

ORDINANCE NO. 2018-4031

AN ORDINANCE AUTHORIZING A GENERAL AND SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, FOR THE PURPOSE OF ELECTING A CITY COUNCILMEMBER, PLACE 4, A CITY COUNCILMEMBER, PLACE 6; AND TO SUBMIT PROPOSED AMENDMENTS TO THE CITY CHARTER BY THE QUALIFIED VOTERS OF THE CITY OF COLLEGE STATION; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; AND MAKING PROVISIONS FOR CONDUCTING THE ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION:

SECTION 1. A general and special election is ordered to be held by the City of College Station (the “City”) at the various polling places and election precincts within the corporate limits of the City, as hereinafter designated, on November 6, 2018, from the hours of 7:00 a.m. to 7:00 p.m. This general and special election will be conducted jointly with Brazos County and will be administered for the City by the Brazos County Elections Administrator, but this general and special election is not a county-wide election. At this election the qualified voters of the City will elect City Councilmembers for Place 4 and 6, with each position having a term of three years. In addition at this election, ballot propositions will be submitted to the qualified voters of the City for proposed amendments to the City Charter, in accordance with applicable provisions of the City Charter and State law.

SECTION 2. Should any candidate in the general election fail to receive a majority vote, then in that event a runoff election shall be ordered for every place in the general election to which no one was elected as required by Section 17 (d) of the City Charter, as amended. In the event it becomes necessary to conduct a runoff election, it shall be held on Tuesday, December 11, 2018. Canvass of the returns of the runoff election, if necessary, shall be held no earlier than the 8th day and no later than the 11th day following the date of the runoff election or on the next regular business day if the 11th day falls on a Saturday, Sunday or official state holiday.

SECTION 3. The following proposed text amendments will be submitted to the qualified voters of the City at the election, in accordance with Section 9.004 of the Texas Local Government Code and Section 131 of the College Station City Charter and other applicable laws [proposed deleted text is shown with ~~strikethroughs~~ and proposed added text is underlined.]:

AMENDMENT NO. 1

Shall Article III (The City Council), Section 17 (Number, Selection, Term) of the College Station City Charter be amended to provide for the regular election of the Mayor and City Council Members to be held in even-numbered years, for four (4) year term lengths for the Mayor and Council Members, and that the Mayor and Council Members be eligible to serve consecutive regular terms totaling no more than eight (8) years?

Number, Selection, Term

Section 17. The City Council shall be composed of the Mayor and six (6) Council Members and

be known as the “City Council of the City of College Station.”

- (a) The Mayor and other members of the City Council shall be elected from the City at large.
- (b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.
- (c) Each Council Member, unless sooner removed or as otherwise provided under the provisions of this Charter, shall serve for a term of four three (43) years, beginning with the first meeting of the Council following their election, and ending with the first meeting of the Council four three (43) years later, or until their successor has been elected and duly qualified. The Mayor, unless sooner removed or as otherwise provided under the provisions of this Charter, shall serve for a term of four three (43) years, beginning with the first meeting of the Council following their election and ending with the first meeting of the Council four three (43) years later, or until their successor has been elected and duly qualified. A Mayor or Council Member holding office prior to adoption of this subsection shall continue to serve a three (3) year term.
- (d) The following election process is established to transition from three (3) year terms to four (4) year terms to be elected at the general election held in November of even-numbered years. In 2019, the positions of Mayor and Council Member Place 2 shall be elected at the general election and shall serve three (3) year terms or until their successor has been elected and duly qualified. In 2020, the position of Council Member Place 1 shall be elected at the general election and shall serve a two (2) year term or until their successor has been elected and duly qualified. Thereafter, beginning in 2022, the positions of Mayor and Council Member Place 1 and Place 2 shall be elected at the general election and shall serve four (4) year terms or until their successor has been elected and duly qualified. In 2021, the positions of Council Member Place 4 and Place 6 shall be elected at the general election to serve three (3) year terms or until their successor has been elected and duly qualified. Thereafter, in 2024, the positions of Council Member Place 3, Place 4, Place 5 and Place 6 shall be elected at the general election to serve four (4) year terms or until their successor has been elected and duly qualified.
- (e) No person shall be deemed elected to an office unless that person receives a majority of all the votes cast for such office. The Council shall, upon declaring the official results of the election, order a run-off election for each office to which no one was elected. In the run-off election, the two candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for such office in the run-off election shall be elected to such office.
- (f) Beginning in 1999, There shall be no limit to the total number of terms served by the Mayor or Council Members; however, no person shall be eligible to be elected to serve in the capacity of the Council Members for consecutive regular terms totaling more than eight six (86) years; nor shall any person be eligible to be elected to serve in the capacity of Mayor for consecutive regular terms totaling more than eight six (86) years.

AMENDMENT NO. 2

Shall Article III (The City Council), Section 29 (City Attorney) of the College Station City Charter be amended to permit the City Attorney to reside either within the City or within the extraterritorial jurisdiction of the City?

City Attorney

Section 29. The City Council shall appoint an officer of the City who shall be the City Attorney, who may be removed from office by the Council. The City Attorney shall be a competent and duly licensed attorney, who, during their tenure as City Attorney, shall reside either within the City of College Station or within the City's extraterritorial jurisdiction.

The City Attorney shall represent the City in all litigation. The City Attorney shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

The City Attorney shall have power to appoint an assistant or assistants, if the City Attorney deems necessary, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Attorney.

AMENDMENT NO. 3

Shall Article III (The City Council), Section 30 (City Internal Auditor) of the College Station City Charter be amended to make the appointment of the City Internal Auditor mandatory and to remove the reference to contracting for the duties of City Internal Auditor?

City Internal Auditor

Section 30. The City Council may shall appoint an officer of the City to be the City Internal Auditor, who may be removed from office by the Council. The City Internal Auditor shall carry out the audit functions and shall perform such other duties assigned by the City Council. ~~The City Council may also enter into a contract for the duties of City internal Auditor, to be carried out by an outside firm, if it so chooses.~~

The City Internal Auditor shall have the power to appoint an assistant or assistants, if they deem necessary, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Internal Auditor.

AMENDMENT NO. 4

Shall Article IV (The City Manager), Section 40 (Qualifications) of the College Station City Charter be amended to permit the City Manager to reside either within the City or within the extraterritorial jurisdiction of the City?

Qualifications

Section 40. The City Manager shall be chosen by the City Council solely on the basis of the prospective City Manager's executive and administrative qualifications with special reference to the applicant's actual experience, knowledge, and accepted practice in respect to the duties of the office as hereinafter set forth. ~~At the time of appointment the City Manager need not be a resident of the City or State, but d~~During their tenure as ~~the~~ City Manager, the ~~new~~ City Manager must ~~establish residence~~ reside either within the City or within the City's extraterritorial jurisdiction.

AMENDMENT NO. 5

Shall Article VII (Finance Administration), Section 68 (Contracts for Improvements) of the College Station City Charter be amended to allow the City to determine by ordinance the methods to be used to satisfy notice requirements for competitive purchasing?

Contracts for Improvements

Section 68. The City shall make expenditures to promote the best interests of the citizens of College Station. The City shall encourage free and unrestricted competition on all bids and purchases, ensuring the taxpayers the best possible return on and use of their tax dollars. It shall be the policy of the City to fully comply with and make all purchases or expenditures pursuant to the City's policies, rules, regulations, procedures, and state and federal law. The manner of giving notice of competitive bids or competitive proposals as provided by ordinance shall be controlling to the extent permitted by state law.

SECTION 4. The ballots for the City election will conform to the requirements of the Texas Election Code, and will have the measures described in Section 3 of this Ordinance stated as propositions as follows:

PROPOSITION NO. 1

FOR/AGAINST

Shall Article III (The City Council), Section 17 (Number, Selection, Term) of the College Station City Charter be amended to provide for the regular election of the Mayor and City Council Members to be held in even-numbered years, for four (4) year term lengths for the Mayor and Council Members, and that the Mayor and Council Members be eligible to serve consecutive regular terms totaling no more than eight (8) years?

PROPOSITION NO. 2

FOR/AGAINST

Shall Article III (The City Council), Section 29 (City Attorney) of the College Station City Charter be amended

to permit the City Attorney to reside either within the City or within the extraterritorial jurisdiction of the City?

PROPOSITION NO. 3

FOR/AGAINST

Shall Article III (The City Council), Section 30 (City Internal Auditor) of the College Station City Charter be amended to make the appointment of the City Internal Auditor mandatory and to remove the reference to contracting for the duties of City Internal Auditor?

PROPOSITION NO. 4

FOR/AGAINST

Shall Article IV (The City Manager), Section 40 (Qualifications) of the College Station City Charter be amended to permit the City Manager to reside either within the City or within the extraterritorial jurisdiction of the City?

PROPOSITION NO. 5

FOR/AGAINST

Shall Article VII (Finance Administration), Section 68 (Contracts for Improvements) of the College Station City Charter be amended to allow the City to determine by ordinance the methods to be used to satisfy notice requirements for competitive purchasing?

SECTION 5. The Vote Centers (polling locations) for College Station for this election shall be as follows:

Vote Centers	Vote Centers
Arena Hall 2906 Tabor Road Bryan, Texas	Church of the Nazarene 2122 E William J Bryan Pkwy Bryan, Texas
Lincoln Center 1000 Eleanor College Station, Texas	Castle Heights Baptist Church 4504 E. Hwy 21 Bryan, Texas
Memorial Student Center (MSC), 2408, 2 nd Fl Texas A&M Campus, Joe Routt Blvd. College Station, Texas	First Baptist Church - Bryan 3100 Cambridge Drive Bryan, Texas

College Station ISD Administration Building 1812 Welsh College Station, Texas	Living Hope Baptist Church 4170 Texas 6 Frontage Rd College Station, Texas
Parkway Baptist Church 1501 Southwest Parkway College Station, Texas	Beacon Baptist Church 2001 East Villa Maria Road Bryan, Texas
College Station City Hall 1101 Texas Avenue College Station, Texas	A&M Church of Christ 2475 Earl Rudder Fwy S, College Station, Texas
Wellborn Community Center 4119 W. Greens Prairie Road College Station, Texas	Fellowship Freewill Baptist Church 1228 W. Villa Maria Road Bryan, Texas
Pct. 4 Volunteer Fire Station (Brushy) 6357 Raymond Stotzer Pkwy College Station, Texas	Christ United Methodist Church 4201 State Highway 6, South College Station, Texas
Zion Church of Kurten 977 N. FM 2038 Kurten, Texas	St. Francis Episcopal Church 1101 Rock Prairie Road College Station, Texas
Millican Community Center 22284 Pierce Street Millican, Texas	Galilee Baptist Church 804 N. Logan Bryan, Texas
Brazos County Elections Administration (Ruth McLeod Training Room) 300 E. William J. Bryan Bryan, Texas	College Heights Assembly of God 4100 Old College Rd. Bryan, Texas
Bryan Ballroom 703 Palasota Bryan, Texas	Brazos Center 3232 Briarcrest Drive Bryan, Texas
GW Williams Tabernacle 311 Waco St. Bryan, Texas	

SECTION 6. Joint early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the general and special election shall be October 22 through November 2, 2018. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Early Voting Clerk for said elections shall be the Brazos County Elections Administrator. She shall determine the number of election workers to be hired and arrange for training of all election workers. Early voting by personal appearance for the general and special election shall be conducted jointly at the locations and on the following dates and times specified by the Brazos County Elections Administrator:

Brazos County Administration Building – 200 S. Texas Ave., Bryan, Texas
 Arena Hall – 2906 Tabor Road, Bryan, Texas
 Galilee Baptist Church – 804 N. Logan, Bryan, Texas

College Station Utilities Meeting & Training Facility – 1603 Graham Road, College Station, Texas
Memorial Student Center - Room 526, A&M Campus, Joe Routt Blvd., College Station, Texas

October 22 – October 26 8:00 am – 5:00 pm
(Monday – Friday)

October 29 – October 31 8:00 am – 5:00 pm
(Monday - Wednesday)

November 1 – November 2 8:00 am – 8:00 pm
(Thursday - Friday)

SECTION 7. Early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of 302 E. 24th Street, Bryan, Texas 77803, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City.

SECTION 8. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Early Voting Ballot Board at the Brazos County Election Administrator's office. Early votes shall be counted at the central counting station. The Early Voting Ballot Board shall perform in accordance with applicable provisions of the Election Code.

SECTION 9. A Direct Record Electronic ("DRE") System, as the term is defined in the Texas Election Code, shall be utilized in connection with the election. This system shall be utilized for all early voting as well as for all precinct voting conducted on Election Day. The Brazos County Elections Administrator will appoint a programmer, who shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in each of the various precincts on Election Day. The central counting station is established as the Brazos County Election Administrator's Office, 300 E. William J Bryan, Suite 100, Bryan.

SECTION 10. The Brazos County Elections Administrator will appoint the Early Voting Ballot Board, a Presiding Judge of the Central Counting Station, a Tabulation Supervisor of the Central Counting Station, and a Central Counting Station Manager.

SECTION 11. The election will be held in accordance with the provisions of the Charter and Ordinances of the City of College Station and the laws of the State of Texas.

SECTION 12. Notice of the election, including a Spanish translation thereof, will be published at least once in a newspaper published in College Station on or after October 8, 2018, and on or before October 28, 2018, and will be posted on the bulletin board at City Hall on or before October 17, 2018.

SECTION 13. A writ of election as required by the Texas Election Code will be delivered on or before October 22, 2018, by the Brazos County Elections Administrator to the presiding and alternate judges of each election precinct in which the election is ordered to be held.

SECTION 14. Testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with Subchapter D of Chapter 127 of the Texas Election Code.

SECTION 15. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 16. That this Ordinance shall be effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of College Station this 9th day of August, 2018.

CITY OF COLLEGE STATION:



Karl Mooney, Mayor

ATTEST:



Tanya Smith, City Secretary

APPROVED AS TO FORM:



Carla A. Robinson, City Attorney