

ORDINANCE NO. 2021-51

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 TO PROVIDE FOR TERM LIMITS FOR THE OFFICES OF MAYOR AND CITY COMMISSIONERS; 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 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 IV, Sec. 3 of the City Charter establish a life-time term limit for the any of the elective officers of the Elective City Commission, including the Office of Mayor, to be for no more than four (4) terms of three (3) years, such limitation to be a life-time limitation which would become effective prospectively only if this proposition passes at the municipal election held on Saturday, May 7, 2022?

For []

Against []

Upon the adoption of this Charter amendment, the following would be added to and from Article IV, Sec. 3, of the City Charter:

Commissioners and the Mayor shall be limited to four (4) three (3) three-year terms of office during the lifetime of the elected official, regardless of whether the terms served are consecutive. Terms of office served prior to the adoption of this provision shall not count towards the lifetime limitation.

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.

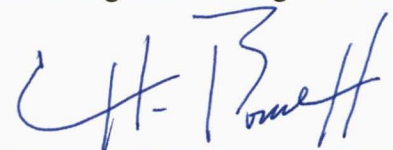
SECTION 8. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with Section 9.004, as amended, Texas Local Government Code.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission on the 4th day of August, 2021.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Commission on the 18th day of August, 2021.

ATTEST:


Amanda Elizondo, City Secretary


Chris Boswell, Mayor