ NO

CITY OF MANOR PROPOSITION J
Renumbering of Section

Shall Section 10.10. Community Committees of the City Charter be amended to be Section 10.11 to correct a scrivener's error in the original numbering of the section?

_____ YES _____ NO

SECTION 3. Notice of Election. Notice of the election shall be given, and the election shall be held in compliance with the provisions of the Texas Election Code and Chapter 9, Texas Local Government Code, in all respects.

SECTION 4. Conduct of Election. 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 the Contract for Election Services, the City Charter, and the law governing the holding of special elections; 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 5. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Travis County, provided that such political subdivisions hold an election on November 8, 2022, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election for Political Subdivisions will be conducted in accordance with state law, this ordinance, and the respective Election Services Contracts.

SECTION 6. Election Precincts and Election Day Polling Places.

The election precincts for the election shall be the election precincts established by the Travis County Election Officer in accordance with applicable law and the City Charter. The polling places for Election Day shall be at such locations designated by the Travis County Election Officer and authorized by state law. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns will be provided by precinct and the Travis County Election Officer shall tabulate and provide the election returns for the election.

SECTION 7. Early Voting.

- (a) Early voting shall commence on Monday, October 24, 2022, and continue through Friday, November 4, 2022 and early voting polls shall remain open for the time specified by the *Texas Election Code*.
- (b) The period to apply for a ballot by mail is January 1, 2022 through October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (c) The period to apply for a federal postcard application (FPCA) is January 1, 2022 through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (d) Additional Provisions Governing Early Voting:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the Travis

County Elections Administrator in accordance with the *Texas Election Code*. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election.

- 2) Applications for ballot by mail for qualified voters of the City shall be mailed to:

By mail:

Rebecca Guerrero, County Clerk
 Travis County Early Voting Clerk
 PO Box 149325
 Austin, Texas 78714-9325

By Contract Carriers/ Fedex:

Elections Division
 Travis County Clerk
 5501 Airport Blvd., Suite #100
 Austin, Texas 78751

Telephone: (512) 238-VOTE

Email: elections@traviscountytexas.gov

Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>

- 3) The main early voting location for the special election is:

City of Austin Permitting and Development Center
 6310 Wilhelmina Delco Drive
 Austin, TX 78752

Polling place hours: Monday – Saturday, 7:00 am – 7:00 pm
 Sunday, Noon – 6:00 pm

- 4) Early voting shall be held at the dates, times, and location authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

SECTION 8. Election Judges and Clerks. 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 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 confirms and appoints the election judges and alternate election judges that are appointed by Travis County for the election.

SECTION 9. City Secretary Assistance. The City Secretary is hereby authorized and instructed to aide the Travis County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Contracts between the City and the Travis County Elections Administrators, the Travis County Elections Administrators shall have the duty and be responsible

for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contract.

SECTION 10. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance. The City Manager is further authorized to give notice of the election as provided in Section 451.607, Texas Election Code.

SECTION 11. General. The election shall be held and conducted by the Travis County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than November 11, 2022 nor later than November 22, 2022.

SECTION 12. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the election.

SECTION 13. Effective Date; Election Code. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern, and control and the Travis County Elections Administrator shall comply with the Texas Elections Code.

SECTION 14. Severability. If any provision, section of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 15. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.

PASSED, ADOPTED AND APPROVED on this the 17th day of August 2022.

THE CITY OF MANOR, TEXAS

Dr. Christopher Harvey,
Mayor

ATTEST:

Lluvia T. Almaraz,
City Secretary