

ORDINANCE NO. ORD-2023-10697

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023, 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 PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; ADOPTING FINDINGS; CONDUCTING THE ELECTION IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL LAWS; SETTING THE FORM OF THE BALLOT PROPOSITIONS; DESIGNATING THE PRECINCTS AND COUNTYWIDE POLLING PLACES AT WHICH SAID ELECTION SHALL BE HELD; ORDERING THAT THE DALLAS COUNTY VOTING SYSTEM BE USED FOR THE ELECTION; 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 ENGLISH, SPANISH, AND VIETNAMESE; PROVIDING THE LOCATION FOR TABULATING VOTES; PROVIDING A STATEMENT OF ANTICIPATED FISCAL IMPACT; MAKING COPIES OF THE PROPOSED CHARTER REVISIONS AVAILABLE TO THE PUBLIC; PROVIDING FOR NOTICE OF SAID ELECTION; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, the City Council has determined that certain amendments and changes should be made to the City Charter which was originally adopted by the citizens of Irving in October 1952 and subsequently amended; and

WHEREAS, the City Charter has not been amended within two years preceding the last charter amendment election held on November 5, 2019; and

WHEREAS, the City Council appointed a Charter Review Committee to review the City Charter and make recommendations for amendments to the City Charter; and

WHEREAS, the Charter Review Committee's recommendations were presented to the City Council on January 12, 2023; and

WHEREAS, the City Council now deems it proper to submit proposed City Charter amendments to the qualified voters of the City of Irving at a special election to be held on May 6, 2023;

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 in compliance with the Charter of the City of Irving and in accordance with the Constitution and laws of the State of Texas, specifically Chapter 9 of the Texas Local Government Code, the City Council hereby orders a special election (the "Election") to be held on Saturday, May 6, 2023, a uniform election date established by Section 41.001(a) of the Texas Election Code, for the purpose of submitting to the qualified voters of the City of Irving, for adoption or rejection, the proposed amendments, as shown in detail in Exhibit "A" attached hereto, to the existing Charter of the City of Irving.

SECTION 3. That the following ballot propositions shall be submitted to the voters at the Election to amend the existing City Charter of the City of Irving substantially as follows:

City of Irving Proposition A

Shall Art. III, Sec. 18 and Art. IV, Sec. 18 of the Irving City Charter be amended to clarify and update the process for conveyances of real property owned by the city and franchises authorized by the city including allowing a franchise ordinance to be read and voted on at one (1) council meeting rather than at three (3) council meetings?

_____ FOR

_____ AGAINST

City of Irving Proposition B

Shall Art. IV, Sec. 3 of the Irving City Charter be amended to require the placement of a candidate for city council on the official ballot upon the filing of an application and a petition signed by qualified voters eligible to vote for the candidate equal to the minimum number of signatures required by state law and to clarify that a candidate shall not be placed on the official ballot if the candidate is term limited or otherwise ineligible pursuant to the Charter or state law?

_____ FOR

_____ AGAINST

City of Irving Proposition C

Shall Art. IV, Sec. 3 of the Irving City Charter be amended to require the city council, after the release of the federal decennial census, to review and, if appropriate, rearrange single member council districts to make all districts to be reasonably equal in population?

_____ FOR

_____ AGAINST

City of Irving Proposition D

Shall Art. IV, Sec. 8 of the Irving City Charter be amended to define a term of office and change term limits for members of the city council as being elected to three (3) full consecutive terms in the same position, and prohibiting a term-limited council member from being eligible to become a candidate for another position on the city council, except for mayor, for three and one-half (3 ½) years after being elected to a third full consecutive term?

_____ FOR

_____ AGAINST

City of Irving Proposition E

Shall Art. IV, Sec. 12 and Art. VIII, Sec. 3 of the Irving City Charter be amended to authorize the city manager, as the city's chief executive, to sign contracts and other legal instruments on behalf of

the city instead of the mayor when authorized by the city council and approved as to form by the city attorney?

_____ FOR

_____ AGAINST

City of Irving Proposition F

Shall Art. IV, Sec. 15-A of the Irving City Charter be amended to require the city council to set forth appropriate standards for lobbyists and review the code of ethics at least once every five (5) years after adoption of this amendment?

_____ FOR

_____ AGAINST

City of Irving Proposition G

Shall Art. VII, Sec. 1 of the Irving City Charter be amended to provide authority to issue economic development bonds for any purpose so long as not prohibited by state law?

_____ FOR

_____ AGAINST

City of Irving Proposition H

Shall Art. XI, Sec. 4 of the Irving City Charter be amended to increase the city secretary's time for reviewing a voter-submitted petition relating to an initiative or referendum from ten (10) working days to twenty (20) working days?

_____ FOR

_____ AGAINST

City of Irving Proposition I

Shall the following provisions of Art. IV of the Irving City Charter be amended to delete and update election-related provisions preempted by state law and to remove unconstitutional and unlawful provisions:

Art. IV, Sec. 3(a) removes “shall not be in arrears in the payment of taxes or other liabilities dues the city” which has been deemed to be unconstitutional.

Art. IV, Sec. 5 deletes language that is preempted by state law and updates when the city council can call a meeting to canvass an election to be consistent with state law.

Art. IV, Sec. 8(b) removes “immediate forfeit” and replaces with “create a vacancy” for consistency with state law.

Art. IV, Sec. 8-A relating to a council member becoming a candidate for another office is deleted in its entirety because it is preempted by state law.

Art. IV, Sec. 8-B deletes “employee, etc.” in heading and “a city employee” and “employment” in section because it is preempted by state law and deemed unlawful.

Art. IV, Sec. 9(a) removes “mayor” and replaces with “city council” to be consistent with state law.

Art. IV, Sec. 9(c) relating to the procedure for conducting an election to fill a vacant office is deleted in its entirety because it is preempted by state law.

Art. IV, Sec. 11-A removes “automatically resign from the [office]” and replaces with “create a vacancy in that [office]” to be consistent with state law; and deletes other language preempted by state law.

_____ FOR

_____ AGAINST

City of Irving Proposition J

Shall the following provisions of Art. IV of the Irving City Charter be amended to correct non-substantive errors, such as misspellings and grammatical errors; to update language to be gender-neutral and for consistency with other Charter provisions; and to remove obsolete provisions:

Art. IV, Sec. 1 removes “law making” and replaces with “lawmaking” to correct a typographical error.

Art. IV, Sec. 2(a) clarifies that mayor and at-large members of council are elected by the qualified votes of the entire city while council members in single-member districts are elected by the qualified voters in their respective districts, consistent with other provisions of the Charter.

Art. IV, Sec. 3(c) referencing a superseded redistricting ordinance is deleted in its entirety because it is obsolete.

Art. IV, Sec. 8(b) removes “[member] of the city council” and replaces with “council [member]” for consistency with other provisions of the Charter.

Art. IV, Sec. 9(a) removes “exit” and replaces with “are created” to correct a typographical error; and adds “then” to clarify the grammar of the sentence.

Art. IV, Sec. 9(b) removes “[members] of the city council” and replaces with “council [member]” for consistency with other provision of the Charter.

Art. IV, Sec. 11-A removes “but” and replaces with “and” to clarify the grammar of the sentence.

Art. IV, Sec. 15 is a gender-neutral change that removes “councilmen” from heading and replaces with “council members.”

Art. IV, Sec. 17 removes “and” and replaces with a period and “Proposed ordinances or resolutions” to clarify the grammar of the sentence.

Art. IV, Sec. 18 deletes language relating to emergency measures because it is obsolete.

_____ FOR

_____ AGAINST

SECTION 4. That the City election precincts for the 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 “B,” attached hereto, includes the countywide polling places located in the City. A complete list of election day countywide polling places is attached as Exhibit “C.” Said 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 5. Early voting shall be conducted by the Dallas County Elections Administrator, Michael Scarpello, who is hereby appointed as the Early Voting Clerk, said voting to be conducted by the Office of the Elections Department. The main early voting polling place is Elections Training/Warehouse, 1460 Round Table Drive, Dallas, Texas 75247. Michael Scarpello, Dallas County Elections Administrator, is hereby appointed as Manager of the Central Count Station. Early voting in the City of Irving will be conducted at the following locations subject to the City’s Joint Election Services Contract with Dallas County: lobby of the Irving City Hall Building, 825 West Irving Boulevard; Irving Arts Center, Art Lab 1, 3333 North MacArthur Boulevard; Valley Ranch Public Library, Program Room, 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 Dallas County is as follows:

Monday – Friday	April 24 – April 28, 2023	8:00 a.m. to 5:00 p.m.
Saturday	April 29, 2023	8:00 a.m. to 5:00 p.m.
Sunday	April 30, 2023	12:00 p.m. to 6:00 p.m.
Monday – Tuesday	May 1 – May 2, 2023	7:00 a.m. to 7:00 p.m.

SECTION 6. All requests for early voting ballots by mail shall be sent to and received by the Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247, 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 7. That all resident qualified electors of the City shall be permitted to vote in said election. In addition, the election material enumerated in the Texas Election Code shall be printed in English, Spanish, and Vietnamese for use at the polling place and for early voting in said election.

SECTION 8. The Office of the Elections Department, 1520 Round Table Drive, Dallas, Texas 75247, is hereby established as the Central Count Station to receive and tabulate votes for said election.

SECTION 9. Pursuant to Section 9.004(c)(2) of the Texas Local Government Code, requiring a statement of the anticipated fiscal impact to the City if the proposed amendments are approved, the City asserts that it is difficult to accurately account for the fiscal impact of the proposed amendments in light of the particular unknown effect upon the actual operation of the City government; however, if the proposed amendments are approved, an overall analysis reflects that there should be no immediate fiscal impact upon the probable economic cost to the City.

SECTION 10. The notice of the Election shall be given by publication of the Propositions 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 (14) days before the Election date set herein. Such notice must include a substantial copy of the proposed amendments and include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the Election.

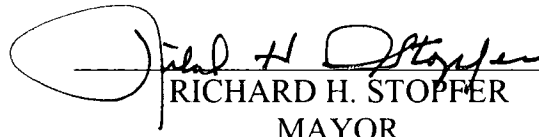
SECTION 11. Copies of the Irving City Charter and the proposed Charter revisions shall be kept in the office of the City Secretary of the City of Irving, and a copy will be made available to any person upon request for inspection. The notices required in Sections 10 and 12 shall state that the proposed revisions 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 revisions are attached hereto as Exhibit "A" and shall be posted on the City's website and available at the City Secretary's Office.

SECTION 12. Notice of the Election shall be given by posting, as required by law.

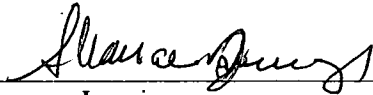
SECTION 13. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 14. 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 February 9, 2023.


RICHARD H. STOPPER
MAYOR

ATTEST:


Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:


Kuruvilla Oommen
City Attorney

