

ORDINANCE NO. ORD-2023-10747

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION 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

WHEREAS, the City of Irving, Texas, held a Special Election on May 6, 2023 for the purpose of submitting to the qualified voters of the city of Irving, Texas, amendments to the Charter of the City of Irving, Texas; and

WHEREAS, public notice of the Special Election was duly given, and such election was duly and properly held and administered in accordance with the laws of the State of Texas, the Charter of the City of Irving, and the Federal Voting Rights Act of 1965; and

WHEREAS, a canvass of the Special Election returns was conducted on May 17, 2023; and

WHEREAS, it was found that the following amendments to the Irving City Charter were submitted to all residents and qualified electors of the City for the purpose of adopting or rejecting ten (10) separately proposed amendments to the existing city charter as hereinafter delineated and the following votes were cast for or against the proposed amendments:

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
EARLY VOTES	2875	1516
ELECTION DAY	2124	1275
TOTAL	4999	2791

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
EARLY VOTES	3685	689
ELECTION DAY	2771	619
TOTAL	6456	1308

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
EARLY VOTES	3349	1040
ELECTION DAY	2524	870
TOTAL	5873	1910

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
EARLY VOTES	3455	927
ELECTION DAY	2603	794
TOTAL	6058	1721

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
EARLY VOTES	2943	1436
ELECTION DAY	2148	1242
TOTAL	5091	2678

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
EARLY VOTES	3852	545
ELECTION DAY	2954	458
TOTAL	6806	1003

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
EARLY VOTES	2558	1792
ELECTION DAY	1964	1436
TOTAL	4522	3228

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
EARLY VOTES	3002	1375
ELECTION DAY	2278	1106
TOTAL	5280	2481

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 due 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
EARLY VOTES	3260	987
ELECTION DAY	2445	877
TOTAL	5705	1864

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 voters 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
EARLY VOTES	3191	1090
ELECTION DAY	2374	985
TOTAL	5565	2075

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

SECTION 1. That the Special Election held on May 6, 2023 was duly and legally called, notice thereof given, and conducted in accordance with the Constitution and laws of the State of Texas, the Charter of the City of Irving, the Federal Voting Rights Act of 1965, and the ordinance calling said election; the election returns have been properly made to the officials of the City of Irving entitled to receive the same; and said election properly represents the desires of the voters of the City of Irving.

SECTION 2. That the majority of the qualified voters of said City, voting at the Special Election, voted “for” the following propositions and those said amendments were duly adopted and shall become part of the Charter of the City of Irving, Texas, and that the Charter of the City of Irving, adopted by the qualified voters of the City of Irving at an election on October 25, 1952, is hereby declared to be amended to conform to Propositions A, B, C, D, E, F, G, H, I, and J adopted by the qualified voters of the City of Irving, Texas, at said election held on the May 6, 2023.

- Proposition A
- Proposition B
- Proposition C
- Proposition D
- Proposition E
- Proposition F
- Proposition G
- Proposition H
- Proposition I
- Proposition J

SECTION 3. The City Secretary shall send to the Texas Secretary of State a certified copy of the Charter under the seal of the City showing the approval of the Charter amendments approved by the qualified voters of the City of Irving, Texas, duly adopted at the May 6, 2023 Special Election. The City Secretary shall record this ordinance in the City’s official election registrar.


SECTION 4. It is hereby declared that the City of Irving approves and accepts the results of the Special Election, as set forth in the Election Returns Sheet attached herein as "Exhibit A."

SECTION 5. Should any court of competent jurisdiction declare any section, subsection, clause, or phrase of this ordinance unconstitutional or invalid, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause and phrase, without the inclusion of any unconstitutional or invalid provisions.

SECTION 6. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting was given.

SECTION 7. This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on May 17, 2023.


RICHARD H. STOPPER
MAYOR

ATTEST:


Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:


Kuruvilla Oommen
City Attorney



Summary Results Report
Joint and Special Election
May 6, 2023

UNOFFICIAL RESULTS

Irving

Statistics

	TOTAL	EV-In Person	EV-Mail	EV-ED Provision	Election Day
Registered Voters - Total	107,790				
Ballots Cast - Total	8,374	4,654	64	3	3,653
Voter Turnout - Total	7.77%				

Summary Results Report
 Joint and Special Election
 May 6, 2023

UNOFFICIAL RESULTS

Irving

Irving For Member of Council, Single Member District 3

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
Mark Zeske	529	32.74%	282	7	0	240
Abdul Khabeer	774	47.90%	439	2	0	333
Paul Bertanzetti	313	19.37%	155	1	0	157
Total Votes Cast	1,616	100.00%	876	10	0	730

Irving For Member of Council, Single Member District 5

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
Anthony Stanford	46	2.54%	23	0	0	23
Heather A. Stroup	498	27.47%	318	2	1	177
Jesse Koehler	85	4.69%	46	0	0	39
Matt Varble	446	24.60%	278	6	0	162
Mark Cronenwett	738	40.71%	463	2	0	273
Total Votes Cast	1,813	100.00%	1,128	10	1	674

Irving Proposition A

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	4,999	64.17%	2,840	34	1	2,124
Against	2,791	35.83%	1,487	28	1	1,275
Total Votes Cast	7,790	100.00%	4,327	62	2	3,399

Irving Proposition B

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	6,456	83.15%	3,631	52	2	2,771
Against	1,308	16.85%	682	7	0	619
Total Votes Cast	7,764	100.00%	4,313	59	2	3,390

Irving Proposition C

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	5,873	75.46%	3,302	46	1	2,524
Against	1,910	24.54%	1,029	10	1	870
Total Votes Cast	7,783	100.00%	4,331	56	2	3,394

Irving Proposition D

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	6,058	77.88%	3,412	41	2	2,603
Against	1,721	22.12%	911	16	0	794
Total Votes Cast	7,779	100.00%	4,323	57	2	3,397

Summary Results Report
 Joint and Special Election
 May 6, 2023

UNOFFICIAL RESULTS

Irving

Irving Proposition E

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	5,091	65.53%	2,902	40	1	2,148
Against	2,678	34.47%	1,417	18	1	1,242
Total Votes Cast	7,769	100.00%	4,319	58	2	3,390

Irving Proposition F

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	6,806	87.16%	3,799	51	2	2,954
Against	1,003	12.84%	539	6	0	458
Total Votes Cast	7,809	100.00%	4,338	57	2	3,412

Irving Proposition G

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	4,522	58.35%	2,528	29	1	1,964
Against	3,228	41.65%	1,763	28	1	1,436
Total Votes Cast	7,750	100.00%	4,291	57	2	3,400

Irving Proposition H

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	5,280	68.03%	2,962	39	1	2,278
Against	2,481	31.97%	1,356	18	1	1,106
Total Votes Cast	7,761	100.00%	4,318	57	2	3,384

Irving Proposition I

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	5,705	75.37%	3,213	46	1	2,445
Against	1,864	24.63%	977	9	1	877
Total Votes Cast	7,569	100.00%	4,190	55	2	3,322

Irving Proposition J

Vote For 1

	TOTAL	VOTE %	EV-In Person	EV-Mail	EV-ED Provision	Election Day
For	5,565	72.84%	3,142	47	2	2,374
Against	2,075	27.16%	1,083	7	0	985
Total Votes Cast	7,640	100.00%	4,225	54	2	3,359