

**RESOLUTION R-16-4019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS, CALLING A SPECIAL ELECTION FOR NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF COLLEYVILLE THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE OFFICIAL POLLING PLACES AND ADOPTING ELECTION OFFICIALS; PRESCRIBING THE FORM OF THE BALLOTS; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING GENERALLY FOR THE CONDUCT OF THE ELECTION**

**WHEREAS,** the Colleyville City Council has determined that certain amendments and changes should be made to the Colleyville City Charter which was originally adopted by the citizens of Colleyville on January 15, 1977, and which was subsequently amended on May 7, 2005; and

**WHEREAS,** the Colleyville City Charter has not been amended within the two years preceding the proposed election date herein designated; and

**WHEREAS,** the Colleyville City Council now deems it proper to submit proposed amendments to the Colleyville City Charter to the registered voters of the City of Colleyville for adoption or rejection at a special election to be held on November 8, 2016.

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

Sec. 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.

Sec. 2. THAT the following ballot propositions shall be submitted to the voters to amend the existing Charter of the City of Colleyville:

**Proposition No. 1**

Amend the Colleyville City Charter by adding Section 3.01A, Limitations on Terms to provide that no person shall serve as Mayor for more than two (2) consecutive elected terms, and no person shall serve as a Council

Member for more than two (2) consecutive elected terms. Under no circumstances may any person ever serve for more than twelve (12) consecutive years in combination as a Council Member or Mayor. The amendment shall be effective, at the next municipal election, shall apply to all persons currently occupying the Office of Mayor or Council Member, and shall apply to all municipal elections conducted after the date of adoption; provided however that this amendment will not cause a Council Members' current term to be terminated prior to the completion of their elected term.

\_\_\_\_\_ FOR  
\_\_\_\_\_ AGAINST

**Proposition No. 2**

Amend Section 3.09(c) to allow for electronic voting by City Council and to provide that voting on nominations to City Boards, Committees, and Commissions do not require a roll call vote.

\_\_\_\_\_ FOR  
\_\_\_\_\_ AGAINST

**Proposition No. 3**

Change Section 7.02 to provide that the appointment of the City Secretary will require the approval of the City Council, for an indefinite term.

Change Section 7.03 to provide that the appointment of the Police Chief will require the approval of the City Council.

Change Section 7.04(A) to provide that the appointment of the Fire Chief will require the approval of the City Council.

Change Section 7.05 to provide that the appointment of the Director of Public Works will require the approval of the City Council.

Section 7.06 which provides that there shall be a Department of Finance headed by the City Manager or his appointee by adding the words with the approval of the City Council, for an indefinite term.

\_\_\_\_\_ FOR  
\_\_\_\_\_ AGAINST

**Proposition No. 4**

To eliminate and delete Article XIII which provided for transitional matters after the 2005 Charter amendments.

\_\_\_\_\_ FOR  
\_\_\_\_\_ AGAINST

**Proposition No. 5**

To amend Section 14.02 "Personal Financial Interest" by adding the underlined words shown below:

(F) *Citizen Complaints.* Any citizen of the City may file with the City Secretary a statement of suspected conflict of interest. Such statement of suspected conflict of interest shall be filed within fifteen (15) days of the decision, or vote, or if another event giving rise to an asserted violation of paragraph C above, within fifteen (15) days of when the citizen knew or reasonably should have known of the asserted violation, and shall describe the complained of conflict in reasonable detail. The City Council, or its designee, shall respond in writing to a timely filed statement of suspected conflict of interest, and the statement of suspected conflict of interest and response of the City Council shall be maintained in the public records of the City.

To amend Section 14.02 "Personal Financial Interest" by adding subsection (K) as set forth below:

(K) Financial Disclosure and Business Conflict of Interest Forms shall be provided by candidates for Mayor and City Council and by applicants seeking appointments to the Planning and Zoning Commission or the Zoning Board of Adjustment, and shall file such forms within two (2) business days following the end of the candidate filing period, or if for appointment, within two (2) business days following the end of the application period stated in the official City advertisement for application for the position. The City Manager and the City Manager's senior staff members

(including any staff member who is appointed with City Council approval) shall also file the same within thirty (30) days of hiring. All person(s), as outlined above, shall have a duty to file supplemental disclosures annually and within five (5) business days of an occurrence of any change in the information reflected in the forms previously filed by the individual. These forms shall include the following information:

- (i) The location, size, and current use of all property owned within the portion of Dallas, Denton and Tarrant County north of Interstate 30 and east of Interstate 35W, and that portion of Denton County south of State Highway 114 and east of Interstate 35W, or held in trust by the person(s), as outlined above, their spouse, and any dependent minor children, or any business entity in which the person has a financial interest.
- (ii) The name and address of any person or corporation which currently has or during the preceding twelve (12) months has had a contractual relationship with the City and from which the person(s), as outlined above, their spouse, or dependent minor children have received a fee, salary, or gift of value exceeding one hundred dollars (\$100.00).
- (iii) The name and address of any corporation or business, which currently has or in the preceding twelve (12) months has had a contractual relationship with the City, of which the person(s), as outlined above, their spouse, or any dependent minor children own more than two percent (2%) of the outstanding equity interest or more than two percent (2%) of the assets.

To amend Section 14.02 "Personal Financial Interest" by adding subsection (L) as set forth below:

(L) The disclosure reporting obligations required by Section 14.02(K) apply to all of the relationships listed in this Section 14.02

\_\_\_\_\_ FOR  
\_\_\_\_\_ AGAINST

Sec. 3. THAT such election shall be held and conducted in the City of Colleyville, Texas, on Tuesday, November 8, 2016 by Tarrant County pursuant to a Joint Election Agreement and Contract for Election Services, with respect to such Special Election approved by the City Council of the City of Colleyville, Texas and the Tarrant County Elections Administrator.

Sec. 4. THAT the polling locations where registered voters shall cast ballots for this Special Election will be designated in accordance with the provisions of the Joint Election Agreement and Contract for Election Services with Tarrant County to include the polling locations as provided by Tarrant County and as posted in accordance with the Texas Election Code. Election officers for each polling place shall be appointed and compensated pursuant to the Joint Election Agreement and Contract for Election Services with Tarrant County for said election on Tuesday, November 8, 2016. The voting places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

Sec. 5. THAT the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the Joint Election Agreement and Contract for Election Services with Tarrant County.

Sec. 6. THAT Early voting by personal appearance shall be conducted at the Main Early Voting Location: Tarrant County Election Center, 2700 Premier Street, Fort Worth, Texas 76111; Colleyville City Hall, 100 Main Street,

Colleyville, Texas 76034; and at other early voting locations established by Tarrant County, pursuant to the Joint Election Agreement and Contract for Election Services with Tarrant County as provided and posted in accordance with the Texas Election Code. Early Voting by personal appearance shall commence on Monday, October 24, 2016, and continue through Friday, November 4, 2016, as provided by the Texas Election Code. The hours designated for Early Voting by personal appearance shall be as follows:

October 24-October 28	Monday-Friday	8:00 a.m. - 5:00 p.m.
October 29	Saturday	7:00 a.m. - 7:00 p.m.
October 30	Sunday	11:00 a.m. - 4:00 p.m.
October 31-November 4	Monday-Friday	7:00 a.m. - 7:00 p.m.

Sec. 7. THAT Frank Phillips, Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111 is hereby appointed as Early Voting Clerk. Applications for a ballot by mail must be received no later than the close of business on Friday, October 28, 2016, and shall be submitted by:

Mailing address: Early Voting Clerk  
Tarrant County Elections  
P.O. Box 961011  
Fort Worth, Texas, 76161-0011

Express Courier Delivery: Early Voting Clerk  
Tarrant County Elections  
P.O. Box 961011  
Fort Worth, Texas, 76161-3011

Fax: 817-831-6118

Email: [votebymail@tarrantcounty.com](mailto:votebymail@tarrantcounty.com)

- Sec. 8. THAT the election shall be conducted according to the Texas Election Code and the Charter of the City of Colleyville.
- Sec. 9. THAT the notice of the election on the proposed Charter amendments shall be given by publication of the propositions on the same day of two successive weeks in a newspaper of general circulation published within the City of Colleyville, 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.
- Sec.10. THAT the Charter of the City of Colleyville, containing all proposed revisions, shall be kept in the office of the City Secretary of the City of Colleyville, and copies of it shall be made available to any person upon request free of charge. The notices required in Section 9 above shall state that the proposed text of the Charter of the City of Colleyville will be available to all interested persons in the office of the City Secretary of the City of Colleyville.
- Sec. 11. THAT should any section, provision, word, phrase, or clause of this resolution or the application thereof to any person, or circumstance be held to be invalid, unconstitutional or ineffective, the remainder of the resolution and the application of such provisions to the other persons or circumstances shall not be affected thereby.
- Sec. 12. THAT any non-substantive changes that need to be made for the ballot, in particular, removing underlining or bolding from the text as presented above is hereby approved.

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF 6 AYES, 1 NAYS, AND 0 ABSTENTIONS  
ON THIS THE 16<sup>TH</sup> DAY OF AUGUST 2016.

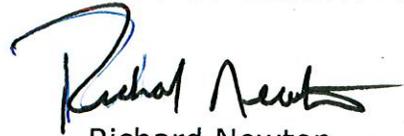
Mayor Richard Newton	<u>Aye</u>	Mayor Pro Tem Chris Putnam	<u>Aye</u>
Place 1, Tammy Nakamura	<u>Aye</u>	Place 5, Nancy Coplen	<u>Aye</u>
Place 2, Bobby Lindamood	<u>Aye</u>	Place 6, Mike Taylor	<u>Aye</u>
Place 4, Jody Short	<u>Nay</u>		

**ATTEST:**



Amy Shelley, TRMC  
City Secretary

**CITY OF COLLEYVILLE**



Richard Newton  
Mayor