

Andrew Mitcham, Mayor
Drew Wasson, Council Position No. 1
Greg Holden, Council Position No. 2
Bobby Warren, Council Position No. 3
James Singleton, Council Position No. 4
Gary Wubbenhorst, Council Position No. 5



Austin Bless, City Manager
Lorri Coody, City Secretary
Justin Pruitt, City Attorney

Jersey Village City Council – Special Session Meeting Agenda

Notice is hereby given of a Special Session Meeting of the City Council of the City of Jersey Village to be held on Monday, February 8, 2021, at 7:00 p.m. via videoconferencing. All agenda items are subject to action. The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public will not be allowed to be physically present at this Special Session of the City Council of the City of Jersey Village, Texas, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate via telephone. To attend the meeting via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 893 9752 9747. If you do not wish to participate actively in the meeting, you can view a live broadcast of the meeting on YouTube at <https://www.jerseyvillagetx.com/page/city.livestream>.

Any person interested in speaking during the public comment item on the agenda must submit his/her request via email to the City Secretary at lcoody@jerseyvillagetx.com. The request must include the speaker's name, address, topic of the comment and the phone number that will be used for teleconferencing. The request must be received no later than 12:00 p.m. on February 8, 2021.

The following will be observed by the public participating in the meeting:

- Callers will be called upon to speak by the Mayor.
- Once called upon for public comment, speakers should state their name and address before speaking.
- Callers will mute their phone unless called upon to speak (*to eliminate background noise*).
- Callers should use handsets rather than speakerphone whenever possible.

The agenda packet is accessible to the public at the following link: https://www.jerseyvillagetx.com/page/city.ags_mins_current_year.

For more information or questions concerning the teleconference, please contact the City Secretary at 713-466-2102. The agenda items for this meeting are as follows:

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**B. CITIZENS' COMMENTS**

Any person who desires to address City Council regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the City Council.

- C.** Review Ordinance 2021-02, which was approved on January 18, 2021, calling the General Election for a Mayor and two (2) Councilmembers and calling a Special Charter Election, Eliminating Sections 1.08 and 1.09, Amending Sections 2.01 and 2.12 and providing for gender-neutral language; and, if necessary, take appropriate action. *Lorri Coody, City Secretary*

D. CITY OF JERSEY VILLAGE FIRE CONTROL PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT

- 1.** Receive the adopted two-year plan and two-year budget from the Jersey Village Fire Control Prevention and Emergency Medical Services District (FCPEMSD). *Lorri Coody, City Secretary*
- 2.** Conduct a public hearing on the adopted two-year plan and adopted two-year budget for the Jersey Village Fire Control Prevention and Emergency Medical Services District. *Andrew Mitcham, Mayor*
- 3.** Consider Resolution No. 2021-08, adopting the Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget. *Andrew Mitcham, Mayor*
- 4.** Consider Ordinance No. 2021-04, pertaining to a Joint Order of the Temporary Board of Directors (the "Temporary Board") of The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the "District") and the City Council (the "Council") of the City of Jersey Village (the "City"), ordering a Special Election to be held on May 1, 2021 (the "Special Election"), for the purpose of submitting to the qualified voters of the District and the City a ballot proposition that serves as a Confirmation Election Order for the District, and abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief and concurrently adopting a sales and use tax to fund the District at a rate of one-half of one percent (0.5%), with such tax dedicated to Fire Control, Prevention, and Emergency Medical Services Programs, pursuant to Chapter 344 of the Texas Local Government Code, as amended; providing for a ballot proposition to be included in the Special Election designating that the Council and City Manager of the City may, by resolution, be appointed to serve as the Permanent Board of Directors of the District; providing a summary of the Proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan for the District; providing for the approval of a Joint Contract for Election Services with the City; providing details relating to the holding of the Special Election; and, providing an effective date. *Lorri Coody, City Secretary*

E. CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT

- 1. Consider Resolution No. 2021-09, authorizing a Joint Election Agreement with the City of Jersey Village Crime Control and Prevention District as authorized by Chapter 271 of the Texas Election Code. *Lorri Coody, City Secretary*

F. RECESS THE SPECIAL SESSION

Recess the Special Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 – Consult with Attorney.

G. EXECUTIVE SESSION

- 1. Consult with attorney pursuant to the Texas Open Meetings Act Section 551.071 regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit. *City Attorney*

H. ADJOURN EXECUTIVE SESSION

Adjourn the Executive Session, stating the date and time the Executive Session ended and Reconvene the Special Session.

I. RECONVENE THE SPECIAL SESSION

- 1. Discuss and take appropriate action on matters discussed in Executive Session regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit. *City Attorney*

J. ADJOURN

CERTIFICATION

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: February 1, 2021 at 2:30 p.m. and remained so posted until said meeting was convened.



Lorri Coody, City Secretary

In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodations must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at www.jerseyvillagetx.com

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

B. CITIZENS' COMMENTS

Any person who desires to address City Council regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the City Council.

CITY COUNCIL - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 8, 2021

AGENDA ITEM: C

AGENDA SUBJECT: Review Ordinance 2021-02, which was approved on January 18, 2021, calling the General Election for a Mayor and two (2) Councilmembers and calling a Special Charter Election, Eliminating Sections 1.08 and 1.09, Amending Sections 2.01 and 2.12 and providing for gender-neutral language; and, if necessary, take appropriate action.

Department/Prepared By: Lorri Coody **Date Submitted:** January 19, 2021

EXHIBITS: [Ordinance 2021-02 as Amended](#)

BACKGROUND INFORMATION:

On January 18, 2021, City Council considered Ordinance No. 2021-02, (I) ordering a General Election to be held on May 01, 2021, for the purpose of electing a Mayor and electing two (2) Councilmembers for Places 2 and 3; (II) calling a Special Election to be held on May 01, 2021, for the purpose of submitting to the voters propositions to amend the City of Jersey Village City Charter regarding: (a) eliminating Sections 1.08 and 1.09 related to the use of red light cameras, (b) amending Section 2.01 related to the number, selection, and term of office for the City Council; (c) amending Section 2.12 related to the publication of ordinances; and, (d) amending Sections 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, and 9.07 to reflect gender-neutral language; (III) providing for ballots; (IV) designating the time and place of holding such elections; (V) providing appointment of election officials and their compensation; (VI) providing for notices; (VII) providing for publication; (VIII) providing for a runoff election, if required; (IX) providing for severability; and, (X) providing an effective date.

After discussion, Ordinance 2021-02 was approved with amendments to Section 3, Proposition B as follows:

Proposition B

Amending Section 2.01 of the City Charter related to the number, selection, and term of office the members of the City Council of the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE II – THE COUNCIL”, SECTION 2.01, “NUMBER, SELECTION AND TERM OF OFFICE”, IN ORDER TO REFLECT GENDER NEUTRAL LANGUAGE AND TO REQUIRE A MAJORITY VOTE FOR A CANDIDATE FOR CITY COUNCIL OR FOR MAYOR TO BE ELECTED?

YES

NO

In the event of the approval of this proposition, Article II, Section 2.01 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being stuck through:

“Sec. 2.01. – Number, selection and term of office.

The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until **his a** successor has been elected and installed. The members of the council, other than the mayor, shall be elected to and occupy a place on the council, such places being numbered One, Two, Three, Four and Five, respectively. Places One, Four and Five on the council shall be

filled by **popular majority** vote each even-numbered year, and places Two and Three on the council shall be filled by **popular majority** vote each odd-numbered year. The office of mayor shall be filled by **popular majority** vote each odd-numbered year.

No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall count in calculating the total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

This item is to review the amended language made to Ordinance 2021-02 by City Council on January 18, 2021.

RECOMMENDED ACTION:

No motion is necessary. The Mayor shall announce that the adopted two-year plan and two-year budget of the FCPEMSD Board is received.

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS: (I) ORDERING A GENERAL ELECTION TO BE HELD ON MAY 01, 2021, FOR THE PURPOSE OF ELECTING A MAYOR AND ELECTING TWO (2) COUNCILMEMBERS FOR PLACES 2 AND 3; (II) CALLING A SPECIAL ELECTION TO BE HELD ON MAY 01, 2021, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS PROPOSITIONS TO AMEND THE CITY OF JERSEY VILLAGE CITY CHARTER REGARDING: (A) ELIMINATING SECTIONS 1.08 AND 1.09 RELATED TO THE USE OF RED LIGHT CAMERAS, (B) AMENDING SECTION 2.01 RELATED TO THE NUMBER, SELECTION, AND TERM OF OFFICE FOR THE CITY COUNCIL; (C) AMENDING SECTION 2.12 RELATED TO THE PUBLICATION OF ORDINANCES; AND, (D) AMENDING SECTIONS 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, AND 9.07 TO REFLECT GENDER-NEUTRAL LANGUAGE; (III) PROVIDING FOR BALLOTS; (IV) DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTIONS; (V) PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; (VI) PROVIDING FOR NOTICES; (VII) PROVIDING FOR PUBLICATION; (VIII) PROVIDING FOR A RUNOFF ELECTION, IF REQUIRED; (IX) PROVIDING FOR SEVERABILITY; AND, (X) PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council (the “Council”) of the City of Jersey Village, Texas (the “City”) desires to order a general election on May 1, 2021 for the purpose of electing a Mayor for the City and two (2) members to fill Positions 2 & 3 of the Council; and

WHEREAS, it is the intention of the Council to call, at the same time as the general election, a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, Section 3.005 of the Texas Election Code requires that special elections be ordered not later than the 78th day before the date of the election; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS;

Section 1. In accordance with the general laws, the City Charter, and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for Saturday, May 1, 2021, the same being the first Saturday in May, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

**Mayor
Councilmember, Place 2
Councilmember, Place 3**

Section 2. No person’s name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless and until such person shall have filed a sworn application, as provided by the laws of the State of Texas, with the City Secretary of the City at the Municipal Government Center, located at 16327 Lakeview Drive, Jersey Village, Texas 77040, not later than five o’clock (5:00) p.m. on February 12, 2021. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the position the candidate is seeking.

Section 3. In accordance with the general laws and the Constitution of the State of Texas, a Special Municipal Election is hereby called and ordered for Saturday, May 1, 2021, the same being the first (1st) Saturday in May, at which the election the following propositions for proposed amendments to the City Charter of the City of Jersey Village (the “Charter”) shall be submitted to the qualified voters of the City for their action thereon. The proposed amendments to the Charter are set forth below, a separate number being assigned to each subject on which an amendment is proposed for convenience in reference. In the election, the registered voters of the City shall decide by voting “Yes” or “No” whether they are in favor of the following propositions:

Proposition A

Eliminating Sections 1.08 and 1.09 of the City Charter related to the use of Red Light Cameras within the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE I – INCORPORATION, FORM OF GOVERNMENT AND POWERS” BY ELIMINATING SECTION 1.08 AND SECTION 1.09, “PHOTOGRAPHIC TRAFFIC SIGNAL SYSTEMS”, IN ORDER TO BAN RED LIGHT CAMERAS?

YES

NO

In the event of the approval of this proposition, Article I of the City Charter shall be amended by removing Section 1.08 and Section 1.09 in their entirety.

Proposition B

Amending Section 2.01 of the City Charter related to the number, selection, and term of office the members of the City Council of the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE II – THE COUNCIL”, SECTION 2.01, “NUMBER, SELECTION AND TERM OF OFFICE”, IN ORDER TO REFLECT GENDER NEUTRAL LANGUAGE AND TO REQUIRE A MAJORITY VOTE FOR A CANDIDATE FOR CITY COUNCIL OR FOR MAYOR TO BE ELECTED?

YES

NO

In the event of the approval of this proposition, Article II, Section 2.01 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.01. – Number, selection and term of office.

The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until ~~his~~ a successor has been elected and installed. The members of the council, other than the mayor, shall be elected to and occupy a place on the council, such places being numbered One, Two,

Three, Four and Five, respectively. Places One, Four and Five on the council shall be filled by ~~popular~~ majority vote each even-numbered year, and places Two and Three on the council shall be filled by ~~popular~~ majority vote each odd-numbered year. The office of mayor shall be filled by ~~popular~~ majority vote each odd-numbered year.

No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall count in calculating the total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

Proposition C

Amending Section 2.12 of the City Charter related to the requirements for the publication of ordinances of the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE II – THE COUNCIL”, SECTION 2.12, “PUBLICATION OF ORDINANCES”, IN ORDER TO ALLOW FOR THE POSTING ON THE CITY’S WEBSITE OF ORDINANCES PASSED BY THE CITY COUNCIL IN LIEU OF POSTING SUCH ORDINANCES IN A NEWSPAPER?

YES

NO

In the event of the approval of this proposition, Article II, Section 2.12 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.12. – Publication of ordinances and other required public notices.

Except as otherwise ~~provided~~ required by law or this Charter, the city secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing said ordinance, or its caption and penalty, to be published (i) at least one time within ten (10) days after passage thereof in the official newspaper of the city, or (ii) by posting on the municipal bulletin board for City Council agendas at City Hall and on the city’s internet website continuously for twenty (20) days after passage. Except as otherwise required by law or this Charter, any requirement of the city council, or any board, department or official of the city, to provide notice with respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, publication of such advertisement or notice on the municipal bulletin board and on the city’s internet website, continuously for at least seventy two (72) hours or for such other longer time frame for advertisement or prescribed by law, if any, shall be sufficient public notice.”

Proposition D

Amending Sections 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, and 9.07 of the City Charter to provide for gender-neutral language.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY REPLACING GENDER SPECIFIC LANGUAGE WITH GENDER NEUTRAL LANGUAGE IN SECTIONS 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, AND 9.07?

YES

NO

In the event of the approval of this proposition, Sections 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, and 9.07 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.03. - Vacancies.

Vacancies on the council arising from any cause shall be filled by a vote of the council. The person appointed to fill any such vacancy shall possess all qualifications required for the office. There shall not be more than one (1) appointee on the council at any given time. If two (2) or more vacancies, or one (1) or more vacancies together with one (1) appointee exist at the same time, a special election shall be called to fill said vacancies and replace said appointee. However, if such vacancies occur within one hundred twenty (120) days of a regular election, such vacancies shall be filled by appointment by vote of the council. A council position filled by appointment shall be filled by election at the next city general election for the remaining year of the unexpired term or for the next full term, as the case may be. A member of the council shall be disqualified for office if ~~he~~ the person fails to meet the qualifications of office or if ~~he~~ the person is absent from three (3) consecutive or five (5) nonconsecutive regular council meetings per two-year term. Upon determination by vote of the council that a member of the council is disqualified for office, the office shall be vacant. No action taken by the council prior to such vote shall be invalid because of such disqualification.”

“Sec. 3.01. - Regular elections.

The regular election of members of the council to the positions to be filled on the council shall be held on the first election date authorized by state law on or after the first day of April of each year at a place or places designated by the council by ordinance. At every such election such voter shall not vote for more than one (1) candidate for each council position to be filled. Such election shall be ordered by the mayor, and in the event of ~~his~~ the mayor’s failure to order the same, the council shall make such order. In the event of the failure of the mayor and the council to so act, such election may be called by the city secretary; and in the event of ~~his~~ the city secretary’s failure to act, by the County Judge of Harris County, Texas; and in the event of ~~his~~ the County Judge’s failure to act, by the Governor of the State of Texas. The city secretary shall give such notice of the election as may be prescribed by law.”

“Sec. 3.03. - Filing for office.

Any person qualified to serve under the provisions of Article II hereof may be a candidate for election to a position on the council. A person who desires to be a candidate for an elective position on the city council shall file an application with the city secretary within the time prescribed by law. Such application shall clearly designate the desired position on the council and shall contain a sworn statement by the person that the person is fully qualified under the Constitution and laws of the State of Texas and the provisions of this Charter to hold the office sought. The names of all candidates who have filed for office shall be printed on the official ballot by position without party designations, in an order as provided by law.”

“Sec. 4.09. - Results of recall election.

If the majority of the votes cast at a recall election are for the recall of the officer named on the ballot, the office shall be vacant and shall be filled as specified in Article II of this Charter. An officer thus removed shall not be eligible to hold elective or appointive office in the city for a period of two years from the date of his such recall election.”

“Sec. 4.10. - Limitation on recall.

No recall petition shall be filed against an officer within six months after he the person takes office, and no officer shall be subjected to more than one recall election during any one term of office.”

“Sec. 5.01. - City manager.

The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. He The city manager shall be chosen by the council on the basis of the person’s executive and administrative training, experience and ability.

The city manager shall be appointed for an indefinite term, and may be removed at the will of the council. The decision of the council as to such appointment or removal shall be final. The city manager shall receive such compensation as may be fixed by the council. No member of the council shall, during the term for which the member is elected and for two years thereafter, be chosen as city manager.

By letter filed with the city secretary, the city manager may designate, subject to council approval, a qualified city administrative officer to be acting city manager during his the city manager’s temporary absences or disabilities. The council may revoke such designation at any time and appoint another person acting city manager to serve during such times; and if the city manager fails to make such designation, the council may appoint an acting city manager to serve during such times. The council may remove an acting city manager at any time.”

“Sec. 9.04. - Tort liability.

Before the city shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article I, Section 17, Constitution of the State of Texas, the person injured, if living, or the person’s legal representatives, if deceased, or the parent or guardian of a minor child, or the owner, his the owner’s agent or attorney of the property damaged or destroyed, shall give the city manager notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six months after same has been sustained, stating specifically in such written notice when, where and how the death, injury, damage or destruction occurred, and the

apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. The failure to so notify the city manager within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever. No act of any officer, employee or agent of the city shall waive compliance, or preclude the city from requiring compliance, with the provisions of this section as to notice.”

“Sec. 9.07. - Personal interest in city business.

No member of the council or employee of the city shall personally engage in any business with the city nor shall have any financial interest, direct or indirect, in any commercial entity doing business with the city. The provisions of this section relating to financial interest in such commercial entity shall not apply when the ownership share of such councilmember or city employee is less than one percent of such entity. Any willful violation of this section shall constitute malfeasance in office, and any such councilmember or city employee guilty thereof shall thereby forfeit ~~his~~ **the person’s** council position or city employment, as applicable. Further, any violation of this section with the express or implied knowledge of a person or entity doing business with the city shall render the person’s or entity’s contract with the city voidable by the council.”

Section 4. The present boundaries of the City constituting one (1) election precinct, the polls shall be open for voting from seven o’clock (7:00) a.m. until seven o’clock (7:00) p.m. at the following polling place, and the following persons are hereby appointed officers to conduct the election at said polling place:

Polling Place

Civic Center Auditorium
16327 Lakeview Drive
Jersey Village, Texas 77040

Election Officers

Barbara Freeman – Presiding Judge
John Baucum – Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by the Texas Election Code. The City Secretary is empowered to appoint replacement judges, should the presiding and/or alternate election judge be unavailable for the election.

The Presiding Judge shall have the authority to appoint no more than sixteen (16) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint fewer than two (2) clerks. The judges shall be paid at the rate of fourteen dollars (\$14.00) per hour; and the election clerks shall be paid at the rate of twelve dollars (\$12.00) per hour.

Section 5. The City Secretary is hereby appointed clerk for early voting. The appointment of deputy clerks for early voting by the City Secretary shall be in accordance with the Texas Election Code. The **Civic Center Meeting Room 16327 Lakeview Drive Jersey Village, Texas 77040** is hereby designated as the place for early voting for said election. Except as otherwise provided herein, early voting by personal appearance shall be conducted on weekdays during the hours that the City Secretary’s main business office is regularly open for business, that is, from eight o’clock (8:00) a.m. until five o’clock (5:00) p.m., beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of said election. The City Secretary shall provide for early voting for at least 12 hours on two weekdays, being April 26, 2021 and April 27, 2021 from seven o’clock (7:00)

a.m. to seven o'clock (7:00) p.m. with such dates and times being included in the notice of election provided herein. The early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent is 16327 Lakeview Drive, Jersey Village, Texas 77040. Applications for ballots by mail may also be received by the early voting clerk electronically at:

lcoody@jerseyvillagetx.com.

The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom an early ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 6. Barbara Freeman is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with the Texas Election Code, said Presiding Judge shall appoint at least two (2) other members to said Board, and said Board shall process early voting results in accordance with said Texas Election Code.

Section 7. All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting and for voting on Election Day. In accordance with Section 61.012 of the Texas Election Code, the City will provide in every polling place at least one voting station that is accessible to a voter with disabilities. The ExpressVote Ballot Marking Device will be provided for those voters. All expenditures necessary for the conduct of the election, purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

Section 8. A central counting station is established at the place designated as the polling place in Section 4 hereof. The City Secretary is appointed counting station manager and tabulation supervisor. Barbara Freeman is appointed presiding judge of the central counting station. The manager may appoint such clerks to serve at the central counting station as she may deem necessary.

Section 9. The candidate for each position receiving a majority of all the votes cast at such election for such position shall be declared elected. In the event no candidate receives a majority of all votes cast at such election for any such position, a run-off election shall be ordered at which election the names of the two (2) candidates receiving the highest number of votes for such position shall be placed on the ballot in the same order as they appeared on the ballot for the general election. If a run-off election is required, it shall be held on Saturday, the 19th day of June 2021.

Section 10. Pursuant to Chapter 146 of the Texas Election Code, write-in votes cast in the 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 5 p.m. on the 74th day before Election Day, and all of said declarations shall be on a form prescribed by the Secretary of State.

Section 11. The order in which the names of the candidates are to be printed on the ballot 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, at least seventy-two (72) hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice 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 representative designated by such candidate, shall have a right to be present and observe the drawing.

Section 12. Notice of this election shall be given in accordance with 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 election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 13. Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act.

Section 14. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 18th day of January 2021.

s/ANDREW MITCHAM, MAYOR

ATTEST:

s/Lorri Coody, City Secretary



**CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: February 8, 2021

AGENDA ITEM: D1

AGENDA SUBJECT: Receive the Adopted FCPEMSD two-year plan and two-year budget.

Department/Prepared By: Lorri Coody **Date Submitted:** January 19, 2021

EXHIBITS: [Certificate of Submission](#)
[Adopted FCPEMSD](#) Two-year Plan and Budget – DRAFT

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

In accordance with Section 344.061 of the Local Government Code, the Fire Control Prevention and Emergency Medical Services Temporary Board shall develop and adopt a two-year fire control prevention and emergency medical services plan and a two-year budget.

Once the two-year plan and two-year budget have been adopted by the Fire Control Prevention and Emergency Medical Services District Board, the Board, in accordance with LGC Section 344.204, must submit the approved plan and budget to City Council.

Once submitted to the City Council, the City Council shall hold a public hearing on the two-year plan and the two-year budget.

After the public hearing, the City Council shall approve or reject the two-year plan and two-year budget submitted by the Board.

A draft of the Adopted two-year plan and two-year FCPEMSD is included in the Meeting Packet for review purposes only and is subject to changes resulting from the public hearings.

RECOMMENDED ACTION:

No motion is necessary. The Mayor shall announce that the adopted two-year plan and two-year budget of the FCPEMSD Board is received.

CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 8, 2021

SUBMISSION OF THE TWO-YEAR PLAN AND TWO-YEAR BUDGET
JERSEY VILLAGE FIRE CONTROL PREVENTION AND
EMERGENCY MEDICAL SERVICES DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Lorri Coody, the undersigned City Secretary of the City of Jersey Village, Texas, in accordance with the Texas Local Government Code Section 344.204 do hereby submit a copy of the two-year plan and two-year budget adopted by the Jersey Village Fire Control Prevention and Emergency Medical Services District Temporary Board, which is attached hereto; and I further certify that said copy is a true and correct copy of the original on file in the official records of the District.

IN WITNESS HEREOF, I have hereunto signed my name officially and affix the seal of said City, this the 8th day of February, 2021.

(SEAL)



Lorri Coody, City Secretary
City of Jersey Village, Texas



Jersey Village
Fire Control, Prevention, and Emergency
Medical Services
Two-Year Services and Budget Plan
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Strategies to Be Supported By the District

The Jersey Village Fire Department responds to emergencies related to fire, emergency medical, rescue, and hazardous material incidents. In addition, they have an active fire prevention program which provides public education to area day cares, private and public schools. The Fire Marshal's office provides plan review and daily fire code inspections to local businesses.

The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (JVFCPEMSD, or District) will provide a dedicated funding source for the Jersey Village Fire Department so it can not only continue to provide excellent service but also help bring the department to a higher level of services. It will do so by incorporating the following strategies:

1. Personnel

The District will provide funding to recruit and retain the highest caliber employees to the department. The Department will be able to maintain the safety requirements of the National Fire Protection Association (NFPA) as it relates to personnel requirements.

2. Turnout Gear/Safety Equipment

The District will provide funding for safety equipment to ensure all members of the department are able to respond to calls while donning the necessary equipment to keep them safe.

3. Technology and Communications Equipment

To assist in keeping members of the department safe, the District will provide funding to maintain and improve technology and radio communications throughout the department. Examples of such items may include CAD systems, emergency radios, tracking incidents, and other information management needs.

4. Equipment

The District will provide funding for response equipment to include fire engines, rescue trucks, ambulances and other equipment that may be necessary. Providing funding to replace these vehicles on a scheduled and regular basis will ensure response reliability, and decrease down time in repairs.

5. Training

The District will provide funding for personnel to attend training classes, seminars, and schools to keep up to date with the latest technologies and methods available.

Evaluation of Strategies

The following evaluation criteria will be used to ensure all funds are being utilized productively.

1. Personnel

The funding will allow for the current staffing levels to be maintained. As the city and district grows additional revenue will be generated to provide for the additional hiring of fire-fighting personnel.

2. Turnout Gear/Safety Equipment

The purchase of turn out gear for new personnel. Purchase of Self Contained Breathing Apparatus (SCBA) gear to stay at least within 2 cycles of the NFPA standards.

3. Technology and Communications Equipment

The implementation of a CAD system that allows for Fire Department tracking of incidents. The implementation of technology to assist the department in being able to access real time schematics of commercial buildings they may be entering for emergency response purposes.

4. Equipment

Measurements of this strategy will include monitoring the fleet on a yearly basis. The Department will continue the strategy of setting aside an appropriate amount of funding each year to ensure there is enough funding to replace equipment when it reaches the end of its useful life cycle.

5. Training

Department personnel will receive training on a regular basis. Personnel will be given the opportunity to attend training opportunities and/or conferences to assure new technologies and procedures are being used for the safety of Jersey Village residents.

This will also allow for all volunteers to obtain their basic fire certification with the Texas State Fire and Fire Marshalls Association as new volunteers are brought on board.

Budget

Below is the Two-Year Budget Plan for the JVFCPEMSD.

	FY22 Budget	FY23 Budget
Fund Balance	\$ -	\$ 17,751
Revenues		
Sales Tax (0.5% Sales Tax Rate)	\$ 1,943,100	\$ 1,981,962
Total Revenue	\$ 1,943,100	\$ 1,981,962
Expenditures		
Administrative	\$ 24,154	\$ 24,878
Salaries and Benefits	\$ 1,232,592	\$ 1,269,569
Election Expenses	\$ 5,000	\$ -
Training	\$ 20,000	\$ 25,000
Turnout Gear/Safety Equipment	\$ 46,350	\$ 46,350
Fire Prevention Materials	\$ 2,900	\$ 3,000
Radio Usage Fees	\$ 15,000	\$ 15,000
Technology Equipment	\$ 96,373	\$ 96,373
Equipment Purchase Contribution	\$ 49,575	\$ 49,575
Equipment Contributions	\$ 378,581	\$ 378,581
Communications Technology Equipment	\$ 54,825	\$ 54,825
Total Expenditures	\$ 1,925,349	\$ 1,963,152
Fund Balance	\$ 17,751	\$ 36,561

This budget requires an estimated sales tax rate of 0.5%.

The administration of this district will be done by the City of Jersey Village, and the full amount of the costs for administration will go to the City of Jersey Village.

**CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: February 8, 2021

AGENDA ITEM: D2

AGENDA SUBJECT: Conduct a public hearing on the adopted two-year plan and adopted two-year budget for the Jersey Village Fire Control Prevention and Emergency Medical Services District.

Department/Prepared By: Lorri Coody **Date Submitted:** January 19, 2021

EXHIBITS: [Public Hearing Notice](#)
[Public Hearing Script](#)
[Adopted Two-year FCP EMSD Plan and Budget](#) – DRAFT

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Having received the FCP EMSD’s adopted two-year plan and two-year budget, the next step is for City Council to conduct a public hearing. The purpose of the public hearing is to give all interested parties the right to appear and be heard on the adopted two-year plan and two-year budget of Fire Control Prevention and Emergency Medical Services District.

After the public hearing, City Council shall approve or reject the two-year plan and two-year budget submitted by the FCP EMSD Board.

A draft of the FCP EMSD’s adopted two-year plan and two-year budget is included in the Meeting Packet for review purposes only and is subject to changes resulting from the public hearings.

RECOMMENDED ACTION:

Conduct a public hearing on the adopted two-year plan and adopted two-year budget for the Jersey Village Fire Control Prevention and Emergency Medical Services District.

CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 8, 2021

**CITY OF JERSEY VILLAGE
NOTICE OF PUBLIC HEARINGS FOR FEBRUARY 8**

NOTICE is hereby given that public hearings will be conducted on February 8, 2021 at 7:00 p.m. by the Temporary Board of Directors for the Jersey Village Fire Control Prevention and Emergency Medical Services District (FCPEMSD) and at 7:00 p.m. by the City of Jersey Village City Council via videoconferencing.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public will not be allowed to be physically present at these public hearings, but the hearings will be available to members of the public and allow for two-way communications for those desiring to participate via telephone. To attend the public hearing via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 893 9752 9747.

If you do not wish to participate via telephone, you can view a live broadcast of the meeting on YouTube at <https://www.jerseyvillagetx.com/page/city.livestream>.

Any person interested in speaking during the public hearing item on the agenda must submit his/her request via email to the City Secretary at lcoody@jerseyvillagetx.com. The request must include the speaker's name, address, and the phone number that will be used for teleconferencing. The request must be received no later than 12:00 p.m. on February 8, 2021.

The purpose of the FCPEMSD public hearing is to give all interested parties the right to appear and be heard on the two-year plan and the two-year budget of the Fire Control Prevention and Emergency Medical Services District, and the purpose of the City Council public hearing is to give all interested parties the right to appear and be heard on the adopted two-year plan and two-year budget of Fire Control Prevention and Emergency Medical Services District. A copy of these plans can be viewed on-line at <http://www.jerseyvillagetx.com> under the latest news section.

The City of Jersey Village public facilities are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact ADA Coordinator at (713) 466-2102 or FAX (713) 466-2177 for further information.

Lorri Coody, City Secretary
City of Jersey Village, Texas

Posted to City Website – January 26, 2021
Time: 9:30 a.m.



CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 8, 2021



Jersey Village

Fire Control, Prevention, and Emergency Medical Services

Two-Year Services and Budget Plan

Adopted February 2021

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Strategies to Be Supported By the District

The Jersey Village Fire Department responds to emergencies related to fire, emergency medical, rescue, and hazardous material incidents. In addition, they have an active fire prevention program which provides public education to area day cares, private and public schools. The Fire Marshal's office provides plan review and daily fire code inspections to local businesses.

The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (JVFCPEMSD, or District) will provide a dedicated funding source for the Jersey Village Fire Department so it can not only continue to provide excellent service but also help bring the department to a higher level of services. It will do so by incorporating the following strategies:

1. Personnel

The District will provide funding to recruit and retain the highest caliber employees to the department. The Department will be able to maintain the safety requirements of the National Fire Protection Association (NFPA) as it relates to personnel requirements.

2. Turnout Gear/Safety Equipment

The District will provide funding for safety equipment to ensure all members of the department are able to respond to calls while donning the necessary equipment to keep them safe.

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To assist in keeping members of the department safe, the District will provide funding to maintain and improve technology and radio communications throughout the department. Examples of such items may include CAD systems, emergency radios, tracking incidents, and other information management needs.

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5. Training

The District will provide funding for personnel to attend training classes, seminars, and schools to keep up to date with the latest technologies and methods available.

Evaluation of Strategies

The following evaluation criteria will be used to ensure all funds are being utilized productively.

1. Personnel

The funding will allow for the current staffing levels to be maintained. As the city and district grows additional revenue will be generated to provide for the additional hiring of fire-fighting personnel.

2. Turnout Gear/Safety Equipment

The purchase of turn out gear for new personnel. Purchase of Self Contained Breathing Apparatus (SCBA) gear to stay at least within 2 cycles of the NFPA standards.

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4. Equipment

Measurements of this strategy will include monitoring the fleet on a yearly basis. The Department will continue the strategy of setting aside an appropriate amount of funding each year to ensure there is enough funding to replace equipment when it reaches the end of its useful life cycle.

5. Training

Department personnel will receive training on a regular basis. Personnel will be given the opportunity to attend training opportunities and/or conferences to assure new technologies and procedures are being used for the safety of Jersey Village residents.

This will also allow for all volunteers to obtain their basic fire certification with the Texas State Fire and Fire Marshalls Association as new volunteers are brought on board.

Budget

Below is the Two-Year Budget Plan for the JVFCPEMSD.

	FY22 Budget	FY23 Budget
Fund Balance	\$ -	\$ 17,751
Revenues		
Sales Tax (0.5% Sales Tax Rate)	\$ 1,943,100	\$ 1,981,962
Total Revenue	\$ 1,943,100	\$ 1,981,962
Expenditures		
Administrative	\$ 24,154	\$ 24,878
Salaries and Benefits	\$ 1,232,592	\$ 1,269,569
Election Expenses	\$ 5,000	\$ -
Training	\$ 20,000	\$ 25,000
Turnout Gear/Safety Equipment	\$ 46,350	\$ 46,350
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Communications Technology Equipment	\$ 54,825	\$ 54,825
Total Expenditures	\$ 1,925,349	\$ 1,963,152
Fund Balance	\$ 17,751	\$ 36,561

This budget requires an estimated sales tax rate of 0.5%.

The administration of this district will be done by the City of Jersey Village, and the full amount of the costs for administration will go to the City of Jersey Village.

MAYOR

Script for Public Hearing on the FCPEMSD Adopted Two-Year Plan and Two-Year Budget

Call the Public Hearing item on the agenda and then say:

I now call to order this public hearing on the adopted two-year plan and two-year budget for the City of Jersey Village Fire Control Prevention and Emergency Medical Services District. Everyone desiring to speak at this hearing should complete a public hearing comment card and present the card to the City Secretary.

Each speaker will have 5 minutes to present information concerning the two-year plan and two-year budget.

(Call the first person signing up to speak).

(After everyone has spoken . . . or if no one desires to speak, finish the meeting with the following)

There being no one (else) desiring to speak, I now close this public hearing for the adopted two-year plan and two-year budget of the City of Jersey Village Fire Control Prevention and Emergency Medical Services District.

**CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: February 8, 2021

AGENDA ITEM: D3

AGENDA SUBJECT: Consider Resolution No. 2021-08, adopting the Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget.

Department/Prepared By: Lorri Coody

Date Submitted: January 19, 2021

EXHIBITS: [Resolution No. 2021-08](#)
[Exhibit A](#) - Adopted FCP EMSD Two-year Plan & Budget - DRAFT

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Council has received the City of Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget and has conducted a public hearing on same.

This item is for City Council to consider adopting the Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget.

A draft of the Adopted FCP EMSD's two-year plan and two-year budget is included in the Meeting Packet for review purposes only and is subject to changes resulting from the public hearings.

RECOMMENDED ACTION:

MOTION: To approve Resolution No. 2021-08, adopting the Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget.

RESOLUTION NO. 2021-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ADOPTING THE JERSEY VILLAGE FIRE CONTROL PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT'S TWO-YEAR PLAN AND TWO-YEAR BUDGET.

WHEREAS, the Jersey Village Temporary Board of Directors of the Fire Control Prevention and Emergency Medical Services District (“the Board”) has held a public hearing on and has adopted its two-year plan and two-year budget; and

WHEREAS, the Board has submitted its approved two-year plan and two-year budget to the City of Jersey Village City Council for its approval and adoption; and

WHEREAS, the City Council held a public hearing on the Board’s adopted two-year plan and two year budget; and

WHEREAS, after full and final consideration of the information contained in the Board’s two-year plan and two-year budget and in the input received at the public hearing, it is the opinion of the City Council of the City of Jersey Village that the Jersey Village Fire Control Prevention and Emergency Medical Service District’s two-year plan and two-year budget attached hereto should be approved and adopted; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE THAT:

Section 1: The two-year plan and two-year budget for the Jersey Village Fire Control Prevention and Emergency Medical Services District, which is attached hereto as Exhibit “A” and incorporated herein for all intents and purposes is hereby adopted and approved.

Section 2: This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this the **8th** day of **February 2021**.

Andrew Mitcham, Mayor

ATTEST:

Lorri Coody, City Secretary





Jersey Village
Fire Control, Prevention, and Emergency
Medical Services
Two-Year Services and Budget Plan
Adopted February 2021

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Evaluation of Strategies

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4. Equipment

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This will also allow for all volunteers to obtain their basic fire certification with the Texas State Fire and Fire Marshalls Association as new volunteers are brought on board.

Budget

Below is the Two-Year Budget Plan for the JVFCPEMSD.

	FY22 Budget	FY23 Budget
Fund Balance	\$ -	\$ 17,751
Revenues		
Sales Tax (0.5% Sales Tax Rate)	\$ 1,943,100	\$ 1,981,962
Total Revenue	\$ 1,943,100	\$ 1,981,962
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Administrative	\$ 24,154	\$ 24,878
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Total Expenditures	\$ 1,925,349	\$ 1,963,152
Fund Balance	\$ 17,751	\$ 36,561

This budget requires an estimated sales tax rate of 0.5%.

The administration of this district will be done by the City of Jersey Village, and the full amount of the costs for administration will go to the City of Jersey Village.

CITY COUNCIL - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 8, 2021

AGENDA ITEM: D4

AGENDA SUBJECT: Consider Ordinance No. 2021-04, pertaining to a Joint Order of the Temporary Board of Directors (the “Temporary Board”) of The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the “District”) and the City Council (the “Council”) of the City of Jersey Village (the “City”), ordering a Special Election to be held on May 1, 2021 (the “Special Election”), for the purpose of submitting to the qualified voters of the District and the City a ballot proposition that serves as a Confirmation Election Order for the District, and abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief and concurrently adopting a sales and use tax to fund the District at a rate of one-half of one percent (0.5%), with such tax dedicated to Fire Control, Prevention, and Emergency Medical Services Programs, pursuant to Chapter 344 of the Texas Local Government Code, as amended; providing for a ballot proposition to be included in the Special Election designating that the Council and City Manager of the City may, by resolution, be appointed to serve as the Permanent Board of Directors of the District; providing a summary of the Proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan for the District; providing for the approval of a Joint Contract for Election Services with the City; providing details relating to the holding of the Special Election; and, providing an effective date.

Dept./Prepared By: Lorri Coody, City Secretary **Date Submitted:** January 25, 2021

EXHIBITS: [Ordinance 2021-04](#)
[Exhibit A](#) – Joint Election Agreement with the FCPEMSD

BACKGROUND INFORMATION:

The City of Jersey Village Fire Control Prevention and Emergency Medical Services District (FCPEMSD) has heretofore considered and ordered a joint special election with the City of Jersey Village to be held on May 01, 2021 for the purpose of

- holding a confirmation election, abolishing a sales and use tax of one-half of one percent (.05%) currently dedicated for property tax relief;
- adopting a sales and use tax of one-half of one percent (.05%) to be dedicated to FCPEMS programs;
- appointing the City Council to serve as the permanent board for the FCPEMSD and
- approving a joint election agreement.

Since it is the responsibility of City Council to call that portion of the special election that relates to abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief, this item is for City Council to consider the proposed Ordinance for approval.

Additionally, since the City will be conducting its general election on May 1, 2021, this item also considers a Joint Election Agreement with the FCPEMSD.

RECOMMENDED ACTION:

MOTION: To approve Ordinance No. 2021-04, pertaining to a Joint Order of the Temporary Board of Directors (the “Temporary Board”) of The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the “District”) and the City Council (the “Council”) of the City of Jersey Village (the “City”), ordering a Special Election to be held on May 1, 2021 (the “Special Election”), for the purpose of submitting to the qualified voters of the District and the City a ballot proposition that serves as a Confirmation Election Order for the District, and

CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 8, 2021

abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief and concurrently adopting a sales and use tax to fund the District at a rate of one-half of one percent (0.5%), with such tax dedicated to Fire Control, Prevention, and Emergency Medical Services Programs, pursuant to Chapter 344 of the Texas Local Government Code, as amended; providing for a ballot proposition to be included in the Special Election designating that the Council and City Manager of the City may, by resolution, be appointed to serve as the Permanent Board of Directors of the District; providing a summary of the Proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan for the District; providing for the approval of a Joint Contract for Election Services with the City; providing details relating to the holding of the Special Election; and, providing an effective date.

ORDINANCE NO. 2021-04

A JOINT ORDER OF THE TEMPORARY BOARD OF DIRECTORS (THE “TEMPORARY BOARD”) OF THE JERSEY VILLAGE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT (THE “DISTRICT”) AND THE CITY COUNCIL (THE “COUNCIL”) OF THE CITY OF JERSEY VILLAGE (THE “CITY”), ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 1, 2021 (THE “SPECIAL ELECTION”), FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT AND THE CITY A BALLOT PROPOSITION THAT SERVES AS A CONFIRMATION ELECTION ORDER FOR THE DISTRICT, AND ABOLISHING A SALES AND USE TAX FOR THE CITY AT A RATE OF ONE-HALF OF ONE PERCENT (0.5%) DEDICATED TO PROPERTY TAX RELIEF AND CONCURRENTLY ADOPTING A SALES AND USE TAX TO FUND THE DISTRICT AT A RATE OF ONE-HALF OF ONE PERCENT (0.5%), WITH SUCH TAX DEDICATED TO FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PROGRAMS, PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR A BALLOT PROPOSITION TO BE INCLUDED IN THE SPECIAL ELECTION DESIGNATING THAT THE COUNCIL AND CITY MANAGER OF THE CITY MAY, BY RESOLUTION, BE APPOINTED TO SERVE AS THE PERMANENT BOARD OF DIRECTORS OF THE DISTRICT; PROVIDING A SUMMARY OF THE PROPOSED BUDGET PLAN AND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PLAN FOR THE DISTRICT; PROVIDING FOR THE APPROVAL OF A JOINT CONTRACT FOR ELECTION SERVICES WITH THE CITY; PROVIDING DETAILS RELATING TO THE HOLDING OF THE SPECIAL ELECTION; AND, PROVIDING AN EFFECTIVE DATE.

* * * * *

THE TEMPORARY BOARD AND THE COUNCIL ORDER THE FOLLOWING:

Section 1. In accordance with the Texas Election Code and Chapter 344 of the Texas Local Government Code, a Special Election is hereby called and ordered for Saturday, May 01, 2021 (the “Special Election”), at which all qualified voters within the boundaries of the Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the “District”), which includes all of the City of Jersey Village (the “City”), may vote to determine whether to consider two (2) ballot propositions: (A) Whether to establish the District and adopt a sales and use tax, at the rate of one-half of one percent (0.5%), dedicated to fire safety and emergency medical services programs while simultaneously abolishing the City’s one-half of one percent (0.5%) tax for property tax relief; and, (B) whether the City Council of the City (the “Council”) and the City Manager may, by Ordinance, be appointed collectively to serve as the Board of Directors of the District.

Section 2. The official ballots for the Special Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote “For” or “Against” the Propositions. Said ballots

shall have printed therein such provisions, markings, and language as may be required by law, and the Propositions shall be set forth on said ballots in substantially the following form and language:

PROPOSITION A

THE CREATION OF THE JERSEY VILLAGE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT DEDICATED TO FIRE SAFETY AND EMERGENCY MEDICAL SERVICES PROGRAMS, AND THE ABOLITION OF THE ONE-HALF OF ONE PERCENT (0.5%) SALES TAX FOR PROPERTY TAX RELIEF AND CONCURRENT ADOPTION OF A SALES TAX AT A RATE OF ONE-HALF OF ONE PERCENT (0.5%) TO FUND THE DISTRICT.

FOR

AGAINST

PROPOSITION B

SHOULD THE CREATION OF THE CITY OF JERSEY VILLAGE FIRE CONTROL, PREVENTION, AND EMERGENCY SERVICES DISTRICT BE AUTHORIZED, THE JERSEY VILLAGE CITY COUNCIL MAY APPROVE AN ORDINANCE TO APPOINT THE CITY COUNCIL AND THE CITY MANAGER OF THE CITY OF JERSEY VILLAGE TO SERVE AS THE BOARD OF DIRECTORS OF THE CITY OF JERSEY VILLAGE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT.

FOR

AGAINST

Section 3. Pursuant to Section 344.054(b)(5) of the Texas Local Government Code, summaries of the District’s Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan (the “Plans”) are as follows:

BUDGET PLAN

The Budget Plan for Fiscal Year 2021-2022 reflects sales tax collections of one million nine hundred forty-three thousand one hundred dollars (\$1,943,100), and for Fiscal Year 2022-2023 sales tax collections of one million nine hundred eighty-one thousand nine hundred eighty-two dollars (\$1,981,962).

SERVICES PLAN

Strategies To Be Supported By The District

The Jersey Village Fire Department (the “Department”) responds to emergencies related to fire, emergency medical, rescue, and hazardous material incidents. In addition, they have an active fire prevention program which provides public education

to area day cares, private and public schools. The Fire Marshal's office provides plan review and daily fire code inspections to local businesses. The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the "District") will provide a dedicated funding source for the Department so it can not only continue to provide excellent service but also help bring the Department to a higher level of services. It will do so by incorporating the following strategies:

- 1. Personnel.** The District will provide funding to recruit and retain the highest caliber employees to the department. The Department will be able to maintain the safety requirements of the National Fire Protection Association (NFPA) as it relates to personnel requirements.
- 2. Turnout Gear/Safety Equipment.** The District will provide funding for safety equipment to ensure all members of the Department are able to respond to calls while donning the necessary equipment to keep them safe.
- 3. Technology and Communications Equipment.** To assist in keeping members of the Department safe, the District will provide funding to maintain and improve technology and radio communications throughout the department. Examples of such items may include CAD systems, emergency radios, tracking incidents, and other information management needs.
- 4. Equipment.** The District will provide funding for response equipment to include fire engines, rescue trucks, ambulances and other equipment that may be necessary. Providing funding to replace these vehicles on a scheduled and regular basis will ensure response reliability, and decrease down time in repairs.
- 5. Training.** The District will provide funding for personnel to attend training classes, seminars, and schools to keep up to date with the latest technologies and methods available.

Evaluation of Strategies

The following evaluation criteria will be used to ensure all funds are being utilized productively:

- 1. Personnel.** The funding will allow for the current staffing levels to be maintained. As the City and District grows additional revenue will be generated to provide for the additional hiring of fire-fighting personnel.
- 2. Turnout Gear/Safety Equipment.** The purchase of turn out gear for new personnel. Purchase of Self Contained Breathing Apparatus (SCBA) gear to stay at least within 2 cycles of the NFPA standards.
- 3. Technology and Communications Equipment.** The implementation of a CAD system that allows for the Department tracking of incidents. The implementation of technology to assist the department in being able to access real time schematics of commercial buildings they may be entering for emergency response purposes.

4. Equipment. Measurements of this strategy will include monitoring the fleet on a yearly basis. The Department will continue the strategy of setting aside an appropriate amount of funding each year to ensure there is enough funding to replace equipment when it reaches the end of its useful life cycle.

5. Training. The Department's personnel will receive training on a regular basis. Such personnel will be given the opportunity to attend training opportunities and conferences to assure new technologies and procedures are being used for the safety of City residents. This will also allow for all volunteers to obtain their basic fire certification with the Texas State Fire and Fire Marshalls Association as new volunteers are brought on board.

Section 4. The present boundaries of the City shall constitute one (1) election precinct, and the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place:

**Civic Center Auditorium
16327 Lakeview Drive
Jersey Village, Texas 77040**

Section 5. The City shall be responsible for the appointment of all election officials and clerks. The City Secretary is hereby appointed clerk for early voting. The appointment of deputy clerks for early voting by the City Secretary shall be in accordance with the Texas Election Code. The following location is hereby designated as the place for early voting for the Special Election:

**Civic Center Meeting Room
16327 Lakeview Drive
Jersey Village, Texas 77040**

Except as otherwise provided herein, early voting by personal appearance shall be conducted on weekdays during the hours that the City Secretary's main business office is regularly open for business, that is, from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m., beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of the Special Election. The City Secretary shall provide for early voting for at least twelve (12) hours on two (2) weekdays, being April 26, 2021 and April 27, 2021 from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. with such dates and times being included in the notice of election provided herein. The early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent is: **16327 Lakeview Drive, Jersey Village, Texas 77040**. Applications for ballots by mail may also be received by the early voting clerk electronically at: **lcoody@jerseyvillagetx.com**. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom an early ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5. Paper ballots shall be used for early voting and for voting on the day of the Special Election. In accordance with Section 61.012 of the Texas Election Code, the City will provide in every polling place at least one (1) voting station that is accessible to a voter with disabilities.

Section 6. Notice of the Special Election shall be given in accordance with provisions of the Texas Election Code and other applicable law, and returns of such notice shall be made as provided for in said Code. The City Secretary and the Presiding Officer of the Temporary Board (the “Presiding Officer”) shall issue all necessary orders and writs for the Special Election, and returns of the Special Election shall be made to the City Secretary immediately after the closing of the polls.

Section 7. The Presiding Officer is authorized to enter into a contract, substantially in the form attached hereto as Exhibit A, with the City to provide for a joint election as authorized by Chapter 271 of the Texas Election Code. Early voting will be conducted jointly and a single ballot shall be used.

Section 8. The Special Election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act.

ORDERED BY THE TEMPORARY BOARD AND THE COUNCIL ON FEBRUARY 8, 2021.

SIGNATURES

FOR THE DISTRICT:

FOR THE CITY:

_____, **PRESIDING OFFICER**

_____, **ANDREW MITCHAM, MAYOR**

ATTEST:

ATTEST:

LORRI COODY, SECRETARY

LORRI COODY, CITY SECRETARY



EXHIBIT A – JOINT ELECTION AGREEMENT

JOINT ELECTION AGREEMENT

THIS JOINT ELECTION AGREEMENT (the “Agreement”) is made and entered into effect this ____ day of _____, 20____, by and between the City of Jersey Village, a State of Texas home rule municipal corporation (the “City”), and the Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the “District”) (with the City and the District each being a “Party”, and collectively “Parties”).

WITNESSETH

WHEREAS, the City has called a General Election to be held on May 1, 2021 for the purposes of electing municipal officers, and has also called a Special Election to be held on May 1, 2021 for the purposes of approving amendments to the City’s Charter; and

WHEREAS, the District desires to hold an election: to create the District; to institute a one and one-half percent (0.5%) sales tax to fund the District while simultaneously abolishing a one and one-half percent (0.5%) sales tax for property tax relief; and, to allow the City Council and City Manager of the City to serve as the permanent Board of Directors for the District; and

WHEREAS, the District wishes to join its election with the City’s elections to be held on May 1, 2021; and

WHEREAS, the Parties shall hold such elections jointly, as hereinafter specified, if: (i) the election precincts can be served by common polling places and common election officers pursuant to Chapter 271 of the Texas Election Code; and, (ii) such common polling places and election officials are designated by the Parties; and

WHEREAS, holding joint elections will facilitate the orderly conduct of the elections when the location of the polling places for the voting precincts adequately and conveniently serves the affected voters of the Parties; and

WHEREAS, holding joint elections when appropriate by utilizing the services of the same election judges will be of public and economic benefit to the persons in the affected voting districts as well as to the Parties; and, **NOW THEREFORE**,

THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AND THE TEMPORARY BOARD OF DIRECTORS OF THE JERSEY VILLAGE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AGREE AS FOLLOWS:

AGREEMENT

Section 1. If the regular or special elections ordered by the Parties are to be held on the same day, such Parties agree to hold such elections jointly as authorized by Chapter 271 of the Texas Election Code, to the extent specified herein. All joint elections held pursuant to this Agreement shall be coordinated, supervised, and handled in accordance with the provisions of the Texas

Election Code. The Parties understand and agree that each Party holding a joint election shall remain responsible for the lawful conduct of the election ordered by its governing body.

Section 2. Nothing herein shall relieve any Party from enacting all appropriate election orders, resolutions, notices, and other pertinent documents required by or of its governing body, including, but not limited to, the preparation of necessary bilingual materials for notices. Furthermore, the Parties will utilize voting methods approved by the Secretary of State and the laws of the State of Texas.

Section 3. The Parties specifically agree as follows as to the joint election to be held on Saturday, May 1, 2021:

- (a) The City Secretary of the City (the “City Secretary”), shall serve as Administrator for the joint election; however, each Party remains responsible for the lawful conduct of its respective elections.
- (b) Each Party will be responsible for all required election orders, resolutions, notices, and any other pertinent documents required by its respective governing body.
- (c) Preparation of the necessary bilingual material and notices will also be the responsibility of each Party.
- (d) Early voting and Election Day voting for each Party shall be conducted at the same location. The polling place or places for the elections shall be the polling places established by the City.
- (e) There shall be one combined ballot for the elections of both Parties.
- (f) The City shall be responsible for the appointment of all election judges and election clerks.
- (g) The City Secretary shall be responsible for ordering all election supplies and ballots.
- (h) The City will contract with Election Systems and Software for the use of voting equipment that comports with Texas Election Code.
- (i) Early voting shall be conducted jointly. The City Secretary shall be appointed early voting clerk for the joint early voting. The joint early voting shall be conducted during the hours, including any extended or weekend hours, at the early voting polling place or places at which the early voting clerk regularly conducts early voting for the City. The City Secretary shall receive applications for early voting ballots to be voted by mail in accordance with the Texas Election Code.
- (j) Each Party shall canvass its own election returns.

Section 4. The joint elections contemplated herein shall be conducted at the **Civic Center Auditorium, 16327 Lakeview Drive, Jersey Village, Texas, 77040**. Early voting by personal appearance will be conducted at the **Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas, 77040**. The early voting clerk’s mailing address to which ballot applications and ballots voted by mail may be sent is **16327 Lakeview Drive, Jersey Village, Texas 77040**.

Applications for ballots by mail may also be received by the early voting clerk electronically at: **lcoody@jerseyvillagetx.com**.

Section 5. All common costs of the election shall be shared equally between the Parties. Expenses shall include, but not be limited to, all necessary disbursements, such as election worker expenses, equipment rental expenses, and ballot programing and printing expenses. The City shall invoice the District for its share of the joint election expenses, which invoice shall be due and payable within thirty (30) days of receipt thereof.

Section 6. All payments required by any of the Parties hereto pursuant to this Agreement shall be made from the respective entity's current revenues at the time of the election in question. The Parties agree that the allocation of costs specified herein fairly and adequately compensates the Parties for the services required herein. All the expenses required to be paid herein shall be due on or before the thirtieth (30th) day after a Party receives an invoice for such expense or the service is provided, whichever occurs later. The City shall be the fiscal agent for the collection of funds and the payment of personnel jointly utilized by the Parties for the joint election.

Section 7. Should the City cancel an election pursuant to Section 2.051, et seq. of the Texas Election Code, it will no longer be liable for any of the expenses specified herein; but is still bound by the terms set out in Section 3 of this Agreement.

Section 8. All records of the joint election are to be maintained separately by the Parties holding the same, and the presiding judge shall bring the appropriate election returns, and supplies to the City Elections Administrator immediately after the polls close on Election Day and the precinct returns have been compiled.

Section 9. The Parties shall comply with all rules, regulations, and laws of the United State of America, the State of Texas, as they now exist or may hereafter be enacted or amended, governing elections.

Section 10. All notices required to be given hereunder shall be given in writing either by overnight delivery, facsimile transmission, or certified or registered mail at the respective addresses of the Parties, or at such other address as may be designated in writing by any Party. Notice given by mail shall be deemed given three (3) days after the date of mailing thereof to the following addresses:

For the City:
City of Jersey Village

Attn: City Manager
16327 Lakeview Drive
Jersey Village, Texas 77040

For the District:
Jersey Village Fire Control, Prevention,
and Emergency Medical Services District
Attn: President
16327 Lakeview Drive
Jersey Village, Texas 77040

Section 11. Failure of any Party hereto to insist on the strict performance of any of the terms herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by an

appropriate remedy, strict compliance with any other obligation hereunder to exercise any right or remedy occurring as a result of any future default or failure or performance.

Section 12. This Agreement shall in all respects be interpreted and construed in accordance with and governed by the laws of the State of Texas, regardless of the place of its execution or performance. The place of making and the place of performance of this Agreement for all purposes shall be Jersey Village, Harris County, Texas.

Section 13. The Parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

Section 14. This Agreement contains all the terms and conditions of the Parties relating to the subject matter hereof and is the full and final expression of the agreement between the Parties. This Agreement shall not be amended or modified without the written consent of each Party.

Section 15. The officers executing this Agreement on behalf of each Party hereby confirm that such officers have full authority to execute this Agreement and to bind their respective Party.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their authorized officers this the _____ day of _____, 20_____.

SIGNATURES

FOR THE CITY:

ATTEST:

Signature

Signature

Printed Name

Printed Name

Title

Title

FOR THE DISTRICT:

ATTEST:

Signature

Signature

Printed Name

Printed Name

Title

Title

**CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: February 8, 2021

AGENDA ITEM: E1

AGENDA SUBJECT: Consider Resolution No. 2021-09, authorizing a Joint Election Agreement with the Crime Control Prevention District as authorized by Chapter 271 of the Texas Election Code.

Dept./Prepared By: Lorri Coody, City Secretary **Date Submitted:** January 25, 2021

EXHIBITS: [Resolution 2021-09](#)
[Exhibit A](#) – Joint Election Agreement with the CCPD

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Sec. 271.002 of the Election Code state if the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county, the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places.

The City of Jersey Village Crime Control Prevention District (CCPD) has ordered a special election to be held on May 01, 2021 for the purpose of holding a referendum on the continuation of the District.

Given that the City will be conducting its general election on May 1, 2021, this item is to consider a Joint Election Agreement with the CCPD.

RECOMMENDED ACTION:

MOTION: To approve Consider Resolution No. 2021-09, authorizing a Joint Election Agreement with the Crime Control Prevention District as authorized by Chapter 271 of the Texas Election Code.

CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 8, 2021

RESOLUTION NO. 2021-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT AS AUTHORIZED BY CHAPTER 271 OF THE TEXAS ELECTION CODE.

WHEREAS, Sec. 271.002 of the Election Code state if the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county, the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places; and

WHEREAS, the City of Jersey Village Crime Control and Prevention District has ordered a special election to be held on May 01, 2021 for the purpose of holding a referendum on the continuation of the District; and

WHEREAS, the City of Jersey Village will conduct it General Election on May 1, 2021, it is the desire of City Council to enter into a Joint Election Agreement with the City of Jersey Village Crime Control and Prevention District for the May 1, 2021 Election; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS:

THAT the Joint Election Agreement between the City of Jersey Village and the City of Jersey Village Crime Control and Prevention District, attached hereto and made a part hereof as Exhibit A, is hereby approved.

PASSED AND APPROVED this 8th day of February 2021.

ATTEST:

Andrew Mitcham, Mayor

Lorri Coody, City Secretary



JOINT ELECTION AGREEMENT

THIS JOINT ELECTION AGREEMENT (the “Agreement”) is made and entered into effect this ____ day of _____, 20____, by and between the City of Jersey Village, a State of Texas home rule municipal corporation (the “City”), and the Jersey Village Crime Control and Prevention District (the “District”) (with the City and the District each being a “Party”, and collectively “Parties”).

WITNESSETH

WHEREAS, the City has called a General Election to be held on May 1, 2021 for the purposes of electing municipal officers, and has also called a Special Election to be held on May 1, 2021 for the purposes of approving amendments to the City’s Charter; and

WHEREAS, the District desires to hold an election to continue the District for five (5) years and to approve the continuation of the sales tax funding the District for five (5) years; and

WHEREAS, the District wishes to join its election with the City’s elections to be held on May 1, 2021; and

WHEREAS, the Parties shall hold such elections jointly, as hereinafter specified, if: (i) the election precincts can be served by common polling places and common election officers pursuant to Chapter 271 of the Texas Election Code; and, (ii) such common polling places and election officials are designated by the Parties; and

WHEREAS, holding joint elections will facilitate the orderly conduct of the elections when the location of the polling places for the voting precincts adequately and conveniently serves the affected voters of the Parties; and

WHEREAS, holding joint elections when appropriate by utilizing the services of the same election judges will be of public and economic benefit to the persons in the affected voting districts as well as to the Parties; and, **NOW THEREFORE**,

THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AND THE BOARD OF DIRECTORS OF THE JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT AGREE AS FOLLOWS:

AGREEMENT

Section 1. If the regular or special elections ordered by the Parties are to be held on the same day, such Parties agree to hold such elections jointly as authorized by Chapter 271 of the Texas Election Code, to the extent specified herein. All joint elections held pursuant to this Agreement shall be coordinated, supervised, and handled in accordance with the provisions of the Texas Election Code. The Parties understand and agree that each Party holding a joint election shall remain responsible for the lawful conduct of the election ordered by its governing body.

Section 2. Nothing herein shall relieve any Party from enacting all appropriate election orders, resolutions, notices, and other pertinent documents required by or of its governing body, including, but not limited to, the preparation of necessary bilingual materials for notices. Furthermore, the Parties will utilize voting methods approved by the Secretary of State and the laws of the State of Texas.

Section 3. The Parties specifically agree as follows as to the joint election to be held on Saturday, May 1, 2021:

- (a) The City Secretary of the City (the “City Secretary”), shall serve as Administrator for the joint election; however, each Party remains responsible for the lawful conduct of its respective elections.
- (b) Each Party will be responsible for all required election orders, resolutions, notices, and any other pertinent documents required by its respective governing body.
- (c) Preparation of the necessary bilingual material and notices will also be the responsibility of each Party.
- (d) Early voting and Election Day voting for each Party shall be conducted at the same location. The polling place or places for the elections shall be the polling places established by the City.
- (e) There shall be one combined ballot for the elections of both Parties.
- (f) The City shall be responsible for the appointment of all election judges and election clerks.
- (g) The City Secretary shall be responsible for ordering all election supplies and ballots.
- (h) The City will contract with Election Systems and Software for the use of voting equipment that comports with Texas Election Code.
- (i) Early voting shall be conducted jointly. The City Secretary shall be appointed early voting clerk for the joint early voting. The joint early voting shall be conducted during the hours, including any extended or weekend hours, at the early voting polling place or places at which the early voting clerk regularly conducts early voting for the City. The City Secretary shall receive applications for early voting ballots to be voted by mail in accordance with the Texas Election Code.
- (j) Each Party shall canvass its own election returns.

Section 4. The joint elections contemplated herein shall be conducted at the **Civic Center Auditorium, 16327 Lakeview Drive, Jersey Village, Texas, 77040**. Early voting by personal appearance will be conducted at the **Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas, 77040**. The early voting clerk’s mailing address to which ballot applications and ballots voted by mail may be sent is **16327 Lakeview Drive, Jersey Village, Texas 77040**. Applications for ballots by mail may also be received by the early voting clerk electronically at: **lcoody@jerseyvillagetx.com**.

Section 5. All common costs of the election shall be shared equally between the Parties. Expenses shall include, but not be limited to, all necessary disbursements, such as election worker expenses, equipment rental expenses, and ballot programing and printing expenses. The City shall invoice the District for its share of the joint election expenses, which invoice shall be due and payable within thirty (30) days of receipt thereof.

Section 6. All payments required by any of the Parties hereto pursuant to this Agreement shall be made from the respective entity's current revenues at the time of the election in question. The Parties agree that the allocation of costs specified herein fairly and adequately compensates the Parties for the services required herein. All the expenses required to be paid herein shall be due on or before the thirtieth (30th) day after a Party receives an invoice for such expense or the service is provided, whichever occurs later. The City shall be the fiscal agent for the collection of funds and the payment of personnel jointly utilized by the Parties for the joint election.

Section 7. Should the City cancel an election pursuant to Section 2.051, et seq. of the Texas Election Code, it will no longer be liable for any of the expenses specified herein; but is still bound by the terms set out in Section 3 of this Agreement.

Section 8. All records of the joint election are to be maintained separately by the Parties holding the same, and the presiding judge shall bring the appropriate election returns, and supplies to the City Elections Administrator immediately after the polls close on Election Day and the precinct returns have been compiled.

Section 9. The Parties shall comply with all rules, regulations, and laws of the United State of America, the State of Texas, as they now exist or may hereafter be enacted or amended, governing elections.

Section 10. All notices required to be given hereunder shall be given in writing either by overnight delivery, facsimile transmission, or certified or registered mail at the respective addresses of the Parties, or at such other address as may be designated in writing by any Party. Notice given by mail shall be deemed given three (3) days after the date of mailing thereof to the following addresses:

For the City:
 City of Jersey Village
 Attn: City Manager
 16327 Lakeview Drive
 Jersey Village, Texas 77040

For the District:
 Jersey Village Crime Control and Prevention District
 Attn: President
 16327 Lakeview Drive
 Jersey Village, Texas 77040

Section 11. Failure of any Party hereto to insist on the strict performance of any of the terms herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by an appropriate remedy, strict compliance with any other obligation hereunder to exercise any right or remedy occurring as a result of any future default or failure or performance.

Section 12. This Agreement shall in all respects be interpreted and construed in accordance with and governed by the laws of the State of Texas, regardless of the place of its execution or

performance. The place of making and the place of performance of this Agreement for all purposes shall be Jersey Village, Harris County, Texas.

Section 13. The Parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

Section 14. This Agreement contains all the terms and conditions of the Parties relating to the subject matter hereof and is the full and final expression of the agreement between the Parties. This Agreement shall not be amended or modified without the written consent of each Party.

Section 15. The officers executing this Agreement on behalf of each Party hereby confirm that such officers have full authority to execute this Agreement and to bind their respective Party.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their authorized officers this the _____ day of _____, 20_____.

SIGNATURES

FOR THE CITY:

ATTEST:

Signature

Signature

Printed Name

Printed Name

Title

Title

FOR THE DISTRICT:

ATTEST:

Signature

Signature

Printed Name

Printed Name

Title

Title

F. RECESS THE SPECIAL SESSION

Recess the Special Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 – Consult with Attorney.

G. EXECUTIVE SESSION

1. Consult with attorney pursuant to the Texas Open Meetings Act Section 551.071 regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit.

H. ADJOURN EXECUTIVE SESSION

Adjourn the Executive Session, stating the date and time the Executive Session ended and Reconvene the Special Session.

**CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: February 8, 2021 **AGENDA ITEM:** I1

AGENDA SUBJECT: Discuss and take appropriate action on matters discussed in Executive Session regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit.

Department/Prepared By: Austin Bless, City Manager **Date Submitted:** January 20, 2021

EXHIBITS:

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

CITY MANAGER APPROVAL: AB

BACKGROUND INFORMATION:

This agenda item is to discuss and take appropriate action, if any, on the matters discussed in executive session.

RECOMMENDED ACTION AND MOTION:

MOTION:

Discuss and take appropriate action on matters discussed in Executive Session regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit.

CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 8, 2021