

**TO THE RESIDENT, QUALIFIED ELECTORS OF THE CITY OF ROSENBERG, TEXAS:**

**NOTICE IS HEREBY GIVEN that an election will be held in the CITY OF ROSENBERG, TEXAS on the 9th day of May, 2015, in accordance with the following ordinance:**

**ORDINANCE NO. 2015-07**

**AN ORDINANCE OF THE CITY OF ROSENBERG, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 9, 2015, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, ONE (1) PROPOSED AMENDMENT TO THE EXISTING HOME-RULE CHARTER OF THE CITY OF ROSENBERG, TEXAS, AS AMENDED; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTIONS; AND MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION.**

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the "Code") establishes May 9, 2015, as a "uniform election date" for the purposes of conducting an election; and

**WHEREAS**, the City Council of the City of Rosenberg, Texas, has on its own motion determined to submit to the qualified voters of said City of Rosenberg for their adoption or rejection thereof a certain proposed amendment to the existing Home-Rule Charter of the City of Rosenberg, Texas, pursuant to Section 13.17 of the Charter of the City of Rosenberg and Section 9.004(a) of the Texas Local Government Code; and

**WHEREAS**, the laws of the State of Texas further provide that Section 3.001 of the Election Code of the State of Texas is applicable to said elections, and in order to comply with said Code, an Ordinance should be passed ordering said election and establishing the procedure to be followed in said election; and

**WHEREAS**, the City Council, pursuant to and in compliance with the Texas Open Meetings Act, proposed a Charter amendment during a public meeting; and

**WHEREAS**, the City Council believes that the Rosenberg voters should vote on the following proposed amendment, in the form of a proposition; and

**WHEREAS**, the City Council of the City of Rosenberg, Texas, hereby directs City staff to publish notice of the election in a newspaper of general circulation in the City on the same day in each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days prior to the date of the May 9, 2015, election.

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

**Section 1. Findings.** That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

**Section 2. Election Order.** The City Council of the City of Rosenberg, Texas, hereby calls for a Special Election to be held on Saturday, May 9, 2015, to consider one (1) ballot proposition for amendment to the home-rule charter.

**Section 3. Proposed Charter Amendment.** That at the Election the following amendment to the City Charter shall be submitted to the resident, qualified voters of the City of Rosenberg, Texas:

**Measure No. 1**

SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED BY ADDING THE FOLLOWING UNDERLINED LANGUAGE:

**Sec. 3.01. - Number, selection and term.**

The legislative and governing body of the city shall consist of the mayor and six (6) council members and shall be known as the "City Council of the City of Rosenberg."

- (a) The mayor and two members of the city council shall be elected from the city at large.
- (b) The mayor shall be the presiding officer of the city council and shall be recognized as the head of city government for all ceremonial purposes and by the government [governor] for purposes of military law but shall have no regular administrative duties. The mayor shall be entitled to vote on all matters under consideration by the city council.
- (c) The mayor and six (6) council members, including two (2) at large council members and four (4) council members elected by districts shall be elected to two-year terms. The mayor and (2) council members shall be elected at-large in odd number years. The two (2) at-large council members positions shall be respectively designated as Position 1 and Position 2. The remaining four (4) council members shall be elected by districts, designated as Districts one (1), two (2), three (3) and four (4), in even numbered years.

At the general election in May 2015, the four (4) designated district positions, one (1), two (2), three (3), and four (4) shall be placed on the ballot for election for a one-year term. The two (2) at-large council member positions and the position of mayor shall be placed on the ballot for election to two-year terms. At the City

general election May 2016, the district positions designated as Districts one (1), two (2), three (3) and four (4) shall be placed on the ballot for two-year terms. At the City general election May 2017, the two (2) at-large council member positions and the position of mayor shall be elected to two-year terms.

All positions shall be elected to two-year terms after the foregoing provisions have been effected.

- (d) The four (4) members of the city council elected by districts shall be elected from districts which shall be designated Districts one (1), two (2), three (3) and four (4). The area or territory includable in the district shall be adjusted from time to time or reconfigured as the city may annex or de-annex territory or area within the city. A legal description of all property to be includable in any of the several districts shall be on file in the office of the city secretary of the City of Rosenberg.
- (e) No elected official shall serve more than three (3) consecutive terms of office. For purposes of this subsection an official shall have been considered to have served a term upon taking the oath of office, regardless of whether the official serves the complete term. Any official who has served three (3) consecutive terms shall be prohibited from serving another term for a period of one year and eleven months from the date of the expiration of the third consecutive term.

MEASURE 1 SHALL BE PLACED ON THE BALLOT IN THE FORM OF THE FOLLOWING PROPOSITION:

PROPOSITION NO. 1

FOR/AGAINST The amendment of the City Charter providing for a term limit of three consecutive terms of office.

**Section 4. Voting System, Ballot Proposition.** Voting on the date of the election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the election shall conform to the Texas Election Code, as amended, so as to permit the electors of the City of Rosenberg, Texas to vote "For" or to vote "Against" for the one (1) home-rule charter ballot proposition. Said ballots shall have printed therein such provisions, marking, and language as may be required by law and the Proposition shall be set forth on said ballots in substantially the following form and language:

SPECIAL ELECTION  
City of Rosenberg, Texas

May 9, 2015

That at the Election the following amendment to the City Charter shall be submitted to the resident, qualified voters of the City of Rosenberg, Texas:

PROPOSITION NO. 1

FOR/AGAINST      The amendment of the City Charter providing for a term limit of three consecutive terms of office.

**Section 5. Polling Places and Procedures.** The election precincts for the Election shall consist of the territory within the boundaries of the City situated within one or more County election precincts which bear the precinct numbers set forth in Exhibit A attached hereto and incorporated herein. The voting location for voting on Election Day for each election precinct shall be as set forth in Exhibit A, or at such other locations as hereafter may be designated by the County Elections Administrator as provided in the Election Services Agreement. On Election Day the polls shall be open from 7:00 a.m. to 7:00 p.m.

**Section 6. Early Voting.** Pursuant to the 2015 Election Services Contract, Mr. John Oldham, the County Elections Administrator, is hereby appointed clerk for early voting; appointments of deputy clerks for early voting by the County Elections Administrator shall be in accordance with Section 83.001, *et seq.*, of the TEXAS ELECTION CODE.

The County Elections Administrator shall receive applications by mail for a ballot to be voted by mail from March 10, 2015, until the close of business on April 30, 2015. Requests for applications should be mailed to: Mr. John Oldham, County Elections Administration, Fort Bend County Elections Division, 4520 Reading Road, Suite A, Rosenberg, Texas 77471.

Early voting for the Special Municipal Election shall be conducted by personal appearance at the locations, at the times and on the days as set forth in Exhibit B attached hereto and incorporated herein, or at such other locations as hereafter may be designated by the County Elections Administrator as provided in the Joint Election Agreement.

**Section 7. Early Voting Ballot Board.** Pursuant to the provisions of the TEXAS ELECTION CODE, an Early Voting Ballot Board is hereby created, which shall consist of a presiding judge and clerks as appointed by the County Elections Administrator. The Early Voting Ballot Board shall perform such functions and shall have such duties as are provided for by the TEXAS ELECTION CODE. In addition, the counting station for all ballots

cast in such Elections shall be operated by the County Elections Administrator and such clerks as shall be necessary to count the ballots and to prepare Election returns in accordance with the provisions of Chapter 65 of the TEXAS ELECTION CODE.

**Section 8. Voting System.** Voting at the Special Municipal Election and early voting therefor, shall be by the use of the lawfully approved Fort Bend County voting systems and ballots.

**Section 9. Notice.** That the City Secretary is hereby ordered and directed to publish and post the required notices in the manner and for the time periods required by law:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than (10) days before the election in the official newspaper of the City;
- (b) Filing with the City Secretary, a copy of the notice of the election;
- (c) 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;
- (d) Publish notice of the charter amendment election in a newspaper of general circulation in the City on the same day in each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days prior to the election.

The City Secretary shall 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. Election Compliance.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary, or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

**Section 11. Voting Qualification; Voting Materials.** 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 English and Spanish for use at the polling places and for early voting for the Election.

**Section 12. Joint Election.** The City has agreed to participate in a joint election with other participating governmental entities in the County who are also holding elections on Election Day and will contract with the County Elections Administrator for election services.

**Section 13. Statement of Fiscal Impact.** Pursuant to Section 9.004(c)(2) of the Texas Local Government Code, (requiring a statement of the anticipated fiscal impact to the City if the proposed amendment is approved), the City asserts it is difficult to accurately account for the fiscal impact for the proposed amendment in light of the

peculiar unknown effect to the actual operation of the City government, but an overall analysis reflects that there will be negligible or no fiscal impact to the probable economic cost to the City if the proposed amendment is approved.

**Section 14. Severability Clause.** If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereof 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 15. Effective Date.** This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

**PASSED AND APPROVED** by a vote of 7 “ayes” in favor and 0 “nays” against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 17th day of February 2015.

**ATTEST:**  
Linda Cernosek, **City Secretary**

**APPROVED:**  
Vincent M. Morales, Jr., **Mayor**

**APPROVED AS TO FORM:**  
Scott M. Tschirhart, **CITY ATTORNEY**  
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

**ELECTION DAY VOTING LOCATIONS**  
**May 9, 2015 Joint Election**  
**City of Rosenberg**  
**Polls will be open from 7:00 A.M. until 7:00 P.M.**

<b><u>Precincts</u></b>	<b><u>Polling Place</u></b>	<b><u>Address</u></b>	<b><u>City</u></b>
1007(p)	Williams Elementary School	5111 FM 762	RICHMOND
1012	Rosenberg City Hall	2110 4th Street	ROSENBERG
1013	Rosenberg City Hall	2110 4th Street	ROSENBERG
1015(p)	Frieden's United Church of Christ	7526 Avenue I	BEASLEY
1025(p)	Fort Bend County Fairgrounds Bldg D	4310 Hwy 36 S	ROSENBERG
1037	Rosenberg City Hall	2110 4th Street	ROSENBERG
1040(p)	Richmond Water Maintenance Bldg	110 N. 8th St	RICHMOND
1048	Rosenberg City Hall	2110 4th Street	ROSENBERG
1054(p)	Rosenberg City Hall	2110 4th Street	ROSENBERG
1074	Rosenberg City Hall	2110 4th Street	ROSENBERG

**EARLY VOTING SCHEDULE**  
**May 9, 2015 Joint Election**  
**City of Rosenberg**

Fort Bend ISD, Lamar CISD, Stafford MSD, City of Arcola, City of Beasley, City of Fulshear, City of Missouri City, City of Needville, City of Richmond, City of Rosenberg, City of Simonton, City of Stafford, Village of Pleak, FBC MUD 19, Fort Bend County ESD 6 (proposed), and Fort Bend County ESD8 (proposed)

**Schedule for:**

**Irene Stern Community Center – 6920 Fulshear-Katy Road, Fulshear, TX**  
**Missouri City Community Center – 1522 Texas Pkwy, Missouri City, TX**  
**Fort Bend County Road & Bridge – 3743 School Street, Needville, TX**  
**Fort Bend County Rosenberg Annex – 4520 Reading Road, Rosenberg, TX**

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 27 – May 1, 2015	8:00 a.m. – 5:00 p.m.
Saturday	May 2, 2015	8:00 a.m. – 5:00 p.m.
Sunday	May 3, 2015	CLOSED
Monday – Tuesday	May 4 – 5, 2015	7:00 a.m. – 7:00 p.m.

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**Schedule for:**

**First Colony Conference Center – 3232 Austin Parkway, Sugar Land, TX**  
**Hightower High School – 3333 Hurricane Lane, Missouri City, TX**  
**Four Corners Community Center – 15700 Old Richmond Rd, Sugar Land, TX**  
**Sugar Land Branch Library – 550 Eldridge, Sugar Land, TX**  
**James Bowie Middle School – 700 Plantation Dr., Richmond, TX**  
**Randall’s – 5800 New Territory Blvd., Sugar Land, TX**

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 27 – May 1, 2015	8:00 a.m. – 7:00 p.m.
Saturday	May 2, 2015	8:00 a.m. – 5:00 p.m.
Sunday	May 3, 2015	CLOSED
Monday – Tuesday	May 4 – 5, 2015	7:00 a.m. – 7:00 p.m.

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**Schedule for:**

**Lost Creek Park – 3703 Lost Creek Blvd, Sugar Land, TX**  
**Sienna Branch Library – 8411 Sienna Springs Blvd., Missouri City, TX**

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 27 – May 1, 2015	10:00 a.m. – 7:00 p.m.
Saturday	May 2, 2015	CLOSED
Sunday	May 3, 2015	CLOSED
Monday – Tuesday	May 4 – 5, 2015	7:00 a.m. – 7:00 p.m.

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**Schedule for:**

**Fort Bend ISD Admin. Bldg. – 16431 Lexington Blvd., Sugar Land, TX**  
**Willowridge High School – 16301 Chimney Rock, Houston, TX**

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 27 – May 1, 2015	8:00 a.m. – 7:00 p.m.
Saturday	May 2, 2015	CLOSED
Sunday	May 3, 2015	CLOSED
Monday – Tuesday	May 4 – 5, 2015	7:00 a.m. – 7:00 p.m.

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**EARLY VOTING SCHEDULE (Continued)**  
**May 9, 2015 Joint Election**

**Schedule for:**

**Meadows Place City Hall – One Troyan Dr., Meadows Place, TX**  
**Stafford City Hall – 2610 Main Street, Stafford, TX**  
**Beasley City Hall – 319 S. 3<sup>rd</sup> Street, Beasley, TX**  
**Quail Valley Fund Office – 3603 Glenn Lakes, Missouri City, TX**  
**Richmond Water Maintenance Facility – 110 N. 8<sup>th</sup> St., Richmond, TX**

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 27 – May 1, 2015	8:00 a.m. – 5:00 p.m.
Saturday	May 2, 2015	CLOSED
Sunday	May 3, 2015	CLOSED
Monday – Tuesday	May 4 – 5, 2015	7:00 a.m. – 7:00 p.m.

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**Schedule for:**

**Stafford MSD Administration Bldg – 1625 Staffordshire Rd., Stafford, TX**

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 27 – May 1, 2015	7:30 a.m. – 4:30 p.m.
Saturday	May 2, 2015	CLOSED
Sunday	May 3, 2015	CLOSED
Monday – Tuesday	May 4 – 5, 2015	7:00 a.m. – 7:00 p.m.

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