

RESOLUTION NO. 2024-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 4, 2024 FOR THE PURPOSE OF ELECTING PERSONS TO CITY COUNCIL, THE MAYOR, PLACE 1 AND PLACE 2, WITH A TERM TO EXPIRE MAY 2027; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; AND ESTABLISHING THE DATES AND TIMES FOR EARLY VOTING FOR SUCH ELECTION.

WHEREAS, the City of Bedford, 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 7.01 of the City of Bedford Charter provides that the City Council may, by resolution, order a general election, fix the time and place for holding same and provide all means for holding such general election, in accordance with the laws of the State of Texas; and,

WHEREAS, Bedford City Council positions are elected for a three-year term; and,

WHEREAS, Section 3.001 of the Texas Election Code ("Code") provides that each general election shall be ordered as provided by Chapter 3, Ordering Election; and,

WHEREAS, the City will enter into agreements for election services with Tarrant County pursuant to Sections 31.092 and 271.002 of the Code.

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

SECTION 1. The findings above are found to be true and correct, and are incorporated herein.

SECTION 2. A general election is hereby called to elect the offices of City Council, the Mayor, Place 1 and Place 2, to serve through a term to expire May 2027 or until a successor is 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. The locations of polling locations for this election are designated pursuant to the aforesaid agreements with Tarrant County for election services at those precincts designated by Tarrant County.

SECTION 3. Qualified persons may file for a place on the ballot by filing an application in the Office of the City Secretary during regular business hours from 8:00 a.m. to 5:00 p.m. each weekday, beginning Wednesday, January 17, 2024 and continuing until 5:00 p.m. on Friday, February 16, 2024.

SECTION 4. Clinton Ludwig, the Tarrant County Elections Administrator or his designee, 2700 Premier Street, Fort Worth, Texas, 76111, is hereby appointed as Early Voting Clerk and may appoint additional deputy early voting clerks as necessary to properly conduct the Election.

Website: [www.tarrantcounty.com](http://www.tarrantcounty.com)  
Email: [electionsinfo@tarrantcounty.com](mailto:electionsinfo@tarrantcounty.com)  
Telephone: (817) 831-8683

SECTION 5. Michael Wells, City of Bedford City Secretary, 2000 Forest Ridge Drive, Bedford, Texas, 76021, shall serve as the Deputy Early Voting Clerk.

Website: [www.bedfordtx.gov](http://www.bedfordtx.gov)  
Email: [michael.wells@bedfordtx.gov](mailto:michael.wells@bedfordtx.gov)  
Telephone: (817) 952-2104

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**SECTION 6.** Early voting by personal appearance shall be conducted at the County's Main Early Voting polling location: 2700 Premier Street, Fort Worth, Texas, 76111. Branch offices for early voting by personal appearance shall be established as outlined in the election agreement with Tarrant County. The branch early voting location to be located within the City of Bedford is the Bedford Public Library, 2424 Forest Ridge Drive.

Early voting by personal appearance will begin on Monday, April 22, 2024 and will end on Tuesday, April 30, 2024. Hours designated for early voting by personal appearance shall be as set forth below:

April 22-26	Monday - Friday	8:00 a.m. - 5:00 p.m.
April 27	Saturday	7:00 a.m. - 7:00 p.m.
April 28	Sunday	10:00 a.m. - 4:00 p.m.
April 29-30	Monday - Tuesday	7:00 a.m. - 7:00 p.m.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board shall be appointed and designated in accordance with the provisions of the election agreement with the Tarrant County Elections Administrator.

Applications for early voting by mail may be delivered to the Early Voting Clerk, 2700 Premier Street, Fort Worth, Texas 76111; FAX: 817-831-6118; email: [votebymail@tarrantcounty.com](mailto:votebymail@tarrantcounty.com) to be received not later than the close of business on Tuesday, April 23, 2024. Early Voting ballots shall be mailed to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. The City Secretary is directed to forward the applications and ballots to the Election Administrator as provided in the election agreement.

**SECTION 7.** Voting shall be conducted exclusively on Tarrant County's Hart InterCivic Verity Voting System. 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 8.** All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election. This election shall be held and conducted in accordance with the aforesaid election agreement, election laws of the Code, the Federal Voting Rights Act of 1965, as amended, the Charter of the City of Bedford, and as may be required by law. All election materials and proceedings shall be printed in English, Spanish and Vietnamese.

**SECTION 9.** Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote.

**SECTION 10.** The Election Judge and officers for each polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the election agreement for the conducting of the election on the aforesaid election date with Tarrant County.

**SECTION 11.** Notice of the election shall be published in accordance with Chapter 4 of the Code.

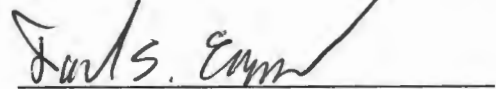
**SECTION 12.** The Mayor is authorized to execute the aforesaid election agreement for and on behalf of the City.

**SECTION 13.** City Manager 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

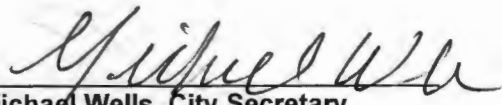
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provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

PRESENTED AND PASSED this 23rd day of January 2024 by a vote of 5 ayes, 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

  
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Daniel S. Cogan, Mayor

ATTEST:

  
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Michael Wells, City Secretary

ORDINANCE NO. 2024-3401

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, CALLING A SPECIAL ELECTION FOR SATURDAY, MAY 4, 2024, FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford, Texas ("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, it is the intention 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, an election to submit to the 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 special election be ordered prior to February 16, 2024; and,

WHEREAS, Section 41.011 of the Election Code establishes the first Saturday in May as a uniform election date, and the Council has determined that date sufficient in time to comply with the requirements of the law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, 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 proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in Exhibit "A" attached to this Ordinance. The proposed ballot language set forth in Exhibit "B" attached to this Ordinance is 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.

**SECTION 2. ELECTION SERVICES CONTRACT**

The Mayor is hereby authorized to execute a contract with the Tarrant County Elections Administrator (the "Contract") for the purpose of having Tarrant County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The Contract and election services provided therein shall conform to Chapter 42, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

**SECTION 3. CONTRACT TERMS**

The Contract shall provide (a) the type of electronic voting equipment to be used for early voting 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.

**SECTION 4. COMBINED BALLOTS**

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This special election shall be held in conjunction with the general election for the election of City Council members. Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made of forms, which are individual or combined, and the Elections Administrator shall be designated as the custodian of combined records.

**SECTION 5. CHARTER PROPOSITION BALLOTS**

The official ballots for the special election shall be prepared in accordance with the Texas 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 on Exhibit "B" attached hereto and incorporated herein for all purposes.

**SECTION 6. POLLING PLACE**

The election day polling place for this special election shall be the Pat May Center, 1849B Central Drive, Bedford, Texas 76022, between the hours of 7:00 a.m. and 7:00 p.m., on election day.

**SECTION 7. PRESIDING ELECTION JUDGE**

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the 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 Election Code.

**SECTION 9. EARLY VOTING**

(a) **Early Voting by Personal Appearance.** Clinton Ludwig, the Tarrant County Elections Administrator, ("Elections Administrator") is hereby designated as the Early Voting Clerk for the election as indicated in the Contract. Early voting by personal appearance shall commence April 22, 2024, and shall continue until April 30, 2024. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law. The early voting main location will be the Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas, and the Bedford Early Voting location will be the Bedford Public Library, 2424 Forest Ridge Drive, Bedford, Texas.

(b) **Early Voting by Mail.** The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to Clinton Ludwig, County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not later than the close of business on April 23, 2024, regardless of delivery method. Early voting ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots he may receive to the Elections Administrator as provided in the Contract.

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**SECTION 10. NOTICE**

(a) **Notice of Election.** A substantial copy of this Ordinance shall serve as proper notice of the special election. Said notice, including Spanish and Vietnamese translations thereof, shall be posted not later than the twenty first (21<sup>st</sup>) 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 (30<sup>th</sup>) day, nor later than the tenth (10<sup>th</sup>) day before the election in a newspaper published and of general circulation in the City of Bedford.

(b) **Publication of Amendments.** Additionally, in accordance with Section 9.004(c) of the Texas Local Government Code, notice shall be published in a newspaper of general circulation in Bedford on the same day, in each of two (2) consecutive weeks, with the first publication occurring before the fourteenth (14<sup>th</sup>) day before the election day. The notice shall contain a substantial copy of the proposed amendments.

**SECTION 11. AMENDMENTS**

Matters contained in this Ordinance relating to discretionary procedural matters may be amended by resolution of the City Council.

**SECTION 12. OTHER ACTION**

The Mayor and City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take all actions 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 therein.

**SECTION 13. CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bedford, as amended, including, but not limited to, all Ordinances of the City of Bedford affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

**SECTION 14. SEVERABILITY CLAUSE**

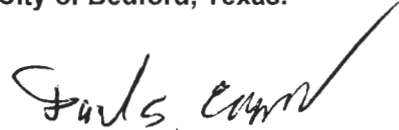
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdictions, 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 with the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 15. EFFECTIVE DATE**

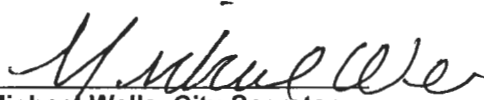
This Ordinance shall be in full force and effect from and after its passage and it is so ordained.

ORDINANCE NO. 2024-3401

PRESENTED AND PASSED this 23rd day of January 2024, by a vote of 5 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

  
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Daniel S. Cogan, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM AND LEGALITY

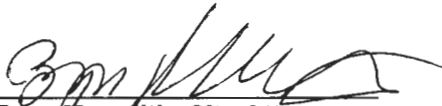
  
\_\_\_\_\_  
Bryn Meredith, City Attorney

Exhibit A

Current Charter Language	Recommended Charter Language
<p><b>Sec. 2.03. Qualifications.</b></p> <p>The members of the council shall be qualified voters of the city, who have been residents of the city for at least one (1) year, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a member of the council shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant.</p>	<p><b>Sec. 2.03. - Qualifications.</b></p> <p>The members of the council shall be qualified voters of the city, who have been residents of the city for at least one (1) continuous year prior to being elected and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a member of the council shall cease to possess any of these qualifications or shall be convicted of a Class A Misdemeanor, Class B Misdemeanor or a felony, the office shall immediately become vacant.</p>
<p><b>Sec. 2.04. Compensation.</b></p> <p>Council members shall serve without pay or compensation provided, however, they shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council.</p>	<p><b>Sec. 2.04. - Compensation.</b></p> <p>Members of the City Council shall receive a stipend of \$1.00 per month. They shall also be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council.</p>
<p><b>- No current language -</b></p>	<p><b>Sec. 2.22. – Procedure for Forfeiture or Removal from Council.</b></p> <p>When it is alleged that a Council member has violated the City Charter and that a possible consequence of such violation is forfeiture or removal from office, as provided for in this Charter, these procedures shall govern the City Council’s investigation into the allegation:</p> <ol style="list-style-type: none"> <li>(1) a sworn complaint regarding prohibited behavior shall be submitted to the City Secretary, who shall then forward it to the City Attorney for review and dissemination to Council;</li> <li>(2) the person making the complaint must be named;</li> </ol>



Exhibit A

Current Charter Language	Recommended Charter Language
	<p>(3) there shall be no statute of limitations or expiration date regarding the age of the incriminating information;</p> <p>(4) a finding of forfeiture from office or removal from office shall be by a simple majority of council members present and voting;</p> <p>(5) that the City Council shall be advised if actions other than forfeiture or removal are available; and</p> <p>(6) that any sworn complaint shall first be presented to the City Council in Executive Session, with any hearings being done during Open Session.</p>
<p><b>Sec. 3.01. Qualifications.</b></p> <p>The City Manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration. The City Manager need not, when appointed, be a resident of the city, or the state, but during the tenure of office shall reside in the city.</p>	<p><b>Sec. 3.01. - Qualifications.</b></p> <p>The City Manager shall be chosen by the council solely on the basis of their executive and administrative training, experience and ability, and without regard to political consideration. The City Manager need not, when appointed, be a resident of the city, or the state, but shall establish residency within 30 miles of City Hall during their tenure.</p>
<p><b>Sec. 3.07. City attorney.</b></p> <p>* * *</p> <p>(c) The city attorney shall be appointed to or removed from office by a vote of the city council.</p>	<p><b>Sec. 3.07. - City attorney.</b></p> <p>* * *</p> <p>(c) The city attorney shall be appointed to or removed from office by a minimum of four (4) affirmative votes of the city council.</p>

Exhibit A

Current Charter Language	Recommended Charter Language
<p><b>Sec. 8.02. Municipal Judge—Designation.</b></p> <p>The municipal judge shall be a qualified voter of the city, who has been a resident of the city for at least one (1) year, a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The municipal judge shall be elected or appointed as determined by the city council. The term is for three (3) years if elected, or, if appointed, for a term defined by the city council.</p> <p>The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office.</p>	<p><b>Sec. 8.02. - Municipal Judge—Designation.</b></p> <p>The municipal judge shall be a competent practicing lawyer who is either a qualified voter and who has been a resident of the city for at least one (1) year; or who maintains or is employed at a law office with a physical street address located in Tarrant County. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The municipal judge shall be elected or appointed as determined by the city council. The term is for three (3) years if elected, or, if appointed, for a term defined by the city council. If appointed, the municipal judge shall serve at the discretion of the city council and may be removed after notice and an opportunity to be heard at a public hearing.</p> <p>The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office.</p>
<p><b>Sec. 9.04. Same—Legal effect.</b></p> <p>Upon the adoption of a master plan by the city council, no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan shall be constructed or authorized by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the council, which shall have the power</p>	<p><b>Sec. 9.04. - Same—Legal effect.</b></p> <p>Upon the adoption of a master plan by the city council, no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan shall be constructed or authorized by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the council, which shall have the</p>

Exhibit A

<b>Current Charter Language</b>	<b>Recommended Charter Language</b>
<p>to overrule such disapproval, and upon such overruling, the council shall have power to proceed. The widening, narrowing, re-locating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, or real property, shall be subject to similar submission and approval by the planning and zoning commission, and failure to approve may be similarly overruled by the city council.</p>	<p>power to overrule such disapproval, and upon such overruling, the council shall have power to proceed.</p>

## **EXHIBIT B**

### **BALLOT LANGUAGE**

#### **Proposition A – City Council**

Shall Section 2.03 of the Bedford Home Rule Charter be amended to provide that members of the council shall be qualified voters of the city, who have been residents of the city for at least one (1) continuous year prior to being elected; and, be further amended to provide that if a Council member is convicted of a Class A or a Class B misdemeanor shall the Council member's seat immediately become vacant?

#### **Proposition B – City Council**

Shall Section 2.04 of the Bedford Home Rule Charter be amended by deleting language that provides that council member shall serve without pay or compensation and adding language that provides that members of the City Council shall receive a stipend of \$1.00 per month?

#### **Proposition C – City Council Removal Procedure**

Shall a new Section 2.22 be added to the Bedford Home Rule Charter to establish procedures governing the removal of a City Council member from office in the event of forfeiture; requiring a sworn complaint, notice and the opportunity to be heard; and providing that removal shall be by simple majority vote of the council?

#### **Proposition D – City Manager**

Shall Section 3.01 of the Bedford City Home Rule Charter be amended by deleting language that requires the City Manager to become a resident of the City during their tenure in office and adding language that requires that the City Manager shall establish residency within 30 miles of City Hall during their tenure?

#### **Proposition E – City Attorney**

Shall Section 3.07 (c) of the Bedford City Home Rule Charter be amended to provide that the city attorney shall be appointed to or removed from office by a minimum of four (4) affirmative votes of the city council?

**Proposition F – Municipal Court Judge**

Shall Section 8.02 of the Bedford Home Rule Charter be amended to provide that the municipal judge shall be a competent practicing lawyer who is either a qualified voter and who has been a resident of the city for at least one (1) year; or, who maintains or is employed at a law office with a physical street address located in Tarrant County; and, be further amended to provide that, if appointed to office, the municipal judge shall serve at the discretion of the city council and may be removed after notice and an opportunity to be heard at a public hearing?

**Proposition G – Planning and Zoning Commission**

Shall Section 9.04 of the Bedford Home Rule Charter be amended to delete the requirement that the widening, narrowing, re-locating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, or real property, shall be subject to submission and approval by the planning and zoning commission, and failure to approve may be overruled by the city council?