ORDINANCE NO. 2003-O-13

TERMS OF OFFICE

AN ORDINANCE OF THE VILLAGE OF VOLENTE ESTABLISHING STAGGERED, TWO-YEAR TERMS OF OFFICE FOR THE MAYOR AND CITY COUNCIL; PROVIDING FOR THE FOLLOWING: A SEVERABILITY CLAUSE; EFFECTIVE DATE; AND PROPER NOTICE AND OPEN MEETING

WHEREAS, the Village of Volente is a newly created governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, the City Council (i.e., governing body or board of aldermen) were selected by the voters at an election held on May 3, 2003; and

WHEREAS, Chapter 23 of the Texas Local Government Code authorizes the governing body of a general-law municipality such as the Village of Volente to extend the terms of office of the mayor and city council from one year to two years; and

WHEREAS, Chapter 23 of the Texas Local Government Code also authorizes the governing body of a general-law municipality such as the Village of Volente to create staggered terms of office for the mayor and city council; and

WHEREAS, the City Council finds that the establishment of staggered, two-year terms of office is in the public interest; and

NOW THEREFORE, be it ordained by the City Council of the Village of Volente, County of Travis, State of Texas:

1. GENERAL ELECTION DATE

The general election date for the offices of mayor and city council in the Village of Volente shall be the uniform election date in May of each year, as may be established and modified by the Texas Legislature.

2. TWO-YEAR TERMS

The regular term of office for the positions of mayor and members of the city council shall be two (2) years.

3. STAGGERED TERMS

The terms of office of the city council shall be staggered so that a portion of the city council shall be elected each year. Exceptions shall apply as specified in section 4 below.

4. INITIAL APPLICATION

A. The mayor and two city council members shall receive a term of office of two years commencing after the official canvass and administration of the oath of office following the May 15, 2004 general election.

B. The two council members who serve two-year terms shall be determined by drawing lots by the members of the city council at the first meeting of the city council following the annual municipal election held after this Ordinance is adopted, that election being conducted May 15, 2004.

C. The remaining council members elected on May 15, 2004, shall receive one-year terms. These one-year terms shall expire on the May 2005 uniform election date established by the Texas Legislature.

D. Thereafter, regular terms of office for the mayor and all members of the city council shall be for two years, unless otherwise provided by law.

5. EFFECTIVE DATE

A. This Ordinance shall take effect immediately from and after its passage.

B. The appropriation of staggered, two-year terms under this Ordinance shall only be effective following the May 15, 2003 election, as provided in section 4 above.

6. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this the 18th day of November, 2003, by a vote of 5 (ayes) to 0 (nays) to _____ (abstentions) of the City Council of the Village of Volente, Texas.

VILLAGE OF THE VOLENTE

by: _____
Jan Yenawine, Mayor

ATTEST:

_____
Jennifer Zufelt, City Secretary

APPROVED AS TO FORM:

_____
Alan J. Bojorquez, City Attorney