

RESOLUTION NO. 3920

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, ORDERING A SPECIAL ELECTION FOR THE APPROVAL OR DISAPPROVAL OF THE PASSAGE OF RESOLUTION NO. 3909 WHICH APPROVED A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH THE BIRCH RACQUET AND LAWN CLUB, SAID ELECTION TO BE HELD ON MAY 5, 2018, AS SET FORTH BY THE CHARTER AND BY THE TEXAS ELECTION CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Keller, Texas (the "City") has received the attached Petition for Referendum (the "Petition") labeled Exhibit "A" attached hereto and incorporated herein;

WHEREAS, said Petition for Referendum was filed with the City Secretary on August 24, 2017; and

WHEREAS, the City of Keller has contracted with Tarrant County Elections to verify the signatures on the petition;

WHEREAS, Section 7.02 and 7.03 of the Keller City Charter requires that a Petition for referendum be signed by a number of registered voters equal in number to five percent (5%) of the registered voters in the City;

WHEREAS, there are 31,173 registered voters in the City of Keller;

WHEREAS, the based upon the verification of Tarrant County Elections Division, the City Secretary has certified that the petition has received 1,589 valid signatures, which exceeds the requirement of five percent (5%) of the total number of registered voters in the City. Said petition required 1,559 acceptable signatures;

WHEREAS, the City Secretary presented the referendum petition to the City Council on September 5, 2017, pursuant to the City of Keller City Charter and Texas Election Code; and

WHEREAS, Sections 7.02 and 7.03 of the Keller City Charter provides that it is the duty of the City Council, within the fifteen (15) days after the receipt thereof, to pass and adopt such resolution or to call a special election to be held on the next uniform election date, provided that such date must be at least sixty-five (65) days thereafter, at which the registered voters of the City of Keller shall vote on the question of whether to repeal Resolution No. 3909;

WHEREAS, pending the holding of such election, Resolution No. 3909 shall not take effect pursuant to Section 7.03 of the Keller City Charter; and

WHEREAS, Section 7.05 of the Keller City Charter provides for the form of ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: **Election Ordered.**

(a) A special election shall be held in the City of Keller, Texas on May 5, 2018, for the approval or disapproval of the passage of Resolution No. 3909 approving a Chapter 380 Economic Development Program Agreement with The Birch Racquet and Lawn Club.

(b) Said election shall be held by Tarrant County pursuant to a Joint Election Agreement and Contract for Election Services, with respect to such Recall Election approved by the City Council of the City of Keller, Texas and Tarrant County Elections Administrator.

Section 3: THAT, such question shall be submitted on the ballot as follows:

"Resolution to Repeal Resolution # 3909 and the vote of the City Council approving a Chapter 380 Economic Development Program Agreement pursuant to Chapter 380 of the Texas Local Government, and pursuant to the City's Economic Development Policy, with The Birch Racquet and Lawn Club"

"FOR the RESOLUTION"

"AGAINST the RESOLUTION"

Section 4: **Election Day Polling Places and Election Hours.** Said resolution calling the May 5, 2018 Special Election will be amended at a later date to include polling places and times.

Section 5: **Election Officers.** The election officers for each polling place shall be appointed and compensated pursuant to the Joint Election Agreement and Contract for Election Services with Tarrant County, for said Election on May 5, 2018.

Section 6: a. **Early voting by personal appearance.**

Early voting by personal appearance shall be conducted at the Main Early Voting Location: Tarrant County Election Center, 2700 Premier Street, Fort Worth, Texas 76111. Said resolution calling the May 5, 2018 Special Election will be amended at a later date to include additional early voting locations due to joint elections with other political subdivisions, and pursuant to the Joint Election Agreement and Contract for Election Services with Tarrant County.

b. **Early voting by mail.** Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, is hereby appointed as Early Voting Clerk. Applications for a Ballot by Mail must be submitted between Monday, January 1, 2018 and Tuesday, April 24, 2018 by mail, fax, or e-mail to:

MAILING ADDRESS:

Early Voting Clerk
P.O. Box 961011
Fort Worth, Texas 76161-0011

FAX: 817-831-6118

E-MAIL: votebymail@tarrantcounty.com

c. **Early voting ballot board.** The Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the Joint Election Agreement and Contract for Election Services with Tarrant County.

Section 7: **Method of Voting.** Tarrant County's voting equipment will be utilized for said election, and shall be conducted in accordance with the Texas Election Code.

Section 8: **Governing Law.** The election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters of the City shall be eligible to vote in said Election.

Section 9. If any section, clause, paragraph, sentence or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this Resolution; and it is hereby declared to be the intention of the City Council that the remainder of this Resolution would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 10: **Effective Date.** This resolution shall be effective upon its adoption.

AND IT IS SO RESOLVED.

Passed by a vote of 7 to 0 on this the 5th day of
September, 2017.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney