

## **ORDINANCE NO. 760**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENTS TO THE VOTERS; PROVIDING AN ESTIMATE OF ANTICIPATED FISCAL IMPACT; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kennedale, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Section 9.004 of the Local Government Code allows for charter amendments to be submitted to the qualified voters of a home rule municipality; and

**WHEREAS**, it is the desire of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Local Government Code; and

**WHEREAS**, Section 9.004(b) of the Local Government Code requires the election to be held on a uniform election date; and

**WHEREAS**, Section 41.001 of the Election Code establishes the first Saturday in May as a uniform election date, and the City Council has determined that date sufficient in time to comply with the requirements of the law; and

**WHEREAS**, the special election will be held in conjunction with the general election held on the same dates.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THAT:**

### **SECTION 1 CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Kennedale proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth below and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 4, 2024, from 7:00 a.m. to 7:00 p.m. The proposed amendments are as follows:

### **Section 3.03 - Mayor and Mayor Pro Tem**

The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. The Mayor shall have the right to vote only in the event of a tie. The Mayor shall also have veto power. The City Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor except veto power. The Mayor Pro Tem shall retain the right to vote as a Council member when acting as mayor.

The Mayor may exercise veto power over a Council action within five (5) working days of that action. The Mayor shall give written notice of a veto to the City Secretary. Upon proper notice, Council action to consider overriding a veto shall be an agenda item at the next scheduled Council meeting. The decision of the Council to override a veto is not subject to veto by the Mayor and becomes effective immediately.

In the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall, on the effective date of the vacancy, assume the office of Mayor, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code.

The council seat vacated by the Mayor Pro Tem be filled according to Section 3.06 of this charter. A new Mayor Pro Tem shall be selected according to this Section 3.03.

### **Section 3.06 - Vacancies and Forfeiture of Office**

(a) *Vacancies.* The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter.

(1) Reserved.

(2) In the event of a vacancy on the City Council in a seat other than the Mayor, the City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code.

(3) A member of the governing body is ineligible to vote to fill a vacancy after resigning from the governing body.

(b) *Forfeiture of Office.* A Council member shall forfeit office if the member:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter;
  - (2) Violates any express prohibition of this Charter;
  - (3) Is convicted of a felony or any offense involving moral turpitude while in office; or
  - (4) Fails to attend three (3) consecutive scheduled meetings without valid excuse, or fails to maintain an eighty (80) percent attendance record, excluding excused absences, for each elected year (including all scheduled budget and special meetings).
- (c) *Declaration.* Upon finding the occurrence of a condition of forfeiture, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.
- (d) *Qualifications.* The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.

## **SECTION 2 BALLOT**

The official ballots for the election shall be prepared in accordance with the Election Code so as to permit the electors to vote "Yes" or "No" on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth below.

### **PROPOSITION A**

Shall the Kennedale Home Rule Charter be amended by revising Section 3.03 to provide that in the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall, on the effective date of the vacancy, assume the office of Mayor, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code. The council seat vacated by the new Mayor shall be filled according to Section 3.06 of this charter. A new Mayor Pro Tem shall be selected according to this Section 3.03.

### **PROPOSITION B**

Shall the Kennedale Home Rule Charter be amended by revising Section 3.06 to provide that in the event of a vacancy on the City Council in a seat

other than the Mayor, the City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy, to serve until the next local election date that offers sufficient time to comply with the requirements of the election code.

### **SECTION 3 POLLING PLACES**

Voting shall be conducted on Election Day between the hours of 7:00 a.m. and 7:00 p.m. at the Kennedale Community Center in the Kennedale Public Library, located at 316 W. 3<sup>rd</sup> Street, Kennedale, Texas.

### **SECTION 4 AGREEMENT WITH TARRANT COUNTY**

Prior to the election, the City anticipates that it will enter into contract agreement for election services with Tarrant County. The Mayor is hereby authorized to execute contract agreement (the "Agreement") with Tarrant County for the conduct of the election in accordance with Chapter 31, Subchapter D of the Texas Election Code and offer applicable statutes and laws. In the event of a conflict with this Ordinance and the Agreement, the Agreement shall control.

### **SECTION 5 APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES**

Election judges for the election shall be appointed by Tarrant County as authorized by Chapter 271, of the Texas Election Code.

### **SECTION 6 EARLY VOTING**

a. **Early voting by personal appearance.** Early voting by personal appearance shall be conducted beginning April 25, 2022, and continue through May 3, 2022, at the Kennedale Community Center (in the Kennedale Public Library), 316 W. 3<sup>rd</sup> Street, Kennedale, Texas 76060, at the following times:

MONDAY, APRIL 22, 2024	8:00 A.M. – 5:00 P.M.
TUESDAY, APRIL 23, 2024	8:00 A.M. – 5:00 P.M.
WEDNESDAY, APRIL 24, 2024	8:00 A.M. – 5:00 P.M.
THURSDAY, APRIL 25, 2024	8:00 A.M. – 5:00 P.M.
FRIDAY, APRIL 26, 2024	8:00 A.M. – 5:00 P.M.
SATURDAY, APRIL 27, 2024	7:00 A.M. – 7:00 P.M.
SUNDAY, APRIL 28, 2024	11:00 A.M. – 4:00 P.M.
MONDAY, APRIL 29, 2024	7:00 A.M. – 7:00 P.M.
TUESDAY, APRIL 30, 2024	7:00 A.M. – 7:00 P.M.

Branch offices for early voting by personal appearance shall also be established as outlined in the Joint Election Agreement with Tarrant County.

b. **Early Voting by Mail.** Clinton Ludwig, the Tarrant County Elections Administrator, or his successor, acting pursuant to Texas Government Code §601.002 ("Election Administrator"), is hereby designated as Early Voting Clerk for the election. Applications for early voting by mail may be delivered not later than the close of business on April 26, 2022, to the Election Administrator in any of the following ways: via mail to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011; via courier or hand delivery to Tarrant County Elections, 2700 Premier St., Fort Worth, Texas 76111-3011; via fax to 817-850-2344; or via email to [votebymail@tarrantcountytx.gov](mailto:votebymail@tarrantcountytx.gov).

c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

## **SECTION 7 METHOD OF VOTING**

The Agreement shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election. All expenditures necessary for the conduct of the election, the purchase of materials therefor, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

## **SECTION 8 FISCAL IMPACT**

It is estimated that there could be a cost to the City of approximately Twenty Thousand Dollars (\$20,000.00) if a vacancy in a council position requires a special election to be held on a November uniform election date for which no other election is required.

## **SECTION 9 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by

the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 10 NOTICE**

(a) Notice of the election shall be published in accordance with Chapter 4 of the Election Code.

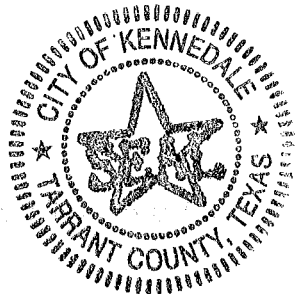
(b) Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice of the election shall be published in a newspaper of general circulation in Flower Mound on the same day, in each of two consecutive weeks, with the first publication occurring before the 14<sup>th</sup> day before the Election Day. The notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

## **SECTION 11 EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after approval.

**PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF FEBRUARY 2024.**

**APPROVED:**



  
MAYOR PRO TEM, KENNETH MICHELS

**ATTEST:**

  
CITY SECRETARY, RAEANNE BYINGTON

**APPROVED AS TO FORM AND LEGALITY:**

  
CITY ATTORNEY, CARVAN E. ADKINS

CITY OF KENNEDALE  
CIUDAD DE KENNEDALE  
THÀNH PHỐ KENNEDALE

NOTICE OF GENERAL ELECTION  
AVISO DE ELECCIÓN GENERAL  
THÔNG BÁO TỔNG TUYỂN CỬ

May 4, 2024  
(4 DE MAYO DE 2024)  
Ngày 04 tháng 05 năm 2024

Notice is hereby given that the polling place listed below will be open from 7:00 a.m. to 7:00 p.m. on May 4, 2024, for voting in a general election to elect the following city officers:

(Notifíquese por la presente, que las casillas electorales citadas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el 4 de mayo de 2024 para votar en la Elección General para elegir:)

(Thông qua văn bản này, chúng tôi xin thông báo rằng địa điểm bỏ phiếu được liệt kê dưới đây sẽ mở cửa từ 7 giờ sáng đến 7 giờ tối ngày 04 tháng 05 năm 2024 để bỏ phiếu cho cuộc tổng tuyển cử chọn ra các viên chức thành phố sau đây:

Mayor	Council Member, Place 2	Council Member, Place 4
Alcaldesa	Concejal, Lugar 2	Concejal, Lugar 4
Thị trưởng	Thành viên Hội đồng, Vị trí 2	Thành viên Hội đồng, Vị trí 4

**LOCATION OF ELECTION DAY POLLING PLACE**

**UBICACIÓN DE LOS CENTROS ELECTORALES EN EL DÍA DE LAS ELECCION**

**CÁC ĐỊA ĐIỂM BỎ PHIẾU VÀO NGÀY BẦU CỬ**

Kennedale Community Room  
Sala comunitaria Kennedale  
Phòng cộng đồng Kennedale  
316 W 3rd Street  
Kennedale, Texas

Registered voters may also vote at any Tarrant County polling location. Visit [www.tarrantcounty.com/elections](http://www.tarrantcounty.com/elections) for additional polling locations.

(Los votantes que estén registrados también pueden votar en cualquier centro de votación del condado de Tarrant. Visite [www.tarrantcounty.com/elections](http://www.tarrantcounty.com/elections) para conocer más centros de votación)

(Cử tri đã ghi danh đi bầu cũng có thể bỏ phiếu tại bất kỳ địa điểm nào của Quận Tarrant. Truy cập trang mạng [www.tarrantcounty.com/elections](http://www.tarrantcounty.com/elections) để biết các địa điểm bỏ phiếu khác.)

**EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED AT:**

(La votación por adelantado en persona se llevará a cabo en:)

**(BẦU CỬ SỚM TRỰC TIẾP SẼ ĐƯỢC THỰC HIỆN TẠI:)**

Kennedale Community Room Sala comunitaria Kennedale (Phòng cộng đồng Kennedale) 316 W 3rd Street Kennedale, TX 76060	Tarrant County Election Center centro electoral del condado de tarrant (Trung tâm Bầu cử Hạt Tarrant) 2700 Premier Street Fort Worth, Texas 76111
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**EARLY VOTING BY PERSONAL APPEARANCE DAYS AND HOURS**

(DÍAS Y HORAS DE VOTACIÓN ADELANTADA POR APARICIÓN PERSONAL)

**(NGÀY VÀ GIỜ BẦU CỬ SỚM TRỰC TIẾP)**

April (Abril) Tháng Tư 22-26	Monday - Friday (Lunes-Viernes) (Thứ Hai – Thứ Sáu)	8:00 a.m. – 5:00 p.m.
April (Abril) Tháng Tư 27	Saturday (Sábado) (Thứ Bảy)	7:00 a.m. – 7:00 p.m.
April (Abril) Tháng Tư 28	Sunday (Domingo) (Chủ Nhật)	10:00 a.m. – 4:00 p.m.
April (Abril) Tháng Tư 29-30	Monday -Tuesday (Lunes - Martes) (Thứ Hai - Thứ Ba)	7:00 a.m. – 7:00 p.m.

Applications for a Ballot by Mail must be submitted between January 1, 2024 and April 23, 2024 by mail, fax or email to:

If an Application for Ballot by Mail is submitted by fax or e-mail the original application must also be mailed and received by the Early Voting Clerk no later than the 4th business day after receipt of the faxed or e-mailed copy.

(Solicitudes para una Boleta por Correo pueden ser sometidas entre el 1 de Enero de 2024 y 23 de Abril de 2024 por correo, fax o por correo electrónico a:

Si una solicitud de boleta por correo se envía por fax o por correo electrónico la solicitud original también debe ser enviada por correo y recibida por el Secretario de Votación Anticipada no más tarde del cuarto día hábil después de recibir la copia enviada por fax o por correo electrónico.)

(Đơn xin lá phiếu bầu qua thư phải được gửi vào giữa Ngày 1 Tháng 1, Năm 2024 và Ngày 23 Tháng 4, Năm 2024 bằng thư, fax hoặc email đến:

Nếu Đơn Xin Lá Phiếu bầu qua thư được gửi bằng fax hoặc e-mail, đơn xin bản gốc cũng phải được gửi bằng thư đến và nhận bởi Thư Ký Phụ Trách Bỏ Phiếu Sớm không muộn hơn ngày làm việc thứ tư kể từ ngày nhận được bản sao từ fax hoặc e-mail.)

Early Voting Clerk (Secretario De Votación Adelantada) (Nhân Viên Phụ Trách Bỏ Phiếu Sớm)  
PO Box 961011  
Fort Worth TX 76161 - 0011  
Fax: 817 - 850 - 2344  
Email: [votebymail@tarrantcounty.com](mailto:votebymail@tarrantcounty.com)

Issued this the 4<sup>th</sup> day of April 2024

(Emitida este día 9<sup>th</sup> de abril 2024.)

(Ban hành vào ngày 4 tháng 4 năm 2024)

Jan Joplin, Mayor (Alcaldesa) (Thị trưởng)

# THÔNG BÁO ĐẾN CÁC CỬ TRI ĐÃ GHI DANH BỎ PHIẾU CỦA THÀNH PHỐ KENNEDALE, TEXAS VỀ CUỘC TỔNG TUYỂN CỬ ĐỂ BẦU RA ỦY VIÊN HỘI ĐỒNG CHO CÁC VỊ TRÍ 1, 3, VÀ 5

Thông báo được đưa ra về cuộc Tổng Tuyển cử nhằm mục đích bầu ra Ủy viên Hội đồng cho các Vị trí 1, 3, và 5 sẽ được tổ chức vào ngày 6 tháng 5 năm 2023, trong thời gian từ 7:00 sáng đến 7:00 tối.

## ĐỊA ĐIỂM BỎ PHIẾU

Kennedale Community Center (Trung tâm cộng đồng Kennedale)  
316 W 3rd St., Kennedale, TX 76060

## BỎ PHIẾU SỚM BẰNG CÁCH ĐÍCH THÂN ĐẾN BỎ PHIẾU SẼ ĐƯỢC TIẾN HÀNH NHƯ SAU:

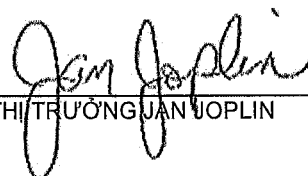
NGÀY 24 – 28 THÁNG TƯ	THỨ HAI – THỨ SÁU	8:00 SÁNG – 5:00 CHIỀU
	5:00 CHIỀU	
NGÀY 29 THÁNG TƯ	THỨ BẢY	7:00 SÁNG – 7:00 CHIỀU
	7:00 CHIỀU	
NGÀY 30 THÁNG TƯ	CHỦ NHẬT	11:00 SÁNG – 4:00 CHIỀU
1 - 2 THÁNG 5	THỨ HAI và THỨ BA	7:00 SÁNG – 7:00 CHIỀU

## ĐƠN XIN LÁ PHIẾU QUA THƯ PHẢI ĐƯỢC GỬI ĐẾN:

THƯ KÝ BỎ PHIẾU SỚM	Tarrant County Elections (Ban Bầu Cử Quận Tarrant) PO Box 961011 Fort Worth, Texas 76161-0011
FAX	817-831-6118
EMAIL	votebymail@tarrantcounty.com
CHUYỀN PHÁT NHANH	2700 Premier Street Fort Worth, Texas 76111-3011

Đơn xin lá phiếu qua thư phải được nhận trước khi hết giờ làm việc hôm thứ Ba, ngày 20 tháng Tư năm 2021.

PHÁT HÀNH NGÀY 14 THÁNG BA NĂM 2023.

  
THI TRƯỞNG JAN JOPLIN



**AVISO A LOS VOTANTES REGISTRADOS  
EN LA CIUDAD DE KENNEDALE EN TEXAS SOBRE  
UNA ELECCIÓN GENERAL PARA ELEGIR A LOS  
MIEMBROS DEL CONCEJO PARA LOS PUESTOS 1, 3, Y 5**

Por la presente se notifica que se llevará a cabo una Elección General con el fin de elegir a los Miembros del Concejo para los Lugares 1, 3 y 5, el 6 de mayo de 2023, entre las 7:00 a.m. y las 7:00 p.m.

**UBICACIÓN DE LOS LUGARES DE VOTACIÓN**

Kennedale Community Center (Centro Comunitario de Kennedale)  
316 W 3rd St., Kennedale, TX 76060

**LA VOTACIÓN PRESENCIAL ANTICIPADA SE REALIZARÁ COMO SE INDICA A  
CONTINUACIÓN:**

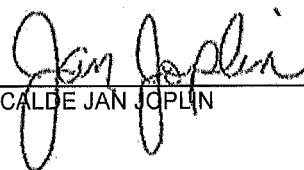
24 AL 28 DE ABRIL	LUNES A VIERNES	8:00 A.M. – 5:00 P.M.
29 DE ABRIL	SÁBADO	7:00 A.M. – 7:00 P.M.
30 DE ABRIL	DOMINGO	11:00 A.M. – 4:00. P.M.
1 AL 2 DE MATO	LUNES Y MARTES	7:00 A.M. – 7:00 PM.

**LAS SOLICITUDES DE VOTACIÓN POR CORREO SE ENVIARÁN A:**

SECRETARIO DE VOTACIÓN ANTICIPADA	Tarrant County Elections PO Box 961011 Fort Worth, Texas 76161-0011
FAX	817-831-6118
CORREO ELECTRÓNICO	votebymail@tarrantcounty.com
ENTREGA POR CORREO	2700 Premier Street Fort Worth, Texas 76111-3011

Las solicitudes de votación por correo deben recibirse antes del cierre de las operaciones comerciales el martes 25 de abril de 2023.

**EMITIDO EL DÍA 14 DEL MES DE MARZO 2023.**

  
\_\_\_\_\_  
ALCALDE JAN JOPLIN

# **NOTICE TO THE REGISTERED VOTERS OF THE CITY OF KENNEDALE, TEXAS OF A GENERAL ELECTION TO ELECT MAYOR AND COUNCILMEMBERS FOR PLACES 2 AND 4.**

Notice is hereby given that a General Election for the purpose of electing Mayor and Councilmembers for Places 2 and 4 will be held on May 4, 2024, between the hours of 7:00 a.m. to 7:00 p.m.

## **LOCATION OF POLLING PLACES**

Kennedale Community Center  
316 W 3rd St., Kennedale, TX 76060

## **EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED AS FOLLOWS:**

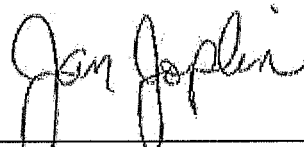
APRIL 24 – 28	MONDAY – FRIDAY	8:00 A.M. – 5:00 P.M.
APRIL 29	SATURDAY	7:00 A.M. – 7:00 P.M.
APRIL 30	SUNDAY	11:00 A.M. – 4:00 P.M.
May 1 – 2	MONDAY and TUESDAY	7:00 A.M. – 7:00 P.M.

## **APPLICATIONS FOR BALLOT BY MAIL SHALL BE MAILED TO:**

EARLY VOTING CLERK	Tarrant County Elections PO Box 961011 Fort Worth, Texas 76161-0011
FAX	817-831-6118
EMAIL	<a href="mailto:votebymail@tarrantcounty.com">votebymail@tarrantcounty.com</a>
COURIER DELIVERY	2700 Premier Street Fort Worth, Texas 76111-3011

Applications for ballots by mail must be received by close of business Tuesday, April 25, 2023.

**ISSUED THIS 31<sup>st</sup> DAY OF JANUARY, 2024.**

  
MAYOR JAN JOPLIN