

Ordinance No. 22-032

An ordinance ordering a Special Election to be held on November 8, 2022 in the City of Arlington for the purpose of submitting an amendment to the Arlington City Charter Article IV, Sections 4 and 9, and Article V, Section 2, to provide that the term of office for the Mayor and City Council members shall be three years and to provide that a person may serve no more than nine years as a Council Member and nine years as Mayor and to provide for the staggering of terms; providing for notices; providing this ordinance be cumulative; providing for severability; providing for governmental immunity and providing for injunctions

WHEREAS, pursuant to Texas Local Government Code § 9.004, the City Council desires on its own motion to submit a proposed charter amendment, designated as Proposition A, to the voters for their approval at an election that would amend Article IV, Sections 4 and 9, and Article V, Section 2 to provide that the term of office for the Mayor and City Council members shall be three years and to provide that a person may serve no more than nine years as a Council Member and nine years as Mayor and to provide for the staggering of terms; and

WHEREAS, pursuant to Texas Constitution Article XI § 11(a), a Home Rule City may provide by charter amendment for its elective officers to hold a longer term of office than two years, but not to exceed four years; provided, however, that such officers are subject to automatic resignation if they shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time when the unexpired term of the office then held exceeds one year and 30 days, in accordance with Texas Constitution Article XVI § 65(b); NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That an election be held in the City of Arlington, Texas, on Tuesday, the 8th day of November 2022, for the purpose of submitting an amendment to the Home-Rule Charter of the City of Arlington. Said election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date. In accordance with Texas Local Government Code § 9.004,

the following amendment to the Home-Rule Charter shall be submitted to the voters of the City of Arlington, Texas:

Amendment Relative to Proposition A

That Section 4 of Article IV be amended so that hereafter the same shall be and read as follows:

Section 4. Terms of Office and Limitation of Terms: All elective officers under this Charter shall serve, commencing with the first general election held following the adoption of this amendment, the term of three years, and until their successors have been elected and qualified.

Further, that Section 9 of Article IV be amended so that hereafter the same shall be and read as follows:

Section 9. Term Limits: No person shall serve as Mayor for more than three (3) elected terms, and no person shall serve as a Council Member for more than three (3) elected terms. Under no circumstances may any person ever serve for more than nine (9) years as a Council Member and for more than nine (9) years as Mayor. For purposes of this section and computing the limitations on terms:

- (1) a Mayor or Council Member who vacates, for any reason the office before the end of the term for which he was elected shall be considered to have completed that term.
- (2) an appointment or election to fill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
 - a. if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
 - b. if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.
- (3) Council Member terms are counted by including together terms served as both single-member and at-large districts.

The term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three (3) terms have been served.

This amendment shall become effective immediately upon adoption at the next municipal election, shall apply to all persons currently occupying the Office of Mayor or Council

Member, and shall apply to all municipal elections conducted after the date of adoption. Any resident of the city may seek injunctive relief to enforce this prohibition.

Further, that Section 2 of Article V be amended so that hereafter the same shall be and read as follows:

Section 2. Mayor and City Council Members, Date of Election, Filing Fees: All regular elections for Mayor and City Council members shall be held on such date as is prescribed by State law or City ordinance not in conflict therewith. Commencing with the general election for City offices held in May 2023, the persons elected to the offices of Mayor and Council members for Districts 3, 4, 5, and 8 shall serve for a term of three years. Commencing with the general election for City offices held in May 2024, the persons elected to the offices of Council members for Districts 1, 2, 6 and 7 shall serve for a term of three years. The City Council shall have the power to call such special elections as they shall deem proper. Candidates for such offices shall pay such filing fee as may be set by appropriate ordinance of the City Council.

2.

The Propositions shall be set forth substantially in the following form, so as to permit the voters to vote “FOR” or “AGAINST” the Proposition:

CITY OF ARLINGTON PROPOSITION A

AMENDMENT OF SECTIONS 4 AND 9 OF ARTICLE IV AND SECTION 2 OF ARTICLE V OF THE CITY CHARTER TO PROVIDE THAT THE TERM OF OFFICE FOR THE MAYOR AND CITY COUNCIL MEMBERS SHALL BE THREE YEARS AND TO PROVIDE THAT A PERSON MAY SERVE NO MORE THAN NINE YEARS AS A COUNCIL MEMBER AND NINE YEARS AS MAYOR AND TO PROVIDE FOR THE STAGGERING OF TERMS

3.

Said election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and amendments thereof, insofar as same may be applicable.

4.

This ordinance shall constitute the Order and Notice of such election.

5.

Heider Garcia, Tarrant County Elections Administrator, or his successor, is hereby appointed as Early Voting Clerk for the Special Election. Early voting by mail shall be conducted in conformance with the requirements of the Texas Election Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier, Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, TX 76161-0011. Ballot applications and ballots voted by mail shall be sent to:

Early Voting Clerk
Tarrant County Elections Center,
P.O. Box 961011,
Fort Worth, TX 76161-0011
Telephone Number: 817-831-8683
Fax Number: 817-850-2344

Email: votebymail@tarrantcounty.com

Early Voting Clerk's Website: <https://www.tarrantcounty.com/en/elections.html>

Applications for Ballots by Mail must be received no later than the close of business on: October 28, 2022.

6.

Early voting by personal appearance in the Special Election will begin October 24, 2022 and continue through November 4, 2022 with the voting dates and hours as follows:

October 24 - 28	Monday - Friday	8:00 a.m. - 5:00 p.m.
October 29	Saturday	7:00 a.m. - 7:00 p.m.
October 30	Sunday	10:00 a.m. - 4:00 p.m.
October 31 - November 4	Monday - Friday	7:00 a.m. - 7:00 p.m.

7.

The City Secretary shall cause official ballots to be prepared in the form of the ballot first above prescribed, being in English, Spanish and Vietnamese, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. The Hart InterCivic Verity Voting System v. 2.5, a Hybrid system,

shall be used for all forms of voting for the Special Election, including election day voting at polling locations, early voting in person, early voting by mail, and provisional voting.

8.

Notice of the Election shall be given by posting a notice in English, Spanish and Vietnamese at the City Hall on the bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election, and said notices shall be posted in English, Spanish and Vietnamese.

9.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

10.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

11.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

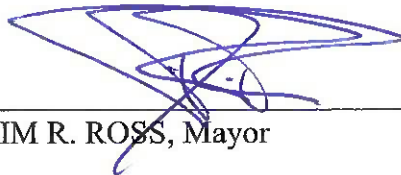
12.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

13.

This ordinance shall become effective from and after its passage upon signature of the Mayor.

PRESENTED AND GIVEN FIRST READING on the 9th day of August, 2022, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of August, 2022, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

BY: 
