

ORDINANCE NO. 2016-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS CALLING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2016 FOR THE PURPOSE OF SUBMITTING A HOME RULE CHARTER TO THE VOTERS OF THE CITY OF BRIDGEPORT; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INSTANT AND RELATED TO SUCH ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bridgeport is a Type A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council by Resolution 09-11 has found and determined that the population of the City of Bridgeport is in excess of 5,000 persons; and

**WHEREAS**, Article 11, Section 5 of the Texas Constitution permits cities having more than 5,000 inhabitants, by a majority vote of the qualified voters of the city at an election held for that purpose, to adopt a Home Rule Charter; and

**WHEREAS**, as the City Council of the City of Bridgeport deems that it is in the best interest of the city and its inhabitants for Bridgeport to become Home Rule and thereby acquire the authority and local control that home rule status allows; and

**WHEREAS**, pursuant to Chapter 9 of the Local Government Code, a charter commission was appointed and has proceeded with the formation of a charter for the City of Bridgeport; and

**WHEREAS**, the Bridgeport Charter Commission has certified to the City Council that they have completed Bridgeport's Home Rule Charter; and

**WHEREAS**, the Charter Commission has determined, and the City Council concurs, that in the submission of this charter to the voter's of the City of Bridgeport, it would be impractical to segregate each subject for a separate vote thereon, for the reason that the charter is so constructed that in order for it to work and function, it is necessary that it be adopted in its entirety; therefore, it shall be submitted so as to be voted upon as a whole; and

**WHEREAS**, Section 9.03 of the Local Government Code requires that the charter be submitted to the qualified voters of the municipality at an election held on the first authorized uniform election date prescribed by the Election Code that allows

sufficient time to comply with other requirements of law and that occurs on or after the fortieth (40) day after the date the Charter Commission completes its work.

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

**SECTION 1  
HOME RULE CHARTER ELECTION CALLED.**

The City Council hereby approved the proposed Home Rule Charter set forth in its entirety in Exhibit "A", attached to and made a part of this ordinance for all purposes. A special election is hereby ordered to be held on May 7, 2016 to submit this charter to the voters of the City of Bridgeport for approval.

**SECTION 2**

The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote FOR or AGAINST the proposition, with the ballots to contain such provisions, marking, and language as required by law and with such proposition to be expressed substantially as follows:

FOR ( )	THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF BRIDGEPORT TO INCLUDE PROVISIONS FOR THE INCORPORATION AND POWERS OF THE CITY; CITY COUNCIL AND THE MAYOR; RESPONSIBILITIES OF THE CITY COUNCIL; CITY ADMINISTRATION; MUNICIPAL COURT; CITY ATTORNEY; MUNICIPAL ELECTIONS; INITIATIVE, REFERENDUM AND RECALL; FINANCE; FRANCHISES AND PUBLIC UTILITIES; PLANNING AND ZONING; TAXATION; GENERAL AND TRANSITIONAL PROVISIONS
AGAINST ( )	

**SECTION 3  
Polling Place**

The polling place for the special election shall be at Bridgeport City Hall, 900 Thompson Street, Bridgeport, Texas 76426 between the hours of 7:00 a.m. and 7:00 p.m. on Election Day.

**SECTION 4  
Appointment of Election Judge and Alternate Election Judge**

Joyce Beard is hereby appointed to serve as presiding election judge of the special election and Johnelle Reed is appointed alternate election judge. The election judge and alternate election judge shall be qualified voters of the city. The City Secretary shall, in accordance with Section 32.009 of the Code, deliver to the presiding

judge and the alternate judge notice of their appointments not later than twenty (20) days from the effective date of this ordinance.

## **SECTION 5 Method of Voting**

The City Secretary is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the special election, in accordance with this ordinance and the Election Code. Voting at the election shall be by electronic means.

## **SECTION 6 Early Voting**

(a) **Early Voting by Personal Appearance.** Early voting by personal appearance will be conducted each weekday at Bridgeport City Hall, 900 Thompson Street, Bridgeport, Texas 76426 between the hours of 8:00 a.m. and 5:00 p.m., beginning on the 25<sup>th</sup> day of April, 2016 and ending on the 3<sup>rd</sup> day of May, 2016 with additional hours on the first and second Tuesday (April 26 and May 3) during Early Voting, from 7:00 a.m. to 7:00 p.m. The City Secretary shall serve as the early voting clerk.

(b) **Early Voting by Mail.** Applications for early voting by mail may be delivered to the City Secretary at the Bridgeport Municipal Building, 900 Thompson Street, Bridgeport, Texas 76426, not later than close of business on April 26, 2016. Early voting by mail ballots shall also be mailed to the City Secretary at 900 Thompson Street, Bridgeport, Texas 76426.

(c) **Early voting 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, appointed herein, shall serve as the presiding officer and alternate presiding officer, 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 7 Notice**

A notice of the special election, including a Spanish translation thereof, shall be posted not later than the twenty-first day before the election on the bulletin board used for posting notices of meetings of the city council and shall be published at least once, not earlier than the thirtieth (30<sup>th</sup>) day nor later than the tenth (10<sup>th</sup>) day before the election in a newspaper published and of general circulation in the City of Bridgeport.

**SECTION 8**  
**Governing Law**

This election shall be held in accordance with the Constitution of the United States and the Texas Election Code and all resident qualified voters of the city shall be eligible to vote in the election.

**SECTION 10**

The Mayor and City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

**SECTION 11**  
**Cumulative Clause**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bridgeport, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 12**  
**Severability Clause**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not effect 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 the unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 13  
Effective Date**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

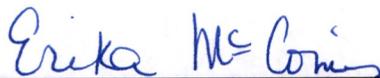
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 16 DAY OF February, 2016.**

**APPROVED:**



**Corey Lane, Mayor**

**ATTEST:**



**Erika McComis, City Secretary**

