

## **ORDINANCE NO. 2057**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, PROVIDING FOR THE SUBMISSION OF PETITION-INITIATED PROPOSED AMENDMENTS TO THE BRYAN CITY CHARTER TO THE QUALIFIED VOTERS OF THE CITY OF BRYAN, TEXAS, AT A SPECIAL ELECTION; PROVIDING THAT SAID SPECIAL ELECTION SHALL BE HELD JOINTLY WITH THE GENERAL MUNICIPAL ELECTION AND GENERAL ELECTION BEING CONDUCTED BY BRAZOS COUNTY SCHEDULED FOR NOVEMBER 4, 2014; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR EARLY VOTING AND OTHER MATTERS RELATING TO THE CONDUCT OF THE SPECIAL ELECTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City of Bryan, Texas, is a home rule city having its own Charter under the laws and Constitution of the State of Texas; and

**Whereas**, a petition was filed with the City Secretary on July 7, 2014, requesting the submission of proposed Charter amendments to the qualified voters of Bryan in accordance with Section 9.004, Texas Local Government Code; and

**Whereas**, the City Secretary has certified that the petition contains the signatures of a number of registered voters of the City of Bryan equal in number to at least five percent of the registered voters of the City of Bryan, minus those voters appearing on the suspense list;

**Now, therefore, be it ordained by the City Council of the City of Bryan, Texas:**

### **Section 1.**

That the hereinafter recited proposed amendments shall be submitted for the consideration of the voters of the City of Bryan at a special election to be held on the next uniform election date as prescribed by Section 41.001, Texas Election Code, that same date being November 4, 2014.

### **Section 2.**

That the Charter amendment election shall be held jointly with the general municipal election and general election being conducted by Brazos County scheduled for November 4, 2014, as a matter of convenience and cost effectiveness for the voters, and to comply with the provisions of State law; and setting forth that the same polling places, early voting locations and times, election judges and workers, etc., shall be utilized for this special election as for the general election to be conducted by Brazos County, Texas, on November 4, 2014.

### **Section 3.**

That the Mayor is authorized to sign a Notice of Election and Order of Election, and that the City Secretary shall cause the notice of the herein called election to be published in accordance with State law.

#### Section 4.

That the processes and procedures set forth of said election shall in all respects be and conform to State law and the general municipal election and general election to be conducted by Brazos County on November 4, 2014. The polling places, election judges and workers, early voting, rate of pay, etc., shall be the same as utilized by Brazos County within the city limits of Bryan for the general election conducted by Brazos County on November 4, 2014. The Brazos County Clerk shall serve as Early Voting Clerk and the Bryan City Secretary shall serve as Joint Early Voting Clerk.

#### Section 5.

That the following precincts, polling locations and early voting dates, hours and locations shall be utilized jointly with Brazos County for the special Charter amendment election:

<u>County Voting Precinct No.</u>	<u>Polling Place</u>
4, 18, 43	Galilee Baptist Church, 804 North Logan
14, 57	Bryan Ballroom, 703 Palasota Drive
16, 52	Brazos County Administration Building, 200 South Texas Avenue
25	George Williams Tabernacle, 1216 Eureka
38	Castle Heights Baptist Church, 4504 Highway 21 East
13	Beacon Baptist Church, 2001 East Villa Maria Road
56	Bright Light Baptist Church, 11234 Highway 30
19, 30, 46, 47	Bryan United Pentecostal Church, 2208 Highway 21 East
45	Arena Hall, 2906 Tabor Road
26, 63	Brazos Center, 3232 Briarcrest Drive
17	Brazos County Health Department, 201 North Texas Avenue
15	Central Church of Christ, 1600 East 29 <sup>th</sup> Street
11, 22	College Heights Assembly of God Church, 4100 Old College Rd.
70	Mary Branch School, 2040 West Villa Maria Road
12	First Baptist Church, 3100 Cambridge Drive
36	Fellowship Freewill Baptist Church, 1228 West Villa Maria Rd.

Early voting by personal appearance will be conducted by the Office of the Brazos County Clerk as follows: Monday-Friday, October 20-24, 2014, 8:00 a.m. – 5:00 p.m.; Saturday, October 25, 2014, 8:00 a.m. – 8:00 p.m.; Sunday, October 26, 2014, 10:00 a.m. – 3:00 p.m.; Monday-Friday, October 27-31, 2014, 8:00 a.m. – 8:00 p.m. Early voting by personal appearance will be held at the following locations: Brazos County Administration Building, 200 South Texas Avenue, Bryan; Arena Hall, 2906 Tabor Road, Bryan; Galilee Baptist Church, 804 North Logan, Bryan; College Station Utilities Meeting/Training Facility, 1603 Graham Road, College Station; and Memorial Student Center, Texas A&M University, College Station. Applications for mail ballots must be received by 5:00 p.m., October 24, 2014, addressed to Brazos County Clerk's Office, 300 East 26<sup>th</sup> Street, Suite 120, Bryan, Texas 77803.

#### Section 6.

That the ballot propositions to be submitted in a format in accordance with Section 9.004, Texas Local Government Code, which states that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments, shall be as follows:

Proposition One:

Shall Section 5 of the Bryan City Charter entitled "City Council" be amended by adding:

(r) Council Member Independence.

- (1) Appointment or Employment of Relatives of Bryan City Councilmembers. No person related within the first or second or third degree of affinity (by marriage), or within the first or second or third degree of consanguinity (by blood), to members of the City Council shall be appointed or employed to any office, position including appointed positions or service including contracted service, paid or nonpaid within the City.

Proposition Two:

Shall Section 5 of the Bryan City Charter entitled "City Council" be amended by adding:

(r) Council Member Independence.

- (2) Use of the prestige of a city official's position. A city council member shall not, in any election, except his or her own, use the prestige of the city official's position with the city on behalf of a candidate, political party, or political committee, except that a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in any connection with the endorsement.

Proposition Three:

Shall Section 5 of the Bryan City Charter entitled "City Council" be amended by adding:

(r) Council Member Independence.

- (3) Campaign Donations. An elected city official shall not directly or indirectly discuss or vote or influence the vote on any matter that comes before the City Council that involves a campaign donor that has made any type of contribution direct or indirect to the city elected official's campaign funding greater than \$250 within 3 years before or after that elected official's current election date.

Section 7.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Chapter 551, Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

Section 9.

That this ordinance shall go into effect immediately upon its second and final reading.

Presented and given first reading the 7<sup>th</sup> day of August, 2014, at a special meeting of the Bryan City Council, and given second reading, passed and approved on the 12<sup>th</sup> day of August, 2014, by a vote of   5   ayes and   0   nays at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

APPROVED AS TO FORM:

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Janis K. Hampton, City Attorney