

ORDINANCE NO. 592

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF THE CITY OF MANOR HELD ON TUESDAY, NOVEMBER 3, 2020, ON PROPOSED CHARTER AMENDMENTS; AND DECLARING THE EFFECTIVE DATE OF THIS ORDINANCE.

Whereas, pursuant to the City Charter and Texas Election Code, the City Council of the City of Manor, Texas, convened on this the 16th day of November 2020, at 10:00 a.m. for the purpose of canvassing the vote in the special election held on November 3, 2020;

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

Section One. Canvass of Vote – Special Election.

(a) There came to be considered the returns of the special election held on the 3rd day of November 2020, pursuant to *Chapter 9, Tex. Loc. Gov't. Code*, for the purpose of voting on the following propositions to amend the City Charter; and it appearing from the returns of said special election, duly and legally made, that each proposition received the following votes cast "YES" the proposition submitted, and "NO" the proposition submitted.

PROPOSITION:

VOTES CAST:

	<u>Early</u>	<u>Vote by Mail</u>	<u>Election</u>	<u>Vote %</u>	<u>Total</u>
PROPOSITION A^A					
Annexation					
Yes	2,190	192	267	77.07%	2,649
No	644	37	107	22.93%	788
PROPOSITION B^B					
City Council Four-Year Term of Office					
Yes	1,451	110	189	50.22%	1,750
No	1,417	118	200	49.78%	1,735

^A: Shall Section 1.07 and Section 2.01 of the City Charter be amended to require consent to annexation of land by the City as required by state law?

^B: Shall Section 3.01 of the City Charter be amended to increase the terms of office for the Mayor and City Council from two-year to four-year terms, and to provide for transition to four year terms, and shall Sections 3.05, 5.02, 5.09, and 5.11 be amended and Section 5.12 be added to make the Charter consistent with state law for four-year terms by providing for election by majority vote, providing for runoff elections if no candidate is elected by majority vote, and providing for special elections to fill vacancies on council?

PROPOSITION C^C

Term Limits

Yes	2,132	167	288	76.20%	2,587
No	665	56	87	23.80%	808

PROPOSITION D^D

Council Vacancy Filled by Appointment

Yes	2,021	170	266	73.61%	2,457
No	727	52	102	26.39%	881

PROPOSITION E^E

Council Compensation

Yes	1,361	118	161	48.21%	1,640
No	1,441	104	217	51.79%	1,762

PROPOSITION F^F

Automatic Resignation Upon Announcing for Office

Yes	2,051	160	258	73.81%	2,469
No	708	60	108	26.19%	876

PROPOSITION G^G

Powers of the Mayor

Yes	1,600	113	217	56.73%	1,930
No	1,205	104	163	43.27%	1,472

^C. Shall Section 3.02 of the City Charter be amended to clarify that partial terms of office count towards term limits?

^D. If four-year terms are adopted, shall Section 3.05 of the City Charter be amended to provide that the Council may fill a vacancy that occurs when there are 12 months left on the term either by appointment or special election, unless there are already two places on Council that have been filled by appointment?

^E. Shall Section 3.09 of the City Charter be amended to compensate the Mayor in the amount of \$150 per council meeting and each City Councilmember in the amount of \$75 per council meeting attended each month, up to a maximum of two?

^F. Shall Section 3.10 of the City Charter be amended to provide that a Councilmember’s announcement of candidacy for another office at any time during their term creates a vacancy in office?

^G. Shall Section 4.01 of the City Charter be amended to remove the authorization of the Mayor to “take command of the police” and “maintain order and enforce all law” during times of declared emergency?

PROPOSITION H^H

Posting of Notices on City Website

Yes	2,486	210	329	89.34%	3,025
No	304	12	45	10.66%	361

PROPOSITION I^I

Residency Requirement for Voters

Yes	2,159	180	287	78.06%	2,626
No	614	40	84	21.94%	738

PROPOSITION J^J

Power of Referendum

Yes	2,018	184	261	78.64%	2,463
No	571	28	70	21.36%	669

PROPOSITION K^K

Public Works

Yes	2,229	188	290	82.15%	2,707
No	486	32	70	17.85%	588

PROPOSITION L^L

Human Resources

Yes	2,323	192	287	84.60%	2,802
No	410	27	73	15.40%	510

^H Shall Sections 1.07, 5.01, 6.10, 8.05, 8.11, and 11.02 of the City Charter be amended to require notices described in those sections be posted on the City’s website as well as published in the newspaper?

^I Shall Section 5.08 of the City Charter be amended to conform the residency requirements for voters to what is required by state law?

^J Shall Section 6.03 of the City Charter be amended to clarify the section describing the power of referendum granted under the Charter?

^K Shall Section 7.08 of the City Charter be amended to add parks to the duties of the public works department and to state that the public works director is appointed and removed by the City Manager?

^L Shall Section 7.11 of the City Charter be amended to establish the office of Human Resources?

PROPOSITION M^M

Development Services Department

Yes	2,060	166	276	77.85%	2,502
No	587	51	74	22.15%	712

PROPOSITION N^N

Community Committees

Yes	2,107	174	270	79.72%	2,551
No	531	40	78	20.28%	649

PROPOSITION O^O

Franchise Authority

Yes	1,871	147	235	71.87%	2,253
No	723	61	98	28.13%	882

PROPOSITION P^P

Ethics Commission

Yes	2,068	174	264	78.04%	2,506
No	582	42	81	21.96%	705

PROPOSITION Q^Q

Conflict of Interest

Yes	2,224	187	282	82.81%	2,693
No	451	38	70	17.19%	559

M. Shall Section 10.07 of the City Charter be amended to establish the department of Development Services to be managed by a director of planning, to provide for the duties of the planning director, and state that the planning director is appointed and removed by the City Manager?

N. Shall Section 10.10 be added to the City Charter to establish the community collaborative committee, the economic development committee, the public safety committee, and the emergency management committee and to provide for the makeup and duties of the committees?

O. Shall Section 11.02 of the City Charter be amended to address preemption by state and federal law of the City's franchise authority and procedures for granting a franchise?

P. Shall Section 12.01 of the City Charter be amended to establish an application and interview process for appointing ethics commission members, to allow for appointment of up to two residents of the extraterritorial jurisdiction to the commission if there are not enough qualified applicants from the city limits, and to prohibit appointment of persons related within the first degree of affinity or consanguinity to the city council?

Q. Shall Section 12.04 of the City Charter be amended to prohibit elected or appointed officers or employees of the city from participating in decisions on matters if a family member related to the officer or employee within the first degree of consanguinity or affinity has a personal financial or property interest in the matter?

PROPOSITION R^R

Public Records

Yes	2,194	190	288	83.16%	2,672
No	455	28	58	16.84%	541

PROPOSITION S^S

Succession

Yes	1,882	152	251	70.87%	2,285
No	775	64	100	29.13%	939

PROPOSITION T^T

Charter Review Cycle – Change “Shall” to “Will”

Yes	2,000	155	264	74.78%	2,419
No	663	63	90	25.22%	816

(b) It is found, determined and declared by the City Council that said special election was duly called; that notice of said special election was given in accordance with law, returns of the election have been lawfully made by the proper officials, and that said election was held in accordance with law. Each of the above-stated propositions, being submitted to only qualified, resident electors of the City for vote, except for Proposition E, resulted in more than a majority of the qualified votes voting at the election having voted to pass the propositions by the number of votes described in Section One(a). Proposition E failed to receive more than a majority of the qualify votes voting at the election for Proposition E.

(c) As approved and adopted by a majority of the qualified voters voting at such election, the City of Manor Home Rule Charter shall be amended as provided in the approved propositions (excluding Proposition E) and the ordinance calling the charter amendment election, and it is hereby declared that said amendments to the City of Manor Home Rule Charter, as fully set out in the ordinance calling said charter amendment election, except for the amendment related to Proposition E, are hereby adopted.

Section Two. Filing with Secretary of State and Department of Justice. The City Manager, the City Secretary, and the City Attorney of the City are hereby directed to do and perform the tasks and responsibilities necessary and required to file a copy of the City Charter with the Secretary of the State of Texas.

^R. Shall Section 13.06 of the City Charter, which governs public records, be amended to confirm this section to state law?

^S Shall Section 13.07 of the City Charter be amended to add the finance director to persons within the chain of succession?

^T. Shall Section 13.08 of the City Charter, governing the frequency of City Charter reviews, be amended to change the word “shall” to “will” wherever it appears in this section?

Section Three. Open Meetings. It is further found and determined that in accordance with this Ordinance of this governing body that the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located at City Hall, a place convenient to the public, and said notice having been so posted continuously for at least 72 hours preceding the elate of this meeting. A copy of the return of said posting shall be attached to the minutes of the meeting and shall be made apart thereof for all intents and purposes.

PASSED AND APPROVED on this 16th day of November 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary