

ORDINANCE NO. 16-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, CANVASSING THE RETURNS OF THE GENERAL ELECTION AND THE SPECIAL ELECTION HELD ON MAY 7, 2016; OFFICIALLY DECLARING THE RESULTS OF THE ELECTION; DECLARING THE REGULARITY AND LEGALITY OF THE ELECTION; DIRECTING THE CITY SECRETARY TO PREPARE THE ELECTION REGISTER AND TO PRESERVE THE ELECTION RECORDS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 7, 2016, the City of Galveston (the “City”) held a General Election for the purpose of electing a Mayor at-large and six Council Members from districts, each for two-year terms to the Galveston City Council; and

WHEREAS, at such election, the following names of candidates for Mayor and City Council were submitted to the voters:

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|-------------------|--|
| <u>Mayor</u> | Jim Yarbrough
Bill Quiroga |
| <u>District 1</u> | Cornelia Harris Banks
Tarris L. Woods
Ronnie Maceo
Amy Carmen Bly |
| <u>District 2</u> | Craig Brown |
| <u>District 3</u> | Ralph McMorris
Sean Cameron
Steve Kalbaugh
Frank Thomas Maceo |
| <u>District 4</u> | Mike Doherty |
| <u>District 5</u> | Terrilyn Tarlton |
| <u>District 6</u> | Carolyn Sunseri |

and

WHEREAS, on May 7, 2016, the City of Galveston (the City) held a Special Election to determine if the City Charter should be amended in certain particulars as set forth herein, by submitting to the voters the following propositions:

Charter Amendment Propositions

PROPOSITION NO. ONE

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE TERMS OF THE MAYOR AND MEMBERS OF CITY COUNCIL CONSIST OF THREE YEARS AND TO PROVIDE THAT PERSONS WHO HAVE SERVED PREVIOUS TWO YEAR TERMS ARE NOT PRECLUDED FROM SERVING A TOTAL OF THREE FULL TERMS?

PROPOSITION NO. TWO

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE CITY WILL OBTAIN WRITTEN COMPETITIVE BIDS ON PURCHASES OR CONTRACTS WHEN REQUIRED BY LAW, TO PROVIDE THAT THE CITY MANAGER'S AUTHORITY TO ENTER CONTRACTS WITHOUT COUNCIL APPROVAL BE ESTABLISHED BY ORDINANCE WHEN COMPETITIVE BIDDING OR PROCUREMENT IS NOT REQUIRED, TO REQUIRE REPORTING BY THE CITY MANAGER OF EXPENDITURES MADE IN EXCESS OF FIFTEEN THOUSAND DOLLARS, AND TO PROVIDE FOR THE EXEMPTION FROM COMPETITIVE BIDDING OF PURCHASES MADE AT PUBLIC AUCTION WHEN THE AMOUNT BID DOES NOT REQUIRE COMPETITIVE BIDDING UNDER STATE LAW AND IS IN AN AMOUNT PERMITTED BY ORDINANCE?

PROPOSITION NO. THREE

SHOULD THE CITY CHARTER BE AMENDED TO AUTHORIZE COUNCIL, WITHIN THE LIMITS SET BY STATE LAW, TO ESTABLISH THE VALUE OF PROPERTY THAT WOULD BE SUBJECT TO THE CITY MANAGER'S AUTHORIZATION TO APPROVE AS A ROUTINE SALE OR DISPOSITION?

PROPOSITION NO. FOUR

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE EXCLUSION OF THE DEBT SERVICE OF CAPITAL IMPROVEMENT BONDS APPROVED BY THE VOTERS AND ISSUED AFTER JULY 1, 2016 FROM THE LIMITATION OF THE TAX RATE?

PROPOSITION NO. FIVE

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE A TIME CERTAIN FOR THE ADOPTION OF THE BUDGET AND TO PROVIDE FOR AN INTERIM BUDGET WHERE THE FINAL BUDGET HAS NOT BEEN TIMELY ADOPTED?

PROPOSITION NO. SIX

SHOULD THE CITY CHARTER BE AMENDED TO AUTHORIZE EMERGENCY APPROPRIATIONS AFTER A NATURAL OR MAN-MADE DISASTER THAT RESULTS IN THE ISSUANCE OF A PROCLAMATION OF PUBLIC DISASTER BY THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THE GREAT STATE OF TEXAS AND TO FURTHER PROVIDE THAT, IN SUCH CASE, THE TOTAL AMOUNT OF EMERGENCY EXPENDITURES IS NOT SUBJECT TO THE SAME LIMITATIONS THAT APPLY TO MORE ROUTINE AND LESS SEVERE EMERGENCIES?

PROPOSITION NO. SEVEN

SHOULD THE CITY CHARTER BE AMENDED TO EXEMPT BORROWING TO MEET A MAN-MADE OR NATURAL DISASTER PROCLAIMED BY THE GOVERNOR OR THE PRESIDENT OF THE UNITED STATES FROM THE LIMITATIONS THAT APPLY TO BORROWING REQUIRED BY OTHER EMERGENCY APPROPRIATIONS?

PROPOSITION NO. EIGHT

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE SALE OF BONDS SHALL BE DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS?

PROPOSITION NO. NINE

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT THE COUNCIL SHALL PRESCRIBE THE REQUIREMENTS FOR THE PUBLICATION OF ORDINANCES IN CONFORMITY WITH STATE LAW?

PROPOSITION NO. TEN

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE THAT ALL ORDINANCES, NOTICES AND OTHER MATTERS REQUIRED TO BE PUBLISHED IN ACCORDANCE WITH STATE LAW?

PROPOSITION NO. ELEVEN

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER, CITY ATTORNEY, CITY SECRETARY, CITY COLLECTOR OF TAXES, CITY AUDITOR, AND JUDGE OF THE MUNICIPAL COURT BY THE CITY COUNCIL; TO PROVIDE FOR LIMITS ON THE TIMING AND TERMS OF SUCH APPOINTMENTS; AND TO LIMIT THE

TIME FOR THE COUNCIL TO ENTER AN INITIAL CITY MANAGER CONTRACT?

PROPOSITION NO. TWELVE

SHOULD THE CITY CHARTER UNDERGO A NON-SUBSTANTIVE REORGANIZATION TO MOVE THE CURRENT SECTIONS OF THE CITY CHARTER, RELATING TO THE POSITIONS OF CITY SECRETARY AND CITY AUDITOR TO ARTICLE V (ADMINISTRATIVE ORGANIZATION) OF THE CITY CHARTER?

PROPOSITION NO. THIRTEEN

SHOULD THE CITY CHARTER BE AMENDED TO CLARIFY AND FURTHER DEFINE QUALIFICATIONS TO BE A CANDIDATE FOR THE OFFICES OF MAYOR AND CITY COUNCIL?

PROPOSITION NO. FOURTEEN

SHOULD THE CITY CHARTER BE AMENDED TO PROHIBIT ILLEGAL DISCRIMINATION AGAINST ANY PERSON APPOINTED BY THE COUNCIL TO ANY BOARD COMMISSION, COMMITTEE AND AGENCY OF THE CITY AND TO ANY CITY EMPLOYEE AND TO ALLOW EMPLOYEES OF THE CITY OR ANY AGENCY THEREOF TO RUN FOR POLITICAL OFFICE WHILE CONTINUING THEIR POSITION WITH THE CITY?

PROPOSITION NO. FIFTEEN

SHOULD THE CITY CHARTER BE AMENDED TO CLARIFY THAT TERM LIMITS APPLY TO ALL MAYORS AND MEMBERS OF COUNCIL ELECTED AS OF AND AFTER 2014?

PROPOSITION NO. SIXTEEN

SHOULD THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE SELECTION OF AN ACTING MAYOR PRO TEM AND TO PROVIDE THAT THE CITY COUNCIL SHALL ENACT AN ORDINANCE APPOINTING ONE OF ITS MEMBERS TO EXERCISE EMERGENCY MANAGEMENT POWERS IN THE ABSENCE OR DISABILITY OF THE MAYOR AND MAYOR PRO TEM?

PROPOSITION NO. SEVENTEEN

SHOULD THE CITY CHARTER BE AMENDED TO ELIMINATE THE REQUIREMENT THAT A PETITION TO INITIATE LEGISLATION BE DRAFTED

BY AN ATTORNEY AND TO PROVIDE THAT ANY SUCH PETITION BE FILED WITH THE CITY SECRETARY?

PROPOSITION NO. EIGHTEEN

SHOULD THE CITY CHARTER BE AMENDED TO DELETE THE REQUIREMENT THAT THE ETHICS COMMISSION ENFORCE THE CODE OF ETHICS AND PROVIDE THAT THE COMMISSION WILL REPORT ITS INVESTIGATION FINDINGS TO CITY COUNCIL?

PROPOSITION NO. NINETEEN

SHOULD THE PREAMBLE OF THE CITY CHARTER BE AMENDED TO PROVIDE THAT A PURPOSE IN THE FORMATION OF THE MUNICIPAL GOVERNMENT IS TO PRESERVE AND PROTECT THE EQUAL STATUS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THE STATE OF TEXAS OF ALL INDIVIDUALS AND DELETING SPECIFIC REFERENCES RESTRICTING THOSE PROTECTIONS TO MATTERS OF RACE, CREED OR POLITICAL AFFILIATION?

PROPOSITION NO. TWENTY

SHOULD THE CITY CHARTER BE AMENDED TO ALLOW FOR THE PARTICIPATION OF THE MEMBERS OF COUNCIL AND THEIR ELIGIBLE DEPENDENTS IN THE CITY OF GALVESTON'S EMPLOYEE HEALTH PLAN AT THE SAME COST AS IS AVAILABLE TO EMPLOYEES OF THE CITY?

and

WHEREAS, the names of the candidates and the propositions were submitted to the voters, the General Election and the Special Election (the "Election") were held and conducted and the returns thereof were made, all as required by *The City Charter* and the laws of the State of Texas; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to the Election, including the ordering, notices, election officers, holding, and returns thereof, and it is now necessary to declare the official results of the canvass; and

WHEREAS, the City Council of the City of Galveston, Texas, convened on Tuesday, May 17, 2016, to canvass the returns of the Election, a time in conformity with Section 67.003 of the Texas Election Code and with Article III, Section 3 of *The City Charter* of the City of Galveston, Texas.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council having convened on this the 17th day of May, 2016, to canvass the returns of the General Election and Special Election held on Saturday, May 7, 2016, and after canvassing the returns of said election, officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with the Federal Voting Rights Act and the Texas Election Code; and due returns of the results of said election have been made and delivered, all in accordance with applicable law and the Ordinances calling the election.

SECTION 3. (a) Upon a canvass of the returns of the election to elect a Mayor and six Council Members to the City Council of the City of Galveston, Texas, it is hereby officially declared that the following persons are all of the candidates for Mayor and City Council and that each received the following number of votes listed beside the candidates' names, respectively:

<u>Mayor</u>	(2 Candidates)	<u>Number of Votes/ Percentage of Total Votes</u>	
	Bill Quiroga	609	20.88%
	Jim Yarbrough	2,307	79.12%
<u>District 1</u>	(4 Candidates)		
	Cornelia Harris Banks	87	19.59%
	Tarris L. Woods	165	37.16%
	Ronnie Maceo	72	16.22%
	Amy Carmen Bly	120	27.03%
<u>District 2</u>	(1 Candidate)		
	Craig Brown	378	100%
<u>District 3</u>	(4 Candidates)		
	Ralph McMorris	240	45.98%
	Sean Cameron	82	15.71%
	Steve Kalbaugh	13	2.49%
	Frank Thomas Maceo	187	35.82%
<u>District 4</u>	(1 Candidate)		
	Mike Doherty	284	100%

<u>District 5</u>	(1 Candidate) Terrilyn Tarlton	519	100%
<u>District 6</u>	(1 Candidate) Carolyn Sunseri	494	100%

(b) The following persons received a majority of the votes cast in their respective races and are therefore declared elected for a term of two (2) years, commencing on the 7th day of May, 2016, or as otherwise provided by law, and until their successors are duly elected and qualified:

Mayor	Jim Yarbrough
District 2	Craig Brown
District 4	Mike Doherty
District 5	Terrilyn Tarlton
District 6	Carolyn Sunseri

SECTION 4. Upon delivery of the sealed precinct returns to the City Council of the City of Galveston, Texas, it is hereby found and declared that the foregoing propositions set forth in this Ordinance were lawfully submitted to the qualified voters of the City; that only qualified voters voted “FOR” or “AGAINST” on such proposition; that the official returns of the election have been inspected, examined, and properly tabulated; and that the election was duly held after proper notice and in conformity with all applicable laws and ordinances.

SECTION 5. It is hereby declared that upon canvassing the election returns, the following numbers of votes were cast “FOR” and “AGAINST” on the propositions:

	FOR (in favor)	AGAINST (in opposition)
Proposition No. 1	1,405 (49.16%)	1,453 (50.84%)
Proposition No. 2	1,390 (49.20%)	1,435 (50.80%)
Proposition No. 3	1,234 (44.31%)	1,551 (55.69%)
Proposition No. 4	1,161 (42.20%)	1,590 (57.80%)
Proposition No. 5	1,522 (54.38%)	1,277 (45.62%)
Proposition No. 6	1,778 (63.39%)	1,027 (36.61%)
Proposition No. 7	1,418 (51.28%)	1,347 (48.72%)
Proposition No. 8	1,803 (65.14%)	965 (34.86%)
Proposition No. 9	1,537 (56.03%)	1,206 (43.97%)

Proposition No. 10	1,689 (61.15%)	1,073 (38.85%)
Proposition No. 11	1,468 (53.40%)	1,281 (46.60%)
Proposition No. 12	1,376 (51.15%)	1,314 (48.85%)
Proposition No. 13	1,753 (63.26%)	1,018 (36.74%)
Proposition No. 14	1,374 (49.71%)	1,390 (50.29%)
Proposition No. 15	1,803 (65.44%)	952 (34.56%)
Proposition No. 16	1,788 (64.90%)	967 (35.10%)
Proposition No. 17	1,215 (44.64%)	1,507 (55.36%)
Proposition No. 18	1,013 (37.11%)	1,717 (62.89%)
Proposition No. 19	1,596 (58.57%)	1,129 (41.43%)
Proposition No. 20	916 (32.90%)	1,868 (67.10%)

SECTION 6. The City Council of the City of Galveston, hereby finds and declares that Proposition Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 19, **DID** receive a majority of the votes cast for it in such Election.

SECTION 7. The City Council of the City of Galveston, hereby finds and declares that Proposition Nos. 1, 2, 3, 4, 14, 17, 18, and 20, **DID NOT** receive a majority of the votes cast for it in such Election.

SECTION 8. The amendments to the Home Rule City Charter of the City of Galveston, Texas, as set forth in Propositions 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16 and 19, as described in Ordinance No. 16-013, are hereby declared by the City Council to be adopted and to be a part of the Home Rule City Charter of the City of Galveston, Texas, from and after such adoption.

SECTION 9. The Mayor, the City Secretary, and any other officers and employees of the City of Galveston, Texas, required to take any action as a result of the adoption of the amendments to the Home Rule City Charter as herein provided for, are hereby authorized and directed to take any and all such actions.

SECTION 10. The City Council of the City of Galveston, Texas, upon completion of this canvass, delivers this tabulation, lists, and other records used in this canvass to the City Secretary, the general custodian of the election records, for entry into the election register as required by the Texas Election Code.

SECTION 11. The City Secretary is hereby directed to record in the election register the precinct totals of all of the election returns, which shall be incorporated into this Ordinance by reference, in accordance with State law.

SECTION 12. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such

invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 13. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 14. In accordance with the provisions of Sections 12 and 13 of Article II of *The City Charter* this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 15. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of *The Charter of the City of Galveston, Texas*.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at a *Special Meeting* held on the 17th day of May, 2016, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of _____, 2016.

Secretary for the City Council
of the City of Galveston