

CITY OF OAK POINT, TEXAS

ORDINANCE NO. 2022-05-560

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAK POINT, TEXAS, ORDERING A HOME-RULE CHARTER ELECTION TO BE HELD ON THE TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF OAK POINT, TEXAS, A PROPOSED ORIGINAL CITY HOME-RULE CHARTER; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article XI, section 5 of the Texas Constitution provides that cities having a population of five thousand (5,000) inhabitants or more may by a majority vote of the qualified voters of the City adopt their City Charter; and

WHEREAS, the City of Oak Point, Texas ("City"), exceeds five thousand (5,000) in population; and

WHEREAS, the qualified voters of the City elected a Charter Commission to frame new City Home-Rule Charter and the Charter Commission has prepared said Home-Rule Charter; and

WHEREAS, the Charter Commission in preparing this Home-Rule Charter concludes that it is impracticable to segregate each subject so as to permit a vote on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety; and

WHEREAS, the City Council of the City of Oak Point, Texas, has determined to submit to the qualified voters of the City of Oak Point, Texas, for their adoption or rejection thereof certain proposed Home-Rule Charter of the City, pursuant to the provisions of Section 9.005 of the Texas Local Government Code; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK POINT, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
**ORDERING OF A SPECIAL ELECTION; ELECTION DATE;
AND PURPOSE OF ELECTION**

A special election is hereby ordered for the 8th day of November, 2022, to be held between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.) at which all qualified voters residing within the city limits of the City of Oak Point, Texas, may vote for the purpose of considering a proposition for the adoption of the City's initial Home-Rule Charter, as authorized by Chapter 9 of the Texas Local Government Code.

SECTION 3.
PROPOSITION WORDING

The following proposition shall be submitted in accordance with the law. The official ballots 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, markings and language as required by law and with such proposition to be expressed substantially as follows:

PROPOSITION NO. 1

**For the adoption of the Charter?
Against the adoption of the Charter?**

SECTION 4.
JOINT ELECTION

The said election shall be held jointly, by contract, with the Denton County Elections Administrator.

SECTION 5.
ELECTION DAY POLLING PLACE

The Election Day polling place is hereby designated per the Joint Election Agreement and Contract for Election Services with Denton County.

SECTION 6.
EARLY VOTING; EARLY VOTING POLLING PLACE

Early voting by personal appearance shall be conducted on the following dates and times:

Monday, October 24 , 2022	8:00 a.m. to 5:00 p.m.
Tuesday, October 25, 2022	8:00 a.m. to 5:00 p.m.
Wednesday, October 26, 2022	8:00 a.m. to 5:00 p.m.
Thursday, October 27, 2022	8:00 a.m. to 5:00 p.m.
Friday, October 28, 2022	8:00 a.m. to 5:00 p.m.
Saturday, October 29, 2022	8:00 a.m. to 5:00 p.m.
Sunday, October 30, 2022	11:00 a.m. to 5:00 p.m.
Monday, October 31, 2022	8:00 a.m. to 5:00 p.m.
Tuesday, November 1, 2022	8:00 a.m. to 5:00 p.m.
Wednesday, November 2, 2022	8:00 a.m. to 5:00 p.m.
Thursday, November 3, 2022	8:00 a.m. to 5:00 p.m.
Friday, November 4, 2022	8:00 a.m. to 5:00 p.m.

Any eligible Denton County voter may cast their vote during the early voting period at any of the Denton County Early Voting sites as depicted in the Joint Election Agreement and Contract for Election Services with Denton County.

The Denton County Elections Administrator is hereby appointed as the Early Voting Clerk and shall receive applications for a ballot to be voted by mail. Requests for applications may be received no earlier than Saturday, January 1, 2022, and not later than the close-of-business on Friday, October 28, 2022.

The Early Voting Clerk's address to which ballots voted by mail may be sent is:

Frank Phillips, Early Voting Clerk
Denton County Elections Division
P.O. Box 1720
Denton, Texas 76202

SECTION 7.
ELECTION COMPLIANCE

The election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas.

SECTION 8.
VOTING QUALIFICATION; VOTING MATERIAL

That all registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in both English and Spanish for use at the polling places and for early voting for the Election.

SECTION 9.
NOTICES

The City Secretary of the City of Oak Point is hereby authorized and directed to give notice of the election by:

- (a) Publishing the notice of the general election at least once, not more than thirty (30) days nor less than ten (10) days before the election in the official newspaper of the City, or between **October 9, 2022**, and **October 29, 2022**; and
- (b) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election, by **October 18, 2022**; and
- (c) Delivering notice of the election to the Denton County Clerk not later than the 60th day before Election Day, or **September 9, 2022**.

The City Secretary shall keep on file a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

SECTION 10.
SEVERABILITY CLAUSE

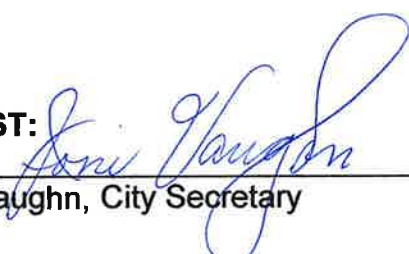
If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

SECTION 11.
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage, in accordance with law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OAK POINT, TEXAS ON this the 18th day of May, 2022.

ATTEST:



Joni Vaughn, City Secretary



Dena Meek, Mayor

