

**ORDINANCE NO. 20240212-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF DAINGERFIELD, TEXAS, ON THE MAY 4, 2024 UNIFORM ELECTION DATE TO SUBMIT PROPOSITIONS TO THE QUALIFIED VOTERS OF THE CITY OF DAINGERFIELD, TEXAS, TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR ELECTION PRECINCT AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING AN EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; PROVIDING FOR THE AUTHORITY TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, both Section 9.004 of the Texas Local Government Code and Article X, Section 8 of the Home Rule Charter for the City of Daingerfield, Texas, (the "City") authorizes the City Council of the City to submit proposed Charter amendments to the qualified voters of the City for approval at an election;

**WHEREAS**, the City Council of the City of Daingerfield, Texas, (the "City Council") desires to order, call, and hold a special election for the voters to consider proposed amendments to the City's Home Rule Charter;

**WHEREAS**, the City Council of the City of Daingerfield intends, and by adoption of this Ordinance, the City Council of the City of Daingerfield, Texas calls and orders a special election to be conducted and held on the May 4, 2024, uniform election date for voters to consider a proposed amendments to the City Charter;

**NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS:**

**Section 1. Findings of Fact.** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2. Order and Call for a Special Municipal Election.** The City Council orders and calls a Special Election to be held and conducted on the Saturday May 4, 2024 Uniform Election Date for the purpose of submitting the propositions or measures contained in Exhibit "A" as proposed amendments to the City Charter. The propositions or measures contained in the attached Exhibit "A" are fully incorporated into this Ordinance by reference. Such measures are proposed Charter amendments, and their language is incorporated into this Ordinance by reference herein.

**Section 3. Ballots.** The ballots used for the general election shall comply with the Texas Election Code and shall be in the form provided by the City for use on the respective voting devices used by the City.

**Section 4. Printed Materials.** The official ballots, together with such other election materials as 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.

**Section 5. Notice of Election.** Notice of the election shall be given in the manner as provided in the Texas Election Code and the City Charter. The notice of election shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at other locations required by state law not later than the twenty-first (21st) day before the election, and by publishing said notice of the election in a newspaper of general circulation, not earlier than thirty (30) days nor later than ten (10) days prior to said election. The City Secretary is authorized and shall give all notices required for the election.

**Section 6. Conduct of Election.** The City Secretary and his/her designees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for the City. The election shall be held and conducted in compliance with the City Charter and state law.

**Section 7. Election Precincts and Election Day Polling Places.** The City has one (1) election precinct and said election shall be at the following place in said City:

J. D. Parrish Administration Building,  
200 Tiger Drive  
Daingerfield, Texas.

**Section 8. Designation of Polling Place(s).** The polls at the designated polling place(s) shall on said Election Day to be opened from 7:00 A.M. to 7:00 P.M. in the J. D. Parrish Administration Building, 200 Tiger Dr., Daingerfield, Texas. The City Secretary shall tabulate and provide the election returns for votes cast for the propositions presented to the voters to amend the City Charter.

**Section 9. Early Voting.** (a) Early voting by personal appearance shall commence on Monday, April 22, 2024, and continue through Tuesday, April 30, 2024, and early voting polls shall remain open for the time specified by the Texas Election Code and the respective Elections Administrator.

(b) The period to apply for a ballot by mail is January 1, 2024, through April 23, 2024. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on April 23, 2024.

(c) The period to apply for a federal postcard application (FPCA) is January 1, 2024, through April 23, 2024. An FPCA must be received by the Early Voting Clerk no later than the close of business on April 23, 2024.

(d) Early Voting Conducted by the City:

1. Early voting, both by personal appearance and by mail will be conducted by the City Secretary in accordance with the Texas Election Code for the qualified voters of the City residing in the City. The City Secretary is hereby designated and

appointed as an Early Voting Clerk for the general election for qualified voters of the City.

2. Applications for ballot by mail for qualified voters of the City residing in the City shall be mailed to:

Michelle Jones

City Secretary

Mailing and Physical Address:

101 Linda Drive

Daingerfield, Texas 75638

Telephone Number: (903) 645-3906

Email Address: michelle.jones@cityofdaingerfield.com

Website: <https://www.cityofdaingerfield.com/city-secretary>

3. The main early voting location for qualified voters of the City is: the City Council Chambers in the Daingerfield City Hall located at 101 Linda Drive, Daingerfield, Texas 75638.
4. Early voting for qualified voters of the City shall be held at the dates, times, and location authorized by the City Secretary. Any early voting polling place may be added or changed by the City Secretary upon compliance with applicable law. Early voting by personal appearance shall only be conducted on one or more Saturdays or Sundays during the early voting period upon receipt of a written request submitted by at least 15 registered voters of the territory covered by the election as required by state law.

**Section 10. Election Judges and Clerks.** Prior to the Election Day, the election judges, alternate judges, clerks, and other personnel necessary for conducting the Election shall be appointed by the City Council or selected and appointed by the City Secretary, as authorized by the Texas Election Code, all in compliance with the requirements of state law, and they are hereby designated and appointed election officers for the holding of said election and such appointments are approved. 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 Secretary is authorized to appoint any such other officials not designated or appointed herein as are necessary and appropriate to conduct the Election in accordance with the Code.

**Section 11. City Secretary Assistance.** 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 any applicable election services contracts, the City Secretary or the Elections Administrator, 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 any applicable election services contracts.

**Section 12. 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 Secretary is further authorized to give notice of the election as required by the Texas Election Code. The Mayor is further authorized to sign any subsequent orders adjusting the polling locations, dates, and times that are subject to change due to any applicable joint election agreement, if any, up until the final posting deadline of such notice pursuant to Texas Election Code (“Code”) Sec. 4.003(a)(b) and (c).

**Section 13. General.** The general election shall be held and conducted by the City in compliance with the Texas Election 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, materials, and equipment 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 May 7, 2024, nor later than May 15, 2024.

**Section 14. 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.

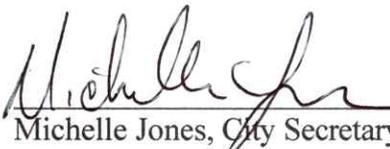
**Section 15. Effective Date; Election Code; Preamble.** This Ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the City Secretary shall comply with the Texas Elections Code. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes as part of the findings of Council.

**Section 16. 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 17. 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 12th day of February, 2024.

**ATTEST:**

  
Michelle Jones, City Secretary



**CITY OF DAINGERFIELD, TEXAS**

  
Wade Kerley, Mayor

## **EXHIBIT “A”**

### **Proposition A:**

Shall Article XIV, Section 2 of the City Charter of the City of Daingerfield be Amended to require an official copy of the Charter, as approved by the voters in accordance with state law, shall be filed with the records of the City, and the Mayor shall, as soon as practicable, certify to the Secretary of State an authenticated copy of the Charter with the approved amendments under the seal of the City, showing the approval by the qualified voters of such amendments to the Charter. Amendments to the Charter shall become effective when approved by the voters as provided by Texas law.

### **Proposition B:**

Shall Article XIV, Section 1 of the City Charter of the City of Daingerfield be Amended to require a Charter Review Commission composed of seven (7) qualified voters of the City of Daingerfield as members to be appointed by the City Council every four (4) years in the fourth quarter of the year to allow for review and updating of the City Charter.

### **Proposition C:**

Shall Article XI, Section 5 of the City Charter of the City of Daingerfield be Amended to require the City Manager to maintain a visible and accessible presence for the citizens of Daingerfield.

### **Proposition D:**

Shall Article XI, Section 2 of the City Charter of the City of Daingerfield be Amended to allow the City Manager to reside within 13 miles of the city limits instead of within the city limits of the City of Daingerfield after their appointment.

### **Proposition E:**

Shall Article IX, Section 2 of the City Charter of the City of Daingerfield be Amended to authorize the City Council if the City Council creates a municipal court of record as authorized by Chapter 30 of the Texas Government Code, the judge shall have the qualifications as required under Chapter 30 of the Texas Government Code, and that the municipal court judge serves at the pleasure of the City Council. The City Council may remove the judge of the Municipal Court or the judge of any municipal court of record authorized to be created by the City Council upon written notice and after a hearing before the City Council.

### **Proposition F:**

Shall Article IX, Section 1 of the City Charter of the City of Daingerfield be Amended to require the Municipal Court to have jurisdiction defined under Texas Government Code § 29.003], and Chapter 4 of the Code of Criminal Procedure. And to authorize the City Council to create a municipal court of record by ordinance under the authority of Chapter 30 of the Texas Government Code

**Proposition G:**

Shall Article VI, Section 15 of the City Charter of the City of Daingerfield be Amended to require all meetings of the City Council to be conducted in accordance with the Texas Open Meetings Act under Chapter 551 of the Texas Government Code

**Proposition H:**

Shall Article VI, Section 15 of the City Charter of the City of Daingerfield be Amended to require the Council to elect a Mayor Pro Tem from the Council who shall act as Mayor during the absence, disability, or if the Mayor refuses or fails to perform the duties of the Mayor.

**Proposition I:**

Shall Article VI, Section 11 of the City Charter of the City of Daingerfield be Amended to require returns of the elections, general and special be made by the election officers to the City Council no earlier than the third day or later than the eleventh [(11th)] day following said election; at which time, the Council shall canvass and declare the results of such election.

**Proposition J:**

Shall Article VI, Section 5 of the City Charter of the City of Daingerfield be Amended to require the regular election for the choice of members of the Council and Mayor to be held each year on the uniform election date in May.

**Proposition K:**

Shall Article VI, Section 4 of the City Charter of the City of Daingerfield be Amended to require any member of the Council who has three (3) consecutive absences from Council meetings to forfeit the office, the forfeiture of office shall be automatic and shall not require any action of Council. Upon such forfeiture of office, the City Council may fill the vacancy thereby created in the manner authorized by this Charter or as otherwise allowed by Texas law. The forfeiture of such officer's office or employee's position shall be automatic and shall not require any action of the City Council in order to be effective, however, the City Council may take appropriate action to recognize such forfeiture.

**Proposition L:**

Shall Article V, Section 6 of the City Charter of the City of Daingerfield be Amended to adopt a budget by a record vote and adopted in accordance and as required under Texas law.