

RESOLUTION ORDERING
THE AMENDMENT TO RESOLUTION NO: 2018-01-16

ORDER TO AMEND RESOLUTION NO. 2018-01-16, AUTHORIZING THE MAYOR BY RESOLUTION OF THE CITY COUNCIL TO CALL A GENERAL ELECTION PURSUANT TO SECTION 3.01 OF THE CITY CHARTER.

WHEREAS, the citizens of the City of Sinton voted in the Election held on May 6, 2017, for the purpose of changing the City Council terms from two (2) years to four (4) years and the proposition passed with 127 voting in favor to 126 voting to oppose the change; and

WHEREAS, the Charter amendment read:

SEC. 2.01. NUMBER AND TERMS OF OFFICE.

The legislative and governing body of the city shall consist of five (5) members elected by plurality from the city at large for four (4) year terms and shall be known as the City Council of the City of Sinton. Three (3) Councilmembers shall be elected in even numbered years and two (2) Councilmembers shall be elected in odd numbered years. This amendment shall not reduce the current term of any incumbent Councilmember. (Ord. No. 1997-04 of 05-06-97) (Amendment adopted by electorate 05-06-17, Ord. No. 2017-01); and

WHEREAS, Article 11, Section 11(b), Texas Constitution, reads "A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality"; and

WHEREAS, the language of Article 11, Section 11(b) of the Texas Constitution preempts the language of the Charter for the City of Sinton and thus requiring that all of the members of its governing body be elected by "majority vote of the qualified voters," and not by plurality as stated in the City Charter; and

WHEREAS, a city ordinance adopting a place system at large for the election of City Councilmembers must first be approved and has yet to be approved; and

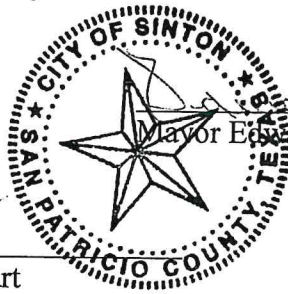
WHEREAS, the Mayor and City Council of the City of Sinton, Texas, on January 16, 2018, ordered a General Election be held in the City of Sinton on Saturday, May 5, 2018, for the purpose of electing three (3) members to a four (4) year term on the City Council;

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

1. That the foregoing recitals are hereby found to be true and correct findings of the City of Sinton, Texas, and are fully incorporated into the body of this Resolution.

2. That the Mayor and City Council find there is insufficient time before the election deadlines related to the May 5, 2018 election of City Councilmembers to approve the required ordinance adopting a place system at large wherein the City's governing body is elected by majority vote pursuant to the Texas Constitution.
3. That it is hereby Ordered that RESOLUTION NO. 2018-01-16 be amended to read in relevant part that "purpose of electing three (3) members to a two (2) year term on the City Council".

PASSED AND APPROVED by the City Council this the 12th day of February, 2018.



Edward Adams

Mayor Edward Adams

ATTEST: *Cathy Duhart*

City Secretary Cathy Duhart