

RESOLUTION NO. 2019-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 TO ELECT A PERSON TO THE OFFICE OF CITY COUNCIL, PLACE 4 TO FILL THE REMAINDER OF THE UNEXPIRED TERM UNTIL MAY 2020, OR UNTIL A SUCCESSOR IS DULY ELECTED AND QUALIFIED; ESTABLISHING ELECTION DAY VOTING LOCATIONS, CANDIDATE FILING PERIOD, EARLY VOTING, RUNOFF ELECTION, METHOD OF VOTING, AND PUBLICATION AND POSTING REQUIREMENTS; AND AUTHORIZING JOINT ELECTION AGREEMENTS AND SERVICES.

WHEREAS, the City of North Richland Hills, Texas (“City”) 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, the City of North Richland Hills Charter provides that city elections shall be held in accordance with laws of the State of Texas; and

WHEREAS, a vacancy exists in Place 4 of the City Council of the City of North Richland Hills; and

WHEREAS, Section 201.051 of the Texas Election Code provides that an election shall be ordered as soon as practicable after the vacancy occurs. Such election shall be held on the next uniform election date—first Saturday in May or the first Tuesday after the first Monday in November; and

WHEREAS, the City Charter provides that a Special Election shall be conducted to fill a vacancy on the City Council if there remains more than one hundred eighty (180) days until the expiration of the office to be filled; and

WHEREAS, the City will enter into joint election agreements and contracts for election services with Tarrant County pursuant to Texas Election Code Sections 31.092 and 271.002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1. The City Council hereby finds that the recitals set forth above are true and correct and are incorporated into this Resolution as if written herein.

Section 2. **Special Election Called.** An election is hereby called to elect a person to fill the office of City Council, Place 4 for the remainder of the unexpired term (May 2020), or until his/her successor is duly elected and qualified. The election shall be held on November 5, 2019 between the hours of 7:00 a.m. until 7:00 p.m.

The locations of polling locations for this Special Election are designated pursuant to the Texas Election Code as those precincts designated by Tarrant County.

Section 3. **Application for Place on Ballot.** Qualified persons may file as candidates by filing with the City Secretary, or her designee, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning August 13, 2019, and ending September 4, 2019. Each application for a place on the ballot shall be accompanied by either a filing fee of One Hundred Fifty (\$150.00) Dollars payable to the City, or in lieu of the filing fee, a petition seeking the candidate's name to be placed on the ballot. Such petition must be signed by at least one hundred fifty (150) qualified voters of the City. Forms for the petition shall be furnished to potential candidates by the City Secretary.

Section 4. **Joint Election Agreements Approved.** The Mayor is authorized to enter into joint election agreements and contracts for election services with Tarrant County conducted under the authority of Chapter 271 of the Texas Election Code (the "Agreements"). The election shall be conducted pursuant to the election laws of the State of Texas.

Section 5. **Early Voting.**

a. **Early voting by personal appearance.** Early voting by personal appearance will be held jointly with other political subdivisions in Tarrant County beginning on October 21, 2019 and will continue through November 1, 2019 at the locations established by Tarrant County on the dates and times as follows or as may be amended by Tarrant County:

October 21-25	8:00 a.m. to 5:00 p.m.
October 26	7:00 a.m. to 7:00 p.m.
October 27	11:00 a.m. to 4:00 p.m.
October 28-30	8:00 a.m. – 5:00 p.m.
October 31	7:00 a.m. to 7:00 p.m.
November 1	7:00 a.m. to 7:00 p.m.

The main early voting location shall be located at:

Tarrant County Elections Center
2700 Premier Street
Fort Worth, Texas 76111

b. **Early voting by mail.** Heider Garcia, Tarrant County Chief Elections Administrator, or his designee, is hereby designated as Early Voting Clerk for the special election. The Tarrant County Chief Elections Administrator may appoint other deputy early voting clerks as necessary. Applications for early voting by mail may be delivered to the

Chief Elections Administrator at the following address: Early Voting Clerk, 2700 Premier Street, Fort Worth, Texas 76111, beginning January 1, but not later than October 25, 2019 if delivered by mail. Early voting by mail ballots shall be mailed to the Chief Elections Administrator at the same address.

All resident qualified electors of the City shall be permitted to vote at said election and on the day of the election, such electors may vote at any countywide polling places designated by Tarrant County.

- c. **Early voting by Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, as set forth in the Agreements, shall serve as the presiding officer and alternate presiding officers, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

Section 6. **Runoff Election.** In accordance with Section 2.025 of the Texas Election Code, in the event no candidate receives a majority of votes for an office, there shall be a runoff election held on December 10, 2019. The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election, or as amended by Tarrant County, and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

Early voting by personal appearance shall be held at the same locations set out in Section 5 hereof on each day that is not a Saturday, Sunday, or an official State Holiday, beginning on Monday, November 25, 2019 and continuing through Friday, December 6, 2019 between the hours of 8:00 A.M. and 5:00 P.M., except November 30 and December 5 and 6 when voting will be between the hours of 7:00 A.M. and 7:00 P.M. and December 1 when voting will be between the hours of 11:00 A.M. and 4:00 P.M.

Section 7. **Governing Law and Qualified Voters.** The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 8. **Publication and Posting of Notice of Election.** Notice of the election shall be given as required by Chapter 4 of the Code.

Section 9. **Necessary Actions.** The Mayor is authorized to execute a joint election agreement and contract for election services with Tarrant County whereby Tarrant County will provide all material, supplies and personnel to hold the election contemplated hereby, including any runoff election which may be required, and will be responsible for coordinating, supervising and

administering the joint election. This resolution shall be construed with any action of the governing bodies of other Tarrant County political subdivisions providing for the conduct of a joint election as herein contemplated. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

PASSED AND APPROVED on the 12th day of August, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney