

ORDINANCE NO. 16-2088

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF LAKE JACKSON, ON SATURDAY, MAY 7, 2016 FOR THE PURPOSE OF AMENDING THE CITY OF LAKE JACKSON HOME RULE CHARTER; PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

Section 1. That an election to amend the City of Lake Jackson Home Rule Charter is hereby ordered and shall be held in and throughout the City of Lake Jackson, Texas, on the 7th day of May, 2016, being the first Saturday in May, between the hours of 7 am and 7 pm. Voting locations are attached as Exhibit B.

Section 2. That early voting by personal appearance will begin on April 25, 2016 and end on May 3, 2016. Early voting locations are attached as Exhibit C.

Section 3. That the proposed text amendments are hereby attached as Exhibit A.

Section 4. That the election is ordered for the purpose of submitting the following proposed amendments to the Home Rule Charter of the City of Lake Jackson to the qualified voters:

Proposition No. 1

Shall section 3.06 (Vacancies) be amended to state that council cannot appoint a person to fill a city council vacancy if the vacancy occurs within 30 days of the election filing deadline?

Proposition No. 2

Shall section 6.02 (Petitions for recall) be amended to delete the requirement that each signer of a petition for recall provide his or her voter registration number?

Proposition No. 3

Shall section 6.03 (Form of recall petition) be amended to state that the required oath on the recall petition be sworn to and notarized in Brazoria County and to delete the explanation that notaries have statewide jurisdiction?

Proposition No. 4

Shall section 8.03 (Planning commission) be amended to delete the requirement that the planning commission submit copies of approved plats to the city council, to reflect current practice?

Proposition No. 5

Shall section 11.03 be amended to delete the power of city council to prohibit or to regulate the drilling of oil, gas and sulphur wells in the city, in compliance with state law?

Section 5. That each and every of the above described propositions in Section 4 above shall be submitted separately and in such manner that the voter may vote “YES” or “NO” on any proposition without voting “YES” or “NO” on all of said propositions.

Section 6. That said election shall be held in accordance with the Constitution and laws of the State of Texas and the Charter of the City of Lake Jackson, and all duly qualified resident electors of the City of Lake Jackson, Texas, shall be qualified to vote.

Section 7. If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

PASSED on this 1st day of February, 2016.

PASSED AND APPROVED on this 16th day of February 2016.

Joe Rinehart, Mayor

ATTEST:

Alice A. Rodgers
City Secretary

APPROVED AS TO FORM:

Sherri Russell
City Attorney

EXHIBIT A

Proposed Text Amendments to the City of Lake Jackson Home Rule Charter

PROPOSED AMENDMENT 1

Section 3.06. –Vacancies.

~~When a vacancy occurs in the city council, the remaining members of the council shall, within ten (10) days (except within sixty (60) days of a regular city election or during a run-off election period), appoint a qualified person to fill the unexpired term. In the event of subsequent vacancies, the council will appoint a qualified replacement within ten (10) days (except within sixty (60) days of a regular city election or during a run-off election period). All subsequent vacancies must be filled at the next regular city election.~~

- a) If a vacancy on the city council occurs with less than 31 days before the next election filing deadline, the vacancy shall be filled at the next regular city election.
- b) At all other times, the council can fill a vacancy on the city council.
- c) There can be no more than two appointed council members on city council at any time.

PROPOSED AMENDMENTS 2

6.02. - Petitions for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the city secretary; which said petition shall be signed by qualified voters of the city equal in number to at least thirty (30) percent of the number of votes cast at the last regular municipal election of the city, but in no event less than six hundred (600) such petitioners. Each signer of such recall petition shall personally print his or her name, sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed ~~as well as his voter's registration number.~~

PROPOSED AMENDMENT 3

6.03. - Form of recall petition.

The recall petition mentioned above must be addressed to the city council of the City of Lake Jackson, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he is charged. The signature shall be sworn to and notarized in Brazoria County and verified by oath in the following form:

STATE OF TEXAS)
COUNTY OF BRAZORIA)

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

~~Sworn and subscribed to before me this _____ day of _____/_____/_____, 19_____.~~

Notary Public in and for
Brazoria County, Texas.

~~A notary public has statewide jurisdiction pursuant to V.T.C.A., Government Code § 406.003.~~

PROPOSED AMENDMENT 4

8.03. - Planning commission.

(d) *Powers and duties.* The commission shall have the power and shall be required to:

(1) Make, amend, extend and add to the master plan for the physical development of the city.

(2) Approve or disapprove plats of proposed subdivisions submitted in accordance with section 8.01 of this Charter. In considering such plats, the planning commission shall require that the proposed subdivisions shall meet, so far as is practicable, all the standards of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Lake Jackson, and shall further require that restrictions be placed on the use of the property which are consistent with the restrictions on comparable property within the City of Lake Jackson. ~~Upon approving such plats, and before they are released for recording, the planning commission shall submit all copies of the approved plats to the city council for inspection.~~

PROPOSED AMENDMENT 5

11.03 – Drilling operations.

~~The city council may, by ordinance, prohibit the drilling of oil, gas and sulphur wells, or may provide regulations for the drilling, spacing, completion and operation of oil, gas and sulphur wells.~~ The city council may, by ordinance, prohibit the drilling of water wells for commercial, industrial and agricultural purposes, and may provide regulations for the drilling and use of water wells for commercial, industrial, agricultural and domestic purposes.

EXHIBIT B

POLLING PLACES – MAY 7, 2016 – VOTE CENTERS

<u>Home Pct #</u>	<u>City</u>	<u>Location and Address</u>
1	Angleton	East Annex (Old Walmart), 1524 E Mulberry
2	West Columbia	Pct 4 Government Offices, 121 N 10 th St
3	Alvin	Ryan Center, 2925 South Bypass 35
4	Brazoria	Brazoria Library, 620 S Brooks
5	Holiday Lakes	Holiday Lakes City Hall, 195 N Texas Ave
6	Liverpool	Liverpool City Hall, 8901 CR 171
7	Freeport	Freeport Library, 410 Brazosport Blvd
8	Oyster Creek	Oyster Creek City Hall, 3210 FM 523
9	Bonney	Bonney Annex Building, 19025 FM 521
12	Pearland	Drainage District No. 4 Building, 4813 W Broadway
13	Pearland	Turner High School, 4717 Bailey Rd
14	Sweeny	Sweeny Community Center, 205 W Ashley Wilson Rd
15	Danbury	Danbury Community Center, 6115 5th St
19	Clute	Clute City Hall, 108 E Main
20	Jones Creek	Jones Creek Comm House, 7207 Stephen F Austin Rd
23	Lake Jackson	Lake Jackson Civic Center, 333 Hwy 332 East
24	Richwood	Richwood City Hall, 1800 N Brazosport Blvd
25	Alvin	Hillcrest Village Municipal Bldg, 200 W Timberlane
29	Pearland	Westside Event Center, 2150 Countryplace Pkwy
33	Brazoria	Mims Community Center, 4283 FM 521
38	Surfside Beach	Surfside Beach City Hall, 1304 Monument Dr
39	Alvin	Alvin Library, 105 S Gordon
40	Manvel	Courthouse North Annex, 7313 Corporate Dr
44	Pearland	Silverlake Recreation Center, 2715 Southwyck Pkwy
46	Pearland	Pearland Library, 3522 Liberty Dr
49	West Columbia	Columbia Lakes Conference Center, 188 Freeman Blvd
52	Pearland	Fellowship Bible Church, 1720 E Broadway
55	Angleton	Courthouse West Annex, 451 N Velasco
67	Pearland	Pearland Westside Library, 2803 Business Center Dr #101

EXHIBIT C

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:

EV Main-Angleton	East Annex (Old Walmart), 1524 E Mulberry #144
EV-Alvin	Alvin Library, 105 S Gordon
EV-Brazoria	Brazoria Library, 620 S Brooks
EV-Freeport	Freeport Library, 410 Brazosport Blvd
EV-Lake Jackson	Lake Jackson Library, 250 Circle Way
EV-Manvel	Courthouse North Annex, 7313 Corporate Dr
EV-Pearland East	Pearland Library, 3522 Liberty Dr
EV-Pearland West	Westside Event Center, 2150 Countryplace Pkwy
EV-Shadow Creek	Pearland Westside Library, 2803 Business Center Dr #101
EV-Sweeny	Sweeny Community Center, 205 W Ashley Wilson Rd
EV-West Columbia	Pct 4 Government Offices, 121 N 10 th St