

ORDINANCE NO. O-21-04

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MISSOURI CITY CERTAIN PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; STATING THE SUBJECT MATTER OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE VOTED UPON AT SAID ELECTION; PROVIDING FOR JOINT ELECTIONS ON MAY 1, 2021, WITH OTHER ENTITIES CONTRACTING WITH FORT BEND COUNTY AND HARRIS COUNTY, RESPECTIVELY; PROVIDING FOR ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to Section 11.13 of the City Charter of the City of Missouri City, Texas, the City Council of the City of Missouri City, Texas (the "City") has determined that a special election should be held in the City for the purpose of submitting to the qualified voters of the City, propositions for certain proposed amendments to the existing City Charter; and

WHEREAS, the City Council desires to proceed with the ordering of such election and has determined that holding such election is in the public interest; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. A special election is hereby called and ordered for the 1st day of May, 2021, at which election there shall be submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, propositions for certain proposed amendments to the existing Charter of the City of Missouri City. Said election shall be held in accordance with the Texas Election Code. Such proposed amendments are as follows:

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT A

That Section 3.05 of Article III of the Charter of the City of Missouri City, Texas, be deleted and a new Section 3.05 of Article III be substituted therefor to provide as follows:

“ARTICLE III. - CITY COUNCIL

. . . .

Sec. 3.05. – Mayor and mayor pro tem.

The mayor shall be the official head of the city government. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall vote upon all matters before the city council except when the matter involves the consideration of his own official conduct or where his financial interest is involved. He shall see that all ordinances, bylaws, motions and resolutions of the council are faithfully obeyed and enforced. He shall sign all ordinances and resolutions; and when authorized by the council, he shall sign all official documents, such as conveyances, grant agreements, official plats of city property, contracts and bonds. He shall appoint special committees as he deems advisable and also those special committees as instructed by the council. He shall perform such other duties consistent with the Charter or as may be imposed upon him by the city council.

The mayor pro tem shall be a councilmember and shall be elected by the council at the first regular council meeting following the later of each general city election or special city election for the election of the mayor or one or more councilmembers. The councilmember elected as the mayor pro tem shall hold the title and serve in such capacity at the pleasure of the council. The mayor pro tem shall act as mayor during the absence or disability of the mayor and when so acting in this capacity shall have the authority conferred upon the mayor.”

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT B

That Section 3.05 of Article III of the Charter of the City of Missouri City, Texas, be deleted and a new Section 3.05 of Article III be substituted therefor to provide as follows:

“ARTICLE III. - CITY COUNCIL

. . . .

Sec. 3.05. - Mayor and mayor pro tem.

The mayor shall be the official head of the city government and act as chief administrative officer of the city and fulfill all duties of city manager until a city manager is appointed. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall vote upon all matters before the city council except when the matter involves the consideration of his own official conduct or where his financial

interest is involved. He shall see that all ordinances, bylaws, motions and resolutions of the council are faithfully obeyed and enforced. He shall sign all ordinances and resolutions; and when authorized by the council, he shall sign all official documents, such as conveyances, grant agreements, official plats of city property, contracts and bonds. He shall appoint special committees as he deems advisable and also those special committees as instructed by the council. He shall perform such other duties consistent with the Charter or as may be imposed upon him by the city council.

The mayor pro tem shall be a councilmember and shall be elected by the council at the second regular council meeting in December of each calendar year. The councilmember elected as the mayor pro tem shall hold the title and serve in such capacity for a term of one year and until the election of his successor. The mayor pro tem shall act as mayor during the absence or disability of the mayor and when so acting in this capacity shall have the authority conferred upon the mayor."

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT C

That Subsection 4.01.D of Article IV of the Charter of the City of Missouri City, Texas, be deleted and a new Subsection 4.01.D of Article IV be substituted therefor to provide as follows:

"ARTICLE IV. - ADMINISTRATIVE SERVICES

Sec. 4.01. - City manager.

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- D. *Powers and duties.* The city manager shall be responsible to the council for the proper administration of all the affairs of the city and to that end shall have the power and be required to:
1. See that all state laws and city ordinances are effectively enforced.
 2. Except as prohibited by this Charter, the city manager shall appoint, suspend or remove all or any one of the directors of departments with the advice and consent of a majority of the council; and he shall employ, suspend or discharge all other employees of the city.
 3. Attend all meetings of the council except when excused by council.
 4. Prepare the budget annually and submit it to the council and be responsible for its administration after its adoption.
 5. Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
 6. Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him advisable.
 7. Perform such other duties as may be prescribed by this Charter or required of him by the council, as consistent with this Charter."

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT D

That Subsections 4.01.A and 4.01.B of Article IV of the Charter of the City of Missouri City, Texas, be deleted and new Subsections 4.01.A and 4.01.B of Article IV be substituted therefor to provide as follows:

“ARTICLE IV. - ADMINISTRATIVE SERVICES

Sec. 4.01. - City manager.

. . . .

- A. *Appointments and qualifications:* The council by majority vote of the entire council shall appoint a city manager who shall be the chief administrative and executive officer of the city. The method of selection shall be left to the discretion of the city council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The city manager shall be chosen solely upon the basis of his executive and administrative training, experience and ability and need not when appointed be a resident of the City of Missouri City; however, during the tenure of his office he shall reside within the city. The council may enter into an employment contract with the selected city manager that prescribes the conditions of employment as the council determines appropriate. Such contract shall be authorized by a majority of the entire council.
- B. *Compensation.* The city manager shall receive compensation as may be set by the council according to his experience, education and training. If the council elects to enter into an employment contract with the selected city manager, the selected city manager shall receive such compensation as shall be affixed by the council in such employment contract. The compensation shall be agreed upon before appointment with the understanding that the council may change it at their discretion.”

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT E

That Section 6.01 of Article VI of the Charter of the City of Missouri City, Texas, be deleted and a new Section 6.01 of Article VI be substituted therefor to provide as follows:

“ARTICLE VI. - ELECTIONS

Sec. 6.01. – Elections to be held under this Charter.

- A. *Elections prior to this amendment.* The terms of the mayor and all councilmembers elected to their positions on or prior to the effective date of this section, or in any runoff election resulting from a general election held on or prior to the effective date of this section, shall expire on the election and qualification of their successors as provided by this Charter.

- B. *Election of mayor.* The mayor, after this section becomes effective, shall be elected at the general election to be held in November, 2022, and shall serve until the general election to be held in November, 2025, or until a successor has been elected and shall have qualified. Thereafter, elections hereunder for the position of mayor shall be held on the general election date, as provided by state law, in November of every third year. The mayor shall serve for three years concluding with the election and qualification of a successor.
- C. *Election of two (2) councilmembers-at-large.* The two (2) councilmembers-at-large, after this section becomes effective, shall be elected at the general election to be held in November, 2022, and shall serve until the general election to be held in November, 2025, or until their respective successors have been elected and shall have qualified. Thereafter, elections hereunder for the two (2) positions of councilmembers-at-large shall be held on the general election date, as provided by state law, in November of every third year. The councilmembers-at-large shall serve for three (3) year terms concluding with the election and qualification of their successors.
- D. *Election of four (4) district councilmembers.* Pursuant to V.C.T.A., Election Code §41.0052, the councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D, shall be elected at the general election to be held in November, 2021, and shall serve until the general election to be held in November, 2024, or until a successor has been elected and shall have qualified. Thereafter, elections hereunder for councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D, shall be held on the general election date, as provided by state law, in November of every third year, and said councilmembers shall serve for three (3) year terms concluding with the election and qualification of their successors.
- E. *Taking office.* All persons elected after the effective date of this Charter shall be sworn into office at the next regular council meeting after their election.”

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT F

That Section 6.01 of Article VI of the Charter of the City of Missouri City, Texas, be amended by adding a new Subsection 6.01.F of Article VI therefor to provide as follows:

“ARTICLE VI. - ELECTIONS

Sec. 6.01. – Elections to be held under this Charter.

• • •
 F. *Term Limits.* Neither the mayor nor any councilmember shall serve more than twelve (12) consecutive years of office in any position on the council or in any combination

thereof. For the purposes of this subsection, an official shall have been considered to have served in any position upon taking the oath of office for such position, regardless of whether the official serves the complete term or a part thereof for such position. Any official who has served (12) consecutive years of office in any position on the council or in any combination thereof shall be prohibited from serving another term in any elected position for a minimum of two (2) years from the date of the expiration of the official's last consecutive term. The limit for terms provided by this subsection shall apply to a term of office beginning after the general election to be held in November, 2021."

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT G

That Subsection 9.04.D of Article IX of the Charter of the City of Missouri City, Texas, be deleted and a new Subsection 9.04.D of Article IX be substituted therefor to provide as follows:

"ARTICLE IX. - FINANCIAL ADMINISTRATION

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Sec. 9.04. – Amendments after adoption.

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D. *Transfer of appropriations.* Not later than the ninetieth (90th) day after the last day of the fiscal year, the city manager may transfer part or all of any unencumbered appropriations balance among programs within a department, division, or office and, upon written request by the city manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another."

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT H

That Section 9.10 of Article IX of the Charter of the City of Missouri City, Texas, be deleted and a new Section 9.10 of Article IX be substituted therefor to provide as follows:

"ARTICLE IX. - FINANCIAL ADMINISTRATION

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Sec. 9.10. – Sale of bonds.

No bond issued by the city shall be sold for less than its par value and accrued interest. Nor shall any bonds, if sold in a competitive sale, be sold until bids, submitted in response to public advertisement therefor, have been received and considered by the council. The council shall have the right to reject any and all bids."

CITY OF MISSOURI CITY, TEXAS, PROPOSED AMENDMENT I

That Section 11.13 of Article XI of the Charter of the City of Missouri City, Texas, be deleted and a new Section 11.13 of Article XI be substituted therefor to provide as follows:

“ARTICLE XI. - GENERAL PROVISIONS

. . . .
Sec. 11.13. – Charter Review Commission.

The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. Beginning with the 2024 charter review commission, and for each charter review commission thereafter, all charter review commissions shall be appointed in January and each shall consist of five (5) citizens of the City of Missouri City.”

Section 2. *Ballot language.* That the ballot of said election shall conform to the requirements of the Texas Election Code, as such code may be amended, and on such ballot shall appear propositions corresponding to each of the proposed charter amendments set forth above in Section 2, with the provision on such ballot allowing voters to vote “YES” or “NO” on each proposition without voting “YES” or “NO” on all propositions. Such propositions, lettered, in accordance with Section 52.095 of the Texas Election Code, to correspond with the lettering of the proposed amendments listed in Section 2 shall provide as follows:

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. A**

Shall Section 3.05 of Article III of the Charter of the City of Missouri City be amended to clarify that the mayor may not act as chief administrative officer and fulfill the duties of the city manager?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. B**

Shall Section 3.05 of Article III of the Charter of the City of Missouri City be amended to establish a one-year term for the mayor pro tem position?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. C**

Shall Section 4.01 of Article IV of the Charter of the City of Missouri City be amended to clarify that the city manager must obtain the City Council of Missouri City’s advice and

consent to appoint, suspend or remove all or any one of the City's department directors?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. D**

Shall Section 4.01 of Article IV of the Charter of the City of Missouri City be amended to require that, if a contract is entered into for the employment of the city manager, the compensation of the city manager shall be set forth in such contract which must be voted on by a majority vote of the City Council of Missouri City?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. E**

Shall Section 6.01 of Article VI of the Charter of the City of Missouri City be amended to extend the term of office for the mayor, district councilmembers, and councilmember-at-large positions from two to three years?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. F**

Shall Section 6.01 of Article VI of the Charter of the City of Missouri City be amended to provide that a person is limited to twelve consecutive years on the city council before the person is required to sit out for a period of two-years before holding another position on the city council?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. G**

Shall Section 9.04 of Article IX of the Charter of the City of Missouri City be amended to extend the time the city manager can transfer or request to transfer unencumbered appropriations from sixty days to ninety days after the end of the fiscal year?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. H**

Shall Section 9.10 of Article IX of the Charter of the City of Missouri City be amended to clarify that the requirement of the city council to receive and consider bids for the sale of bonds applies to competitive sales only?

**CITY OF MISSOURI CITY, TEXAS
CHARTER PROPOSITION NO. I**

Shall Section 11.13 of Article XI of the Charter of the City of Missouri City be amended to change the appointment date of charter review commissioners from July to January?

Section 3. *Election administrator for Missouri City-Fort Bend County.* For the precincts of the City within Fort Bend County, for the special election called and ordered for the purpose of considering several propositions to amend the Charter of the City of Missouri City, the Fort Bend County Elections Administrator shall act as Contracting Officer. The election officials for each City of Missouri City precinct in Fort Bend County shall be designated by the Elections Administrator of Fort Bend County; and such election officials shall conduct the City's special election in accordance with the "Fort Bend County Joint Election Agreement and Contract" to be approved and entered into. The Elections Administrator of Fort Bend County is hereby authorized and instructed to provide and furnish all necessary election supplies for all City of Missouri City precincts in Fort Bend County. The official mailing address of the Elections Administrator is 301 Jackson Street, Richmond, Texas 77469-3108 and the physical address is 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471-2133.

Section 4. *Election administrator for Missouri City-Harris County.* For the precincts of the City within Harris County, for the special election called and ordered for the purpose of considering several propositions to amend the Charter of the City of Missouri City, the Harris County Elections Administrator shall act as Contracting Officer. The election officials for each City of Missouri City precinct in Harris County shall be designated by the Elections Administrator of Harris County; and such election officials shall conduct the City's special election in accordance with the "Harris County Joint Election Agreement and Contract" to be approved and entered into. The Elections Administrator of Harris County is hereby authorized and instructed to provide and furnish all necessary election supplies for all City of Missouri City precincts in Harris County. The official mailing address of the Harris County Elections Administrator is P.O. Box 1148, Houston, Texas 77251-1148 and the physical address is 1001 Preston, 4th Floor, Room 439, Houston, Texas 77002.

Section 5. *Election Day polling places.* The polling places for voting on Election Day for each City election precinct located in Fort Bend County shall be at the locations designated by Fort Bend County as Countywide Polling Places and as set forth in Exhibit A, attached hereto and made a part hereof. Exhibit A may be modified to include additional or different locations designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract. The polling place for voting on Election Day for each City election precinct located in Harris County shall be at the locations designated by Harris County as Countywide Polling Places and as set forth in Exhibit B, attached hereto and made a part hereof. Exhibit B may be modified to include additional or different locations designated by the Harris County Elections Administrator and to conform to the Harris County Joint Election Agreement and Contract.

Section 6. *Election Day schedule.* Each polling place on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

Section 7. *Early voting polling places, precincts, and schedule.* Early voting by personal appearance for each City election precinct located in Fort Bend County shall be at the locations, dates, and times as set forth in Exhibit C, attached hereto and made a part hereof. Exhibit C may be modified to include additional or different early voting locations, dates, and times designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract. Early voting by personal appearance for each City election precinct located in Harris County shall be at the locations, dates, and times as set forth in Exhibit D, attached hereto and made a part hereof. Exhibit D may be modified to include additional or different early voting locations, dates, and times designated by the Harris County Elections Administrator and to conform to the Harris County Joint Election Agreement and Contract.

Section 8. *Early voting clerk-Fort Bend County.* Fort Bend County Elections Administrator is hereby designated as the Early Voting Clerk for each City election precinct located in Fort Bend County. An application for a voting ballot to be voted by mail for each City election precinct located in Fort Bend County shall be mailed to: Fort Bend County Elections, 301 Jackson Street, Richmond, Texas 77469. An application for a voting ballot to be voted by mail, must be received no later than the 11th day before Election Day.

Section 9. *Early voting clerk-Harris County.* The Harris County Elections Administrator is hereby designated as the Early Voting Clerk for each City election precinct located in Harris County. An application for a voting ballot to be voted by mail for each City election precinct located in Harris County shall be mailed to: Isabel Longoria, Harris County Elections Administrator, Attn: Elections Division, P.O. Box 1148, Houston, Texas 77251-1148, or personally delivered by common or contract carrier to: Isabel Longoria, Harris County Elections Administrator, 1001 Preston, 4th Floor, Room 440, Houston, Texas 77002. An application for a voting ballot to be voted by mail, must be received no later than the 11th day before Election Day.

Section 10. *Method of voting.* Voting at the election, including early voting by personal appearance, shall be by use of the voting system designated by Fort Bend County or Harris County, as applicable, and approved by the Texas Secretary of State. Early voting by mail shall be by paper ballot processed by an Early Voting Ballot Board through an electronic voting system designated by Fort Bend County or Harris County, as applicable, and approved by the Texas Secretary of State.

Section 11. *Notice.* The City Secretary shall provide notice of the election in accordance with state law and shall provide notice of any modification to Exhibits A, B, C, and D on the City's internet website.

Section 12. *Canvassing.* The results of the election shall be canvassed and the returns shall be declared in accordance with state law.


Section 13. *Open meeting.* It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 14. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 15. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on first and final reading this 1st day of February, 2021.

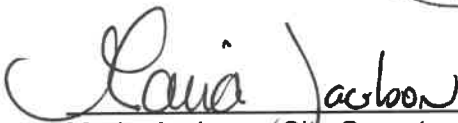




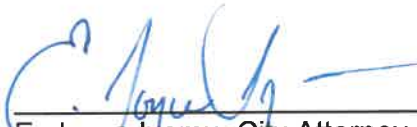
Robin J. Elackatt, Mayor

ATTEST:

APPROVED AS TO FORM:



Maria Jackson, City Secretary



E. Joyce Iyamu, City Attorney

**Fort Bend County
Election Day Vote Centers
May 1, 2021 Joint Election**

Eligible Missouri City voters residing in Fort Bend County:

Missouri City Precinct No. 1: Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Precinct 1 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

**Harris County
Election Day Polling Locations
May 1, 2021 Joint Election**

Eligible Missouri City voters residing in Harris County:

Missouri City Precinct No. 2: That portion of Harris County election Precinct No. 506 located within the City

Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Harris County for election services.

**Fort Bend County
Early Voting Schedule
May 1, 2021 Joint Election**

Eligible Missouri City voters residing in Fort Bend County:

Missouri City Precinct No. 1: Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Precinct 1 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

**Harris County
Early Voting Schedule
May 1, 2021 Joint Election**

Eligible Missouri City voters residing in Harris County:

Missouri City Precinct No. 2: That portion of Harris County election Precinct No. 506 located within the City.

Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Harris County for election services.