

**ORDINANCE NO. 2023-O-\_\_**

**AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS, CALLING AN ELECTION FOR NOVEMBER 7, 2023 FOR THE PURPOSE OF AMENDING THE CITY CHARTER**

WHEREAS, Stephenville, Texas is a home rule municipality 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, it is the intention of the City Council to call an election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, an election to submit to voters proposed amendments to the City Charter is required by law to be held on the uniform election date that occurs 30 days after the election is ordered and Section 3.005 of the Texas Election Code requires that a special election be ordered not later than the 70th day before the date of the election; and

WHEREAS, Section 41.001 of the Texas Election Code specifies that November 7, 2023, is a uniform election date.

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

**SECTION 1. CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order an election to submit to the voters of the City of Stephenville, Texas proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in substantially similar form in Exhibit "A" attached to this ordinance and incorporated herein for all purposes 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 Tuesday, November 7, 2023, from 7:00 a.m. to 7:00 p.m. at the following locations:

**Erath County Annex 3**, 222 East College St., Stephenville, Texas 76401

**Patrick Street Church of Christ**, 630 N Patrick St., Dublin, Texas 76446

**Texas Bank**, 988 Wolfe Nursery Road, Stephenville, Texas 76401

**Texas A&M AgriLife Research & Extension Center**, 1229 N. U.S. Hwy 281, Stephenville, Texas 76401

\*Erath County voters can vote at any of the following locations on Election Day, regardless of where you reside in Erath County

**SECTION 2. BALLOTS**

The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" on each proposition, 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 in Exhibit "B" attached to this ordinance and incorporated herein for all purposes.

### **SECTION 3. EARLY VOTING**

The Erath County Clerk is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the election, in accordance with this ordinance and the Election Code.

Early voting will be held on the following dates and times:

Monday, October 23, 2023, until Friday, October 27, 2023, from 8:00 a.m. until 5:00 p.m.  
Monday, October 30, 2023, until Wednesday, November 1, 2023, from 8:00 a.m. until 5:00 p.m.  
Thursday, November 2nd, 2023, until Friday, November 3, 2023, from 7:00 a.m. until 7:00 p.m.

Early voting will be held at the following locations:

**Erath County Annex 3** (Primary Voting Location)  
100 W. Washington, Stephenville, Texas 76401  
**Patrick Street Church of Christ**  
630 N Patrick St., Dublin, Texas 76446  
***(ONLY: October 30<sup>th</sup>- November 3<sup>rd</sup>, 8:00 a.m. until 5:00 p.m.)***

### **SECTION 4. NOTICE**

Notice of Election. Notice of the special election, including a Spanish translation thereof, shall be posted not later than the twenty-first (21st) day before the election on the bulletin board at City Hall used for the posting of 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 the newspaper published and of general circulation in the City of Stephenville, Texas.

Publication of Amendments. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Texas on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendments.

### **SECTION 5. AMENDMENTS AND PROCEDURAL MATTERS**

Matters contained in this ordinance relating to discretionary and procedural matters may be amended by resolution of the City Council, and procedural matters not established by this ordinance will be established by separate resolution.

### **SECTION 6. OTHER ACTION**

The Mayor and City Secretary of the City of Stephenville, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

**SECTION 7. 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 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 8. EFFECTIVE DATE**

This ordinance shall become effective immediately upon its passing.

PASSED and APPROVED this the 1<sup>st</sup> day of August 2023.

\_\_\_\_\_  
Doug Svien, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Lockenour, City Secretary

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Reviewed by Jason King,  
City Administrator

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Approved as to form and legality by  
Randy Thomas, City Attorney

EXHIBIT "A" PROPOSED AMENDMENTS

**Proposition 1 - Reducing the City Council from eight (8) to six (6) members**

*Financial Impact: The amount paid to councilmembers will decrease by twenty percent overall due to the reduction in number councilmembers.*

*Charter language if approved:*

Article III, Section 1     Governing Body

All governing and lawmaking powers of the City of Stephenville shall be vested in the council which shall consist of six (6) councilmembers and a mayor and said body shall be known as the "city council."

Article III, Section 5     Councilmembers, Terms of Office

There shall be six (6) members of the city council elected at large from the City of Stephenville...

Article III, Section 7     Mayor, Councilmembers – Qualifications

Each of the six (6) councilmembers and the mayor shall be a citizen of the United States of America, have been a resident of the State of Texas for a period of at least one (1) year, have been a resident of the City of Stephenville for a period of at least six (6) months, be a qualified voter of the State of Texas.

Article III, Section 9     Quorum

A quorum at any council meeting will be established by the presence of at least four (4) members.

Article VIII, Section 8    Amendments to Final Adopted Budget

In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget may from time to time be authorized by the affirmative vote of at least four (4) members of the entire council, as amendments or supplements to the original budget. Such supplements or amendments shall be filed with the original budget.

**Proposition 2 – Amending Term Limits for Mayor and Council Members**

*Fiscal Impact: None*

*Charter language if approved:*

Article III, Section 5     Councilmembers, Terms of Office

Councilmembers shall be elected for a term of two (2) years, two (2) councilmembers being elected each year.

Article III, Section 10    Term Limits

The mayor and council members will not be allowed to seek re-election to the office of Mayor or Councilmember after they have been elected to three (3) consecutive terms in that particular office until they have taken a one-year hiatus.

EXHIBIT "B" BALLOT LANGUAGE

***Proposition 1***

Shall the City of Stephenville amend Article III, Sections 1, 5, 7 and 9 and Article VIII, Section 8 of the City Charter of the City of Stephenville to reduce the number of City Council Members from eight (8) to six (6) and change the number required for a quorum from six (6) to four (4); and authorize the existing Stephenville City Council to adopt rules of transition.

***Proposition 2***

Shall the City of Stephenville amend Article III, Sections 5 and 10 of the City Charter of the City of Stephenville to increase the number of terms candidates seeking public office can hold by changing the existing term of office for all City of Stephenville Council Members from two (2), two-year terms to three (3), two (2) year terms for a maximum total time in office of six (6) years.