

ORDINANCE NO. ORD-2019-10255

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. ORD-2019-10238 TO RATIFY THE FINAL BALLOT LANGUAGE FOR THE SPECIAL ELECTION FOR THE PURPOSE OF A HOME RULE CHARTER AMENDMENT TO BE HELD ON NOVEMBER 5, 2019; PROVIDING A COPY OF THE FULL AND COMPLETE ORDINANCE; AND PROVIDING A SEVERABILITY CLAUSE.

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

WHEREAS, the Irving City Council has determined on its own motion that an amendment and change should be made to the Irving City Charter which was originally adopted by the citizens of Irving in October 1952; and

WHEREAS, the Irving City Charter has not been amended within two years following the last charter amendment election held on May 11, 2013; and

WHEREAS, Irving City Council deemed it proper to submit a proposed amendment to the Irving City Charter to the qualified voters of the City of Irving for adoption or rejection at an election to be held on November 5, 2019; and

WHEREAS, on August 19, 2019 the City Council adopted Ordinance No. ORD-2019-10238 ordering a special election for the purpose of a home rule charter amendment to be held on November 5, 2019; and

WHEREAS, the Dallas County Elections Department has asked that we make minor changes to the ballot language to be consistent with the Election Code;

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

SECTION 1. That Section 2 of Ordinance No. ORD-2019-10238 is hereby amended to read as follows:

SECTION 2. That the following ballot proposition shall be submitted to the voters to amend the existing Charter of the City of Irving:

Proposition A

The change relates to removal of limitations on contributions for retirement benefits.
Art. IX, Sec. 8, the total annual amount of the City of Irving contribution for employee retirement benefits is removed.

_____ FOR


_____ AGAINST

SECTION 2. That the attached Exhibit 1 reflects the full and complete ordinance calling the special election, including the updated language to Section 2.

SECTION 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.


SECTION 4. That this ordinance shall become effective from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on September 19, 2019.



RICHARD H. STOPFER
MAYOR

ATTEST:



Shanae Jennings
City Secretary

APPROVED AS TO FORM:



Kuruvilla Oommen
City Attorney



EXHIBIT 1

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, IN THE CITY OF IRVING, TEXAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF IRVING FOR THE ADOPTION OR REJECTION OF A PROPOSED AMENDMENT TO THE EXISTING CITY CHARTER CONCERNING THE CAP ON RETIREMENT CONTRIBUTIONS; CONDUCTING THE ELECTION IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL LAWS; ORDERING THAT THE DALLAS COUNTY VOTING SYSTEM BE USED FOR THE ELECTION AND SETTING THE FORM OF THE BALLOT; ADOPTING FINDINGS; DESIGNATING THE COUNTYWIDE POLLING PLACES AT WHICH SAID ELECTION SHALL BE HELD; PROVIDING FOR ELECTION OFFICIALS AND THE TIMES AND PLACES FOR EARLY VOTING; PRESCRIBING THE PROCEDURE FOR HANDLING THE BALLOTS CAST IN EARLY VOTING; PROVIDING THE ELECTION MATERIAL WILL BE IN BOTH ENGLISH AND SPANISH; PROVIDING THE LOCATION FOR TABULATING VOTES; PROVIDING FOR NOTICE OF SAID ELECTION; AND PROVIDING A SEVERABILITY CLAUSE.

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

WHEREAS, the Irving City Council has determined on its own motion that an amendment and change should be made to the Irving City Charter which was originally adopted by the citizens of Irving in October 1952; and

WHEREAS, the Irving City Charter has not been amended within two years following the last charter amendment election held on May 11, 2013; and

WHEREAS, Irving City Council now deems it proper to submit a proposed amendment to the Irving City Charter to the qualified voters of the City of Irving for adoption or rejection at an election to be held on November 5, 2019.

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

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the following ballot proposition shall be submitted to the voters to amend the existing Charter of the City of Irving:

Proposition A

The change relates to removal of limitations on contributions for retirement benefits. Art. IX, Sec. 8, the total annual amount of the City of Irving contribution for employee retirement benefits is removed.

_____ FOR

_____ AGAINST

EXHIBIT 1

SECTION 3. That the City election precincts for this election shall consist of the territory located within the corporate limits of the City, and the polling places at said election shall be countywide polling places (commonly referred to as "Countywide Vote Centers") located in Dallas County. Exhibit "A", attached hereto, includes the countywide polling places located in the City. A complete list of election day countywide polling places is attached as Exhibit "B". Exhibits will be determined in the Joint Election Services Contract between Dallas County and the City and are subject to change by Dallas County.

SECTION 4. Early voting shall be conducted by the Dallas County Elections Administrator, Toni Pippins-Poole, who is hereby appointed as the Early Voting Clerk and Laura Granado, Early Voting Manager of the Dallas County Elections Department, is hereby appointed as Chief Deputy Early Voting Clerk, said voting to be conducted by the Office of the Elections Department. The main early voting countywide polling place is George L. Allen Sr. Courts Building, Main Lobby, 600 Commerce Street, Dallas, Texas 75202. Toni Pippins-Poole, Dallas County Elections Administrator, is hereby appointed as Manager of the Central Count Station. Early voting in the City of Irving will be conducted in the lobby of the City Hall Building, 825 West Irving Boulevard; Irving Arts Center, 3333 North MacArthur Boulevard; Valley Ranch Public Library, 401 Cimarron Trail; and all other locations in Dallas County as designated by the Dallas County Elections Administrator. The required early voting period of said election as well as additional times established by the City Council is as follows:

Monday – Friday	October 21 – 25, 2019	8:00 a.m. to 5:00 p.m.
Saturday	October 26, 2019	8:00 a.m. to 5:00 p.m.
Sunday	October 27, 2019	1:00 p.m. to 6:00 p.m.
Monday-Wednesday	October 28 – 30, 2019	8:00 a.m. to 5:00 p.m.
Thursday - Friday	October 31 – November 1, 2019	7:00 a.m. to 7:00 p.m.

SECTION 5. All requests for early voting ballots by mail shall be sent to and received by the Dallas County Elections Department, 8th Floor, Suite 820, Health and Human Service Building, 2377 North Stemmons Freeway, Dallas, Texas 75207, 214-819-6300, or via email to evapplications@dallascounty.org for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

SECTION 6. That all resident qualified voters of the City shall be permitted to vote in said election at any countywide polling place. In addition, the election material enumerated in the Texas Election Code shall be printed in both English and Spanish for use at the polling place and for early voting in said election.

SECTION 7. The Office of the Elections Department, 2377 North Stemmons Freeway, Suite 820, Dallas, Texas 75207, is hereby established as the Central Count Station to receive and tabulate votes for said election, and the Irving City Hall Building, 825 West Irving Boulevard, Irving, Texas 75060 shall be established as a regional counting station.

SECTION 8. The notice of the election on the proposed Charter amendment shall be given by publication of the Proposition on the same day of two successive weeks in a newspaper of general circulation published in the City of Irving, the date of the first publication to be not less than fourteen

EXHIBIT 1

(14) days before the election date set herein. Such notice must include a substantial copy of the proposed amendment.

SECTION 9. The rest of the Irving City Charter, containing the proposed revision, shall be kept in the office of the City Secretary of the City of Irving, and a copy will be made available to any person upon request for inspection. The notices required in Section 8 above shall state that the proposed text of the City of Irving Charter will be available to all interested persons at the office of the City Secretary of the City of Irving. A copy of the proposed revision is attached hereto as Exhibit "C" and shall be posted on the City's website and available at the City Secretary's Office.

SECTION 10. Notice of this election shall be given by posting and publication, as required by law.

SECTION 11. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 12. That this ordinance shall become effective from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on August 19, 2019.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

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City Attorney