

RESOLUTION NO. 621

A RESOLUTION OF THE CITY OF LIVINGSTON, TEXAS CHANGING THE GENERAL ELECTION DATE FOR MEMBERS OF THE CITY COUNCIL FROM THE MAY UNIFORM ELECTION DATE TO THE NOVEMBER UNIFORM ELECTION DATE AS AUTHORIZED BY TEXAS ELECTION CODE §41.0052(f); PROVIDING FOR TERMS OF OFFICE OF CITY COUNCIL MEMBERS TO BE ADJUSTED ACCORDINGLY; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a political subdivision is only authorized to move its general election date from the May uniform election date to the November uniform election date if specifically authorized by law; and

WHEREAS, the 88th Texas Legislature enacted Senate Bill 2258 amending the Texas Election Code §41.0052 by adding Subsection (f) thereto; and

WHEREAS, §41.0052(f) authorizes the governing body of a city with a population of 9,000 or less, located predominantly in a county that has a total area of less than 4,800 square miles, that has adopted a council-manager form of government, and that holds its general election on a date other than the November uniform election date, to change its general election date to the November uniform election date; and

WHEREAS, the City of Livingston meets the criteria of §41.0052(f) as the City has a population of 5,640 as of the 2020 Census, is located within the County of Polk which has an area of approximately 1,110 square miles, has adopted the council-manager form of government by ordinance on February 4, 1941, and currently holds its general election on the May uniform election date each year; and

WHEREAS, in previously held municipal elections, City staff found it difficult to secure the needed personnel in positions as election judges, alternate judges, and election clerks to volunteer and to work the City's designated polling location; and

WHEREAS, a review of the number of voters casting votes in the City's general elections in the last fifty years has been historically low in comparison to the number of registered voters in the City; and

WHEREAS, a Public Hearing was held on December 12, 2023 to enable any interested person or citizens of the City of Livingston to appear and be heard and offer comment regarding the proposal to change the City's general election date from the May uniform election date to the November uniform election date; and

WHEREAS, notice of the Public Hearing was (a) published twice in the City's official newspaper, the *Polk County Enterprise* on November 19 and November 23, 2023, and (b) posted on November 16, 2023 on the City's public bulletin board, a place open and available to the public twenty-four hours a day, and (c) published on November 16, 2023 on the City's internet website www.cityoflivingston-tx.com and such notice remained so posted and published continuously through the time and date of the Public Hearing; and

WHEREAS, the City Council believes changing the City's general election date from the May uniform election date to the November election date will enhance the pursuit of democracy as a greater number of the voting citizens of the City may turn out to vote on the November uniform election date, and the City staff will be able to more efficiently plan for and assist in the election process.

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

SECTION 1. That the City Council, in accordance with Texas Election Code §41.0052(f), changes the City's general election date from the May uniform election date to the November uniform election date as established by law.

SECTION 2. In accordance with §41.0052(b) of the Texas Election Code, the City Council hereby adjusts the terms of office to conform to the November uniform election date as follows:

- (a) The terms of City Council Members elected to Mayor and Alderman which currently expire in May 2024 shall be extended until the November 2024 uniform election date.
- (b) The terms of City Council Members elected to Alderman which currently expire in May 2025 shall be extended until the November 2025 uniform election date.

- (c) Thereafter each City Council Member and Mayor shall serve for a two-year term following the regular City general election held in November.

SECTION 3. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

SECTION 4. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions hereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED by the City Council of the City of Livingston, Texas on this the 12th day of December, 2023.

SIGNED:



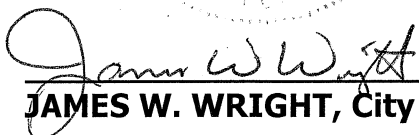
JUDY B. COCHRAN, MAYOR

ATTEST:



ELLIE MONTEAUX, TRMC, MMC, CPM
City Secretary/Assistant City Manager

APPROVED AS TO FORM:



JAMES W. WRIGHT, City Attorney