

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, CALLING AND ORDERING A GENERAL ELECTION BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING TWO (2) COUNCILMEMBERS AND FOR THE PURPOSE OF ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, FIVE (5) PROPOSED AMENDMENTS TO THE EXISTING HOME-RULE CHARTER OF THE CITY OF SEALY, TEXAS, AS AMENDED; DESIGNATING THE POLLING PLACE FOR SUCH ELECTION; PROVIDING THE FORM OF THE BALLOT FOR SUCH ELECTIONS; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTIONS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:**

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Election is hereby called and ordered for May 7, 2022, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

**COUNCILMEMBER, PLACE 3**

**COUNCILMEMBER, PLACE 6**

Section 2. In accordance with the general laws and Constitution of the State of Texas, a Special Election is hereby called and ordered for May 7, 2022, for the purpose of submitting to the qualified voters, for adoption or rejection, five (5) proposed amendments to the existing Home-Rule Charter of the City of Sealy, Texas:

**PROPOSITION ONE**

**Section 3.03 – LIMITATION OF NUMBER OF TERMS**

No person shall be elected or appointed to more than three (3) full consecutive regular three-year terms, or portion thereof, as Mayor and/or Councilmember. [Add language in green and delete language in red.]

Shall Section 3.03 of Article III of the City Charter be amended to remove a partial term being calculated for purposes of term limits?

YES \_\_\_\_\_  
NO \_\_\_\_\_

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**PROPOSITION TWO**

**Section 3.07(B)(4). Forfeiture of office.**

B. Forfeiture of office. The Mayor or Councilmember shall forfeit his or her office if he or she:  
(4) files as a candidate for nomination or election to any public office as provided for in state law, except to an office under this Charter. [Add language in green and delete language in red.]

Shall Section 3.07(B)(4) of Article III of the City Charter be amended so that the language of forfeiture of office be consistent with state law?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION THREE**

**Section 3.07(C). Filling of Vacancies.**

When a vacancy occurs on the City Council, such vacancy shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy occurs, or at such other time as may be required by law, except in the event that the unexpired term is 12 months or less, City Council may appoint a person to fill the vacancy. Any person elected to fill a vacancy in the office of Mayor or Councilmember shall possess all of the qualifications herein required for the office. [Add language in green.]

Shall Section 3.07(C) of Article III of the City Charter be amended to allow the City Council to fill vacancies on City Council by appointment, if the unexpired term is twelve months or less?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION FOUR**

**Section 5.08 – CANVASSING ELECTION AND DECLARING RESULTS**

The City Council shall convene to conduct the canvass of the returns in the timeframe as set forth in state law not earlier than the second day or later than the sixth day after election day at the time set by the mayor. [Add language in green and delete language in red.]

Shall Section 5.08 of Article V of the City Charter be amended so that the language pertaining to canvassing elections and declaring results is consistent with state law?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION FIVE**

**Section 9.13(C) Term of office.**

The term of such charter review commission shall be six (6) months or a longer term if extended by City Council, and at the completion of such term a report shall be presented to the City Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record. [Add language in green.]

Shall Section 9.13(C) of Article IX of the City Charter be amended to allow City Council to extend the charter review commission's term of office beyond six months?

YES \_\_\_\_\_  
NO \_\_\_\_\_

Section 3. No person's name shall be placed upon the official ballot as a candidate for the above-mentioned position unless such person has filed his or her sworn application, as provided by the TEXAS ELECTION CODE, with the City Secretary of this City at the City of Sealy Municipal Building, 415 Main Street, Sealy, Texas 77474, not later than five o'clock (5:00) p.m. on the seventy-eighth (78<sup>th</sup>) day before the date of such election. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking.

Section 4. The present boundaries of the City constitute one (1) election precinct which shall be designated Election Precinct "A" and includes all of Austin County Election Precinct Nos. 313, 314, 416, and 418 that lie within the city limits of the City of Sealy. The polls shall be open for voting from seven o'clock (7:00) a.m. until seven (7:00) p.m. at the following polling place:

POLLING PLACE

Sealy Knights of Columbus Hall



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1310 US-90

Sealy, Texas 77474

Section 5. Kim Rinn, Austin County Election Official, is hereby appointed clerk for early voting; the appointment of the Election Judge, clerks, or other required appointments shall be made by Kim Rinn in accordance with the TEXAS ELECTION CODE. The

Austin County Annex (Main early voting)

800 East Wendt Street, Room #4

Bellville, Texas 77418

Sealy City Hall

415 Main Street

Sealy, Texas 77474

are hereby designated as the places for early voting for such election. Said clerks shall keep said office open during the hours from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday, beginning on the twelfth (12<sup>th</sup>) day preceding the date of such election being April 26, 2022, and continuing through the fourth (4<sup>th</sup>) day preceding the date of such election being May 3, 2022, or as required by law. Said clerks shall not permit anyone to vote early by personal appearance at any time when such office is not open to the public. The place to which ballot applications and ballots voted by mail may be sent is 804 East Wendt Street, Bellville, Texas 77418. Early voting clerk name and address is Kim Rinn 804 East Wendt Street, Bellville, Texas 77418. The early voting clerk, in accordance with the provision of the TEXAS ELECTION CODE, shall maintain a roster listing of each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 6. All ballots shall be prepared in accordance with the TEXAS ELECTION CODE. Direct Recording Electronic (DRE) voting machine(s) shall be used for early voting and for voting on Election Day. All expenditures necessary for the conduct of the election and the purchase of materials therefore is hereby authorized.

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Section 7. Kim Rinn, Austin County Elections Official, is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 8. Pursuant to the TEXAS ELECTION CODE, write-in votes cast in the Municipal Election shall not be counted unless the name written in appears on the list of write-in candidates. To be entitled to a place on the list of write-in candidates, a candidate must make a declaration of write-in candidacy. Such declaration is to be filed with the City Secretary not later than five o'clock (5:00) p.m. on the seventy-fourth (74<sup>th</sup>) day before the date of such election, and all of said declarations shall be submitted as required by law.

Section 9. The candidate receiving a majority of votes in the position to be filled in the Municipal Election shall be declared elected to such position.

Section 10. The order in which the names of the candidates are to be printed on the ballot for the Municipal election shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, hour, and place of drawing. Such notice shall remain posted continuously for seventy-two (72) hours immediately preceding the scheduled time of the drawing, and personal notice shall also be given to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a designated representative, shall have a right to be present and observe the drawing.

Section 11. Notice of this election shall be given in accordance with the provision of the TEXAS ELECTION CODE and returns of such notice shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such elections, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 12. Such election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended. Orders are attached hereto as Exhibit "A" and Exhibit "B".

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**PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of February 2022.**



*Carolyn Bilski*

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Carolyn Bilski, Mayor

ATTEST:

*Mercedes Bencomo*

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Mercedes Bencomo, Deputy City Secretary



"Exhibit A"

**CITY OF SEALY**  
*(la Ciudad de Sealy)*  
**ORDER OF ELECTION**  
*(ORDEN DE ELECCION)*

**An election is hereby ordered to be held on May 7, 2022, for the purpose of electing the following City Officials:**

**Councilmember, Place 3**

**Councilmember, Place 6**

*Por la presente se ordena que se llevará a cabo una elección el 7 de Mayo, 2022, con el propósito de electar estos oficiales de la Ciudad:*

*Miembro del Concejo, Place 3*

*Miembro del Concejo, Place 6*

**Early voting by personal appearance will be conducted each weekday at the Austin County Tax Collector's Office, 804 E Wendt Street, Bellville, Texas (Main early voting location) and at the City of Sealy Municipal Building, 415 Main Street, Sealy, Texas between the hours of 8:00 a.m. and 5:00 p.m., beginning on April 25, 2022, and ending on May 3, 2022.**

*(La votación temprana en persona se llevará a cabo de lunes a viernes en la Oficina del Recaudador de Impuestos del Condado de Austin, 804 E Wendt Street, Bellville, Texas (Lugar principal de votacion) y en el Edificio Municipal de la Ciudad de Sealy entre las 8:00 de la mañana y las 5:00 de la tarde, empezando el 25 de Abril, 2022 y terminando el 3 de Mayo, 2022.)*

**Applications for early voting ballots by mail shall be mailed to:**

*(Las solicitudes para boletos que se votarán temprano por correo deberán enviarse a:*

**Kim Rinn**  
**Early Voting Clerk**  
**804 E Wendt Street, Room #4**  
**Bellville, Texas 77418**  
**979-865-8633**

**[krinn@austincounty.com](mailto:krinn@austincounty.com)**

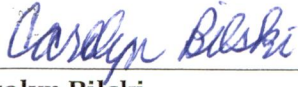
**<https://www.austincounty.com/page/austin.County.Assessor.Collector>**

**Applications for early voting ballots by mail must be received no later than the close of business on April 26, 2022.**

*(Las solicitudes para boletos que se votarán temprano por correo deberán recibirse para el fin de las horas de negocio el 26 de Abril, 2022).*

**Issued this the 15<sup>th</sup> day of February 2022**

*(Emitada este día 15 de Febrero, 2022)*

A handwritten signature in blue ink, reading "Carolyn Bilski", is positioned above a horizontal line.

**Carolyn Bilski**  
**Mayor**



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Early Voting Clerk  
804 East Wendt Street, Room #4  
Bellville, Texas 77418  
979-865-8633**

**[krinn@austincounty.com](mailto:krinn@austincounty.com)**

**<https://www.austincounty.com/page/austin.County.Assessor.Collector>**

**Applications for early voting ballots by mail must be received no later than the close of business on April 26, 2022.**

*(Las solicitudes para boletos que se votarán temprano por correo deberán recibirse para el fin de las horas de negocio el 26 de Abril, 2022).*

**Issued this the 15<sup>th</sup> day of February 2022**

*(Emitada este día 15 de Febrero, 2022)*

  
\_\_\_\_\_  
**Carolyn Bilski**  
**Mayor**

"Exhibit B"

**CITY OF SEALY**  
*(la Ciudad de Sealy)*  
**ORDER OF SPECIAL ELECTION**  
*(ORDEN DE ELECCION)*

**A special election is hereby ordered to be held on May 7, 2022, for the purpose of amending the City Charter:**

**PROPOSITION NO. 1**

Shall Section 3.03 of Article III of the City Charter be amended to remove a partial term being calculated for purposes of term limits?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION NO. 2**

Shall Section 3.07(B)(4) of Article III of the City Charter be amended so that the language of forfeiture of office be consistent with state law?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION NO. 3**

Shall Section 3.07(C) of Article III of the City Charter be amended to allow the City Council to fill vacancies on City Council by appointment, if the unexpired term is twelve months or less?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION NO. 4**

Shall Section 5.08 of Article V of the City Charter be amended so that the language pertaining to canvassing elections and declaring results is consistent with state law?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**PROPOSITION NO. 5**

Shall Section 9.13(C) of Article IX of the City Charter be amended to allow City Council to extend the charter review commission's term of office beyond six months?

YES \_\_\_\_\_  
NO \_\_\_\_\_