CITY OF SEAGOVILLE, TEXAS
RESOLUTION NO. 11-R-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICE OF MAYOR AND CITY COUNCIL PLACES 2 AND 4; ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF SEAGOVILLE TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON MAY 6, 2023; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF SEAGOVILLE; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACTS; PROVIDING FOR DATES FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR DEADLINE FOR APPLICATION FOR ABSENTEE BALLOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general election for the City of Seagoville, as set forth by the Texas Election Code, is required to be held on May 6, 2023, at which time the voters will elect persons to the offices of Mayor and City Council Places 2 and 4; and

WHEREAS, the City Council has received and reviewed a report from the 2022 City of Seagoville Charter Review Commission recommending to the City Council proposed amendments to the Home Rule Charter for the City of Seagoville and has determined that certain amendments are in the best interest of the citizens and, in some instances, necessary to comply with state law; and

WHEREAS, the City Council finds it to be in the public interest to call the foregoing general and special elections and to enter into a contract with Dallas County, pursuant to Section 271.002 of the Texas Election Code, to conduct said elections jointly with other Dallas County governmental entities on May 6, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. A general municipal election is hereby ordered to be held on May 6, 2023 to elect the officers of Mayor and City Councilmembers for Places 21 and Places 4, each to serve a two (2) year term and, in conjunction therewith, a special election is hereby ordered for the hereinafter proposed amendments to the Charter of the City of Seagoville, contained in Exhibit “A” attached hereto and made a part of this Resolution for all purposes, to be submitted in proposition form as set forth hereinbelow to the qualified voters of the City for their approval or disapproval at an election to be held in conjunction with the general election on May 6, 2023.
SECTION 2. The elections will be conducted jointly with other political subdivisions in Dallas County on May 6, 2023 pursuant to the Texas Election Code and a Joint Election Agreement and Election Services Contract by and between the City of Seagoville, Dallas County, and other political subdivisions (the “Joint Elections Agreement”). The City Manager and/or the City Secretary are hereby authorized to execute an Joint Elections Agreement for the elections on May 6, 2023, and any amendments thereto that will provide for all election appointments, early voting by mail, the voting locations and hours of voting, payments for election officials, necessary election arrangements, and a runoff election (if applicable).

SECTION 3. The election precinct and polling place of said election shall be as follows:

City Voting Precinct
Seagoville City Hall
702 N. Hwy 175
Seagoville, Texas 75159

Election polls shall open on Election Day at 7:00 a.m. and close at 7:00 p.m.

SECTION 4. Notice of the elections shall be (1) posted on the bulletin board used to post notice of the City Council meetings, and (2) published in a newspaper of general circulation in the City, which posting and publication shall include a substantial copy of the proposed amendment propositions. That said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day and no later than the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

SECTION 5. Early voting by personal appearance will be held jointly with other Dallas County entities at Dallas County’s Main Early Voting Site located at the George L. Allen Sr. Courts Building, 600 Commerce Street, Dallas, Texas 75202 beginning on Monday, April 24, 2023, and continue through Tuesday, May 2, 2023 as follows:

<table>
<thead>
<tr>
<th>Early Election Dates</th>
<th>Times When Polls Are Open</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 24 – April 28</td>
<td>Monday-Friday</td>
</tr>
<tr>
<td>April 29</td>
<td>8:00 a.m. until 5:00 p.m.</td>
</tr>
<tr>
<td>April 30</td>
<td>Saturday</td>
</tr>
<tr>
<td>May 1-May 2</td>
<td>Monday-Tuesday</td>
</tr>
<tr>
<td></td>
<td>7:00 a.m. until 7:00 p.m.</td>
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</tbody>
</table>

In addition, all qualified and registered voters may vote by early appearance at the Seagoville City Hall, 702 N. Hwy 175, Seagoville, Texas 75159 at the dates and times set forth below:

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<tbody>
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</tr>
<tr>
<td>April 29</td>
<td>8:00 a.m. until 5:00 p.m.</td>
</tr>
</tbody>
</table>
April 30           Sunday         1:00 p.m. until 6:00 p.m.
May 1-May 2       Monday-Tuesday 7:00 a.m. until 7:00 p.m.

Additional early voting locations will be determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Election Administrator.

SECTION 6. The Dallas County Elections Administrator is hereby appointed to serve as the Early Voting Clerk and the Election Administrator’s permanent county employees are appointed as deputy early voting clerks. Applications for early voting/ballots by mail may be submitted by mail, carrier, delivery, fax, or email and must be received by the Early Voting Clerk no later than the close of business on Tuesday, April 25, 2023.

Applications for ballots by mail shall be mailed to:
Michael Scarpello, Early Voting Clerk
1520 Round Table Drive
Dallas, Texas 75247

Applications for ballots by mail, if faxed, should be faxed to 214-819-6303.

Applications for ballots by mail, if e-mailed, should be e-mailed to evapplications@dallascounty.org.

SECTION 7. The City Secretary shall present the election returns to the City of Seagoville City Council at a City Council meeting for the canvassing of said election in accordance with the Texas Election Code.

SECTION 8. Each amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “for” or “against” any amendment or amendments without voting “for” or “against” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Seagoville, Texas.

SECTION 9. The ballot propositions for the proposed amendments to the Charter are as follows:

Proposition A

Shall Article I, Section 1.01(b) of the Home Rule Charter be amended to revise number of signatures required on a petition requesting the calling of an election to change the form of government to fifty (50%) percent of the total number of legal qualified electors voting for Mayor at the last preceding City election?

Proposition B

Shall the Home Rule Charter be amended to delete outdated language and add updated language to comply with state law requirements?
Proposition C

Shall Article III, Sections 3.01 and 3.02 of the Home Rule Charter be amended to clarify the requirement that the mayor and members of the city council must be qualified voters of the City residing within the City of Seagoville for a minimum of one (1) year prior to and on the date of the election and during the term of office in order to hold office?

Proposition D

Shall Article III, Section 3.01 of the Home Rule Charter be amended to add a provision that a member of the city council, including the mayor, shall forfeit his office should he lack any of the qualifications of office prescribed by law and to provide that the city council may, by ordinance, provide the process for determining and declaring forfeiture?

Proposition E

Shall Article III, Section 3.03 of the Home Rule Charter be amended to provide for compensation for each member of the city council, including the mayor, at a rate of thirty ($30.00) dollars for each regular and special called council meeting attended by said member?

Proposition F

Shall Article III, Section 3.19 of the Home Rule Charter be amended to provide that a member of any city board or commission shall not have been finally convicted of (1) a felony or an assaultive class A misdemeanor for which the person has not been pardoned or otherwise released from the resulting disabilities or (2) a non-assaultive class A misdemeanor within ten years of the date of appointment of such person to the board of commission?

Proposition G

Shall Article IX, Section 9.03 be amended to provide that relationship to another city employee does not prohibit a person being employed by or contracting with the City, except that no person related to a supervisory city employee within the second degree by affinity or the third degree by consanguinity shall serve directly under the supervision of such relative?

Proposition H

Shall the Home Rule Charter be amended to add a new section 12.04 to Article XII to provide that in the event of typographical, grammatical, gender-specific, or
other non-substantive errors in the Charter, the city council may, by majority vote, correct the same, provided that such correction may not alter the substantive meaning of any provision of the Home Rule Charter?

SECTION 10. This resolution shall be construed with any action of Dallas County providing for the conduct of a joint election with other public entities as herein contemplated.

SECTION 11. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 12. This Ordinance shall become effective from and after its passage in accordance with law.

DUTY APPROVED AND PASSED by the City Council of the City of Seagoville, Texas, on the 6th day of February, 2023.

APPROVED:

[Signature]

Dennis K. Childress, Mayor

Attest:

[Signature]

Kandi Jackson, City Secretary

Approved as to form:

[Signature]

Victoria W. Thomas, City Attorney

(121822vwrTM132602)
EXHIBIT A
PROPOSED AMENDMENTS

Proposition A:

Section 101(b)
“After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than **fifty twenty percent (50/20%)** of the total number of legal qualified electors voting for Mayor at the last preceding City election, requesting the Mayor to call a special election for the abandonment of the City Manager form of government, whereupon it shall be the duty of the Mayor within ten (10) days after the filing of such petition to issue a proclamation calling a special election for such purpose, and such election shall be held within thirty (30) days after the filing of such petition. Such proclamation shall state that the election is called in order to submit the question of the abandonment of the City Manager plan of government as previously adopted and instituted by the City. Such proclamation shall be published one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:
FOR abandoning the City Manager form of government in the City of Seagoville.
AGAINST abandoning the City Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the City Manager plan, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.”

Proposition B:

Section 101(b):
“After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than twenty percent (20%) of the total number of legal qualified electors voting for Mayor at the last
preceding City election, requesting the City Council Mayor to call a special election for the abandonment of the City Council-Manager form of government, whereupon it shall be the duty of the City Council Mayor within ten (10) thirty (30) business days after the filing of such petition to issue a proclamation calling a special election for such purpose, and such election shall be held within thirty (30) days after the filing of such petition on the next uniform election date for the City that provides at least one hundred and twenty (120) days from the date of the ordinance or resolution calling for the election. The resolution or ordinance calling such election shall state that the election is called in order to submit the question of the abandonment of the Council-Manager form of government as previously adopted and instituted by the City. Such proclamation shall be posted and published in accordance with the requirements of state law, one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:
FOR abandoning the Council-City-Manager form of government in the City of Seagoville.
AGAINST abandoning the Council-City-Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the Council-Manager form of government, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.”

Section 3.01(b):
“Only qualified voters of the City residing within the City of Seagoville the respective district as provided herein shall be eligible to hold the office of Councilmember or Mayor. Only qualified voters residing within the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.”

Section 3.02:
“In addition to any other qualifications prescribed by law, the Mayor and each Council member shall:
(1) Have resided in their district the City of Seagoville for a minimum of one (1) year prior to and on the date of the election and shall reside in that district the City of Seagoville during the term of office.”
Proposition C:

Section 3.01(b):
"Only qualified voters of the City residing within the respective district as provided herein shall be eligible to hold the office of Council member. Only qualified voters residing within the City, as provided herein, shall be eligible to hold the office of the Mayor or Council member. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date."

Section 3.02:
"In addition to any other qualifications prescribed by law, the Mayor and each Council member shall:

1. Have resided in their district the City of Seagoville for a minimum of one (1) year prior to and on the date of the election and shall reside in that district the City of Seagoville during the term of office; and,
2. Be a qualified voter within the City at the time of election."

Proposition D:

Section 3.01(b):
"Only qualified voters residing within the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date. A mayor or Council member lacking any qualification for office prescribed by law, including this Home Rule Charter, shall forfeit his office. The City Council may, by ordinance, establish the procedure for determining and declaring forfeiture."

Proposition E:

Section 3.03
"The Mayor and each member of the City Council shall be entitled to compensation for service in the amount of thirty ($30.00) dollars for each regular or special called Council meeting attended, shall serve without compensation. The City Council shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of official duties. The City Council may, by ordinance or resolution, adopt rules or regulations to govern the reimbursement of a Councilmember for such expenses under this section."

Proposition F:

Section 3.19(f):
"No person shall be eligible to serve on any Board or Commission that does not meet the following qualifications:
(3) Have not been finally convicted of a felony or an assaultive class A misdemeanor for which the person has not been pardoned or otherwise released from the resulting disabilities or a non-assaultive class A misdemeanor within ten (10) years of the date of appointment of such person.

Proposition G:

Section 9.03:

"No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager, shall be employed by or contracted with for the City. This shall not apply to the following:

(1) Any person continuously employed or contracted six (6) months prior to election or appointment of Mayor, Councilmember, or City Manager; or
(2) Any person who is a seasonal employee or intern of the City.

No person related to a supervisory City employee within the second degree by affinity or third degree by consanguinity shall serve directly under the supervision of such relative."

Proposition H:

[NEW SECTION]

"In the event of typographical, grammatical, gender-specific, or other non-substantive errors in the Home Rule Charter, the City Council may, by ordinance, correct the same, provided that such correction may not alter the substantive meaning of any provision of the Charter. "