

**ORDINANCE NO. 2021-21**

**AN ORDINANCE CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF HARLINGEN ON MAY 7, 2022, ON THE QUESTION OF AMENDING ITS HOME RULE CHARTER REGARDING THE APPOINTMENT OF THE HARLINGEN AIRPORT BOARD BY THE MAYOR AND CITY COMMISSION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the City Commission of the City of Harlingen has met on at least two (2) separate occasions at a properly posted meeting open to the public to consider and discuss this proposed amendment to the City Charter;

**WHEREAS**, the City Commission of the City of Harlingen has held a public hearing on the proposed amendment at the meeting where this ordinance was considered;

**WHEREAS**, the City Commission of the City of Harlingen hereby determines to submit to the qualified voters of the City for their adoption or rejection the proposed amendment to the Charter pursuant to Section 9.004, as amended, Texas Local Government Code;

**WHEREAS**, the Commission hereby finds and determines that the Charter amendment election shall be held on May 7, 2022, which is the next regular municipal election date prescribed under the City Charter; and is also a uniform election date prescribed under the Texas Election Code, as amended; and

**WHEREAS**, the Commission hereby finds and determines that holding the proposed Charter amendment election on the election date of May 7, 2022 is in the best interests of the citizens of the City;

**BE IT ORDAINED BY THE CITY OF HARLINGEN:**

**SECTION 1.** This election will be held concurrently with the regular election. This election shall be held in and throughout the City of Harlingen on Saturday, May 7, 2022, between the hours of 7:00 a.m. and 7:00 p.m., which is within the time prescribed by law, at the places designated for the regular election, for the purpose of submitting to the qualified voters of the City for their approval or disapproval of the following Propositions, as set forth herein:

**Proposition #1:** Shall Article IX, Sec. 1 of the City Charter be amended to provide that the Mayor shall appoint two members, and each of the City Commissioners shall appoint one member, of the Harlingen Airport Board?

For           [    ]  
Against     [    ]

Upon the adoption of this Charter amendment, the following would be added to and from Article IX, Sec. 1(a), of the City Charter:

**Sec. 1. - Ownership and operation.**

- (a) The City shall have the power to provide for the ownership, establishment, operation and maintenance of a public municipal airport, provided that the operation and maintenance of the airport and all supporting properties appurtenant to it shall be under the supervision, control and authority of a special board to be known as the "Harlingen Airport Board," which shall be composed of seven (7) members with not less than five (5) being resident citizens of the City of



Harlingen, Texas, and all being residents of Texas, with two members to be appointed by the mayor and one member each to be appointed by each city commissioner of the City of Harlingen, Texas, and approved by the City Commission of the City of Harlingen, Texas.

Only the existing members with one year or less remaining in their terms at the time of this change shall continue to serve out their appointment term. The remaining members will be replaced; each resulting vacancy shall be filled by a successor appointee, by each city commissioner of the City of Harlingen, starting with Place 1, and continuing in order to fill each vacancy or as each vacancy subsequently arises, through Place 5 and ending with the mayor, with each member to be approved by a majority of the City Commission.

Expiration of each appointment is to be succeeded by the appointment of a respective succeeding member to serve a term of three (3) years, the expiration and succeeding appointive procedure to continue by the city commissioners and the mayor pursuant to the order and procedure as provided herein, and provided that the City Commission of the City of Harlingen, Texas, shall by ordinance establish rules and regulations as shall be deemed necessary to enable the board to administer the business and operation of the airport for the best interests of the City of Harlingen, Texas, and its citizens, and further provided that the Harlingen Airport Board shall annually submit a budget to the City Commission of the City of Harlingen, Texas, for approval and no expenditure of airport funds shall be made except in accordance with the approved budget or approved amendment to it, and shall make detailed monthly reports covering all phases of the operation and maintenance of the airport and supporting properties to the City Commission of the City of Harlingen; that the City Manager and the Mayor shall be ex officio members of the Harlingen Airport Board; and that no provision hereof shall be construed to delegate to the Harlingen Airport Board any power not capable of being so delegated by law, and all powers delegated shall be subject to any restrictions otherwise imposed by the laws of the State of Texas and the Charter of the City of Harlingen.

**SECTION 2.** Said election shall be held in accordance with the Constitution and laws of the State of Texas and the Charter of the City of Harlingen, Texas, and the manner of holding said election shall be governed by the laws of the state regulating special elections and this ordinance.

**SECTION 3.** Only voters who are qualified and registered to vote in the City limits of Harlingen, Texas may vote in the election.

**SECTION 4.** Should a majority of the votes cast at such recall election be for a proposition named on the ballot, such proposition shall be deemed adopted.

**SECTION 5.** Voting by personal appearance during early voting and on election day shall be by a ballot scanning system and by official paper ballot for early voting by mail and for provisional voting. The following dates will be followed for the May, 2022 Uniform Election Date:

- Voter registration deadline – Thursday, April 7, 2022
- Deadline to submit an application for ballot by mail – Tuesday, April 26, 2022
- First day of Early Voting by Personal Appearance – Monday, April 25, 2022
- Last day of Early Voting by Personal Appearance – Tuesday, May 3, 2022
- Last day to receive ballot by mail – Saturday, May 7, 2022 at 7:00 PM if carrier envelope is **NOT** postmarked, **OR** Monday, May 9, 2022 at 5:00 PM (next business day after the election on Election Day (subject to overseas or military voter deadlines)

- Election Day – Saturday, May 7, 2022

Early voting by personal appearance will be conducted at Harlingen City Hall, located at 118 E. Tyler Ave., Harlingen, Texas.

**SECTION 6.** No later than Wednesday, February 16, 2022, the City Commission will make any necessary revisions of this order of election. Such revisions may include but are not limited to: changing the date of the election; change the location of the main early voting location; adding the voting locations for Election Day; and changes to the voting dates and hours, including weekend early voting.

**SECTION 7.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, said unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

**SECTION 8.** The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with Section 9.004, as amended, Texas Local Government Code.

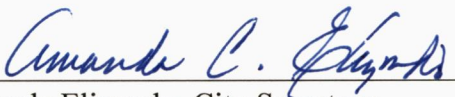
**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission on the 21st day of July, 2021.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Commission on the 4<sup>th</sup> day of August, 2021.



Richard Uribe, Mayor Pro-Tem

ATTEST:



Amanda Elizondo, City Secretary