

ORDINANCE NO. G07.21.01.28.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, CALLING AND ORDERING A SPECIAL CALLED ELECTION TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION, AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park, Texas (the "City"), is a home rule city acting under its City Charter pursuant to Article XI, Section 5 of the Texas Constitution and Section 9.004 of the Texas Local Government Code; and

WHEREAS, it is the intention of the City Council to call 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 41.001 of the Texas Election Code establishes May 1, 2021 as a uniform election date for the purposes of conducting an election; and

WHEREAS, the City will conduct a joint election with the Williamson and Travis County Elections Administrators and Participating Entities; and

WHEREAS, pursuant to Section 31.092 (a), Texas Election Code, and Chapter 791 Texas Government Code, the City has made provisions with Williamson and Travis County Elections Departments to perform and conduct election services in connection with said election with respect to registered City of Cedar Park voters in their respective Counties; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance is being adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Local Government Code, as amended; and

WHEREAS, that said election shall be held in accordance with the Election Code of the State of Texas, and only resident, qualified voters of said City shall be eligible to vote at said election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. SPECIAL ELECTION ORDERED

It is hereby ordered, pursuant to the laws of the State of Texas and the Charter of the City of Cedar Park that a special election be held in the City of Cedar Park, Texas, on May 1,

2021 for the purpose of submitting to the qualified voters of the City of Cedar Park, certain proposed amendments to the City of Cedar Park Home Rule Charter.

SECTION 2. OFFICIAL BALLOT

The official ballot for the election shall be prepared in accordance with the Texas Election Code Chapter 52 and Local Government Code Chapter 9, Section 9.004.

Where applicable, the ballot will include all participating entities and elections of which Cedar Park citizens are eligible to vote.

The official ballot shall be printed both in English and Spanish languages and shall contain such provisions, markings and language as required by law do as to permit the electors to vote "FOR" or "AGAINST" on each PROPOSITION and with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

PROPOSITION A  
TERMS OF OFFICE

Shall Section 3.01 of the Cedar Park City Charter be amended to change the Mayor and Councilmembers' terms of office from two (2) years to three (3) years with such terms staggered such that 2 positions, 3 positions, and 2 positions are to be elected at each general election and provide for transition to 3-year terms over the 3-year period starting at the next general election after the adoption of this amendment?

- FOR
- AGAINST

PROPOSITION B  
CITY MANAGER SIGNATURE AUTHORITY

Shall Section 3.05 and Section 4.01(d) of the Cedar Park City Charter be amended to expressly authorize the City Manager to execute all agreements, conveyances, instruments, and documents as authorized or directed by the Council, or as reasonably necessary in the prudent administration of City affairs in accordance with the annual budget and this Charter?

- FOR
- AGAINST

PROPOSITION C  
FILLING OF VACANCIES

If three (3) year terms are adopted, shall Section 3.06(c) of the Cedar Park City Charter be amended to provide for filling of a vacancy on the Council with an unexpired term of 12 months or less by appointment by the City Council and for filling a vacancy with an unexpired term of more than 12 months by special election in accordance with state law?

- FOR
- AGAINST

PROPOSITION D  
PROHIBITIONS: DISCLOSURE OF PRIVILEGED OR CONFIDENTIAL  
INFORMATION

Shall Section 3.08(d) of the Cedar Park City Charter be amended to protect, in addition to attorney-client privileged communications, confidentiality of information that has been discussed in closed executive session pursuant to state law, to apply to the City Council and also appointees of City Boards, Commissions, committees, and task forces, and to provide for necessary exceptions?

- FOR
- AGAINST

PROPOSITION E  
FILING FOR OFFICE; RESIGN TO RUN

Shall Section 5.02(f) of the Cedar Park City Charter be amended to provide for automatic and immediate resignation by a Mayor or Councilmember upon their filing or candidacy for any public office other than of the Cedar Park City Council, instead of requiring resignation at least forty-five (45) days prior to the election, and renumbered as Section 5.07?

- FOR
- AGAINST

SECTION 3. CONDUCT OF ELECTION; LEGAL COMPLIANCE

The City of Cedar Park is located in Williamson and Travis Counties. As authorized under Section 31.092 of the Texas Election Code the City will make provisions with Williamson County and Travis County Elections Departments to perform and conduct election services in connection with said election. The Williamson County Elections Administrator and the Travis County Election Manager and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for the entire City pursuant to the contracts for election services between the City and Williamson County and Travis County Elections Departments. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code in accordance with joint election agreements to be entered into between the City and the other participating entities. The election shall be held and conducted by the Williamson County Elections Administrator and/or the Travis County Elections Manager in compliance with all federal, state, and local laws and the executed Election Services Agreements.

SECTION 4. ELECTION PRECINCTS, POLLING PLACES AND ELECTION JUDGES.

The Election Day precincts for the election shall be the election precincts as established by Williamson and Travis Counties and shall contain and include geographic area within the City. The precincts and polling places within the City designated for holding the election are identified in **Exhibit A** and **Exhibit B** to this Ordinance and this exhibit is incorporated by reference for all purposes. Election judges and clerks shall be appointed in accordance with the Texas Election Code and/or the Joint Election Agreements executed by Williamson County and/or Travis County. The exhibits may be revised as necessary to conform to final county polling locations as amended and finalized by Williamson County Elections and Travis County Elections.

SECTION 5. ELECTION CLERKS

The Presiding Election Judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election and such election clerks shall be qualified electors of the City. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include a person fluent in the Spanish language to serve as a clerk or render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Judge shall perform the duties of the Presiding Judge.

SECTION 6. EARLY VOTING

Early Voting shall be conducted by Williamson County Elections Administrator and/or Travis County Elections Manager, who are hereby designated and appointed as the Early Voting Clerks for the special called election and shall perform such duties in accordance with all laws in the Texas Elections Code. Early voting shall be conducted at the branch and part-time early voting polling places identified in **Exhibit C** and **Exhibit D** to this Resolution and this exhibit is incorporated by reference for all purposes. These offices or places shall remain open on the dates and at times set forth in **Exhibit C** and **Exhibit D** hereto as authorized by Williamson County Elections Administrator and/or Travis County Elections Manager. Early voting shall commence on the 12<sup>th</sup> day before the election and continue through the 4<sup>th</sup> day preceding the date of the election all as provided by the provisions of the Texas Election Code and **Exhibit C** and **Exhibit D** attached hereto. The exhibits may be revised as necessary to conform to final county polling locations as amended and finalized by Williamson County Elections and Travis County Elections.

The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent to:

Christopher Davis, Elections Administrator  
Williamson County Elections  
P.O. Box 209  
Georgetown TX 78627

Dana DeBeauvoir, Travis County Clerk

Travis County Elections  
P.O. Box 149325  
Austin, TX 78714-9325

SECTION 7. EARLY VOTING BALLOT BOARD

An early voting ballot board is hereby created to process early voting results and the Presiding Judge will be appointed by the Williamson County Elections Administrator and/or Travis County Elections Manager. The Presiding Judge shall appoint not less than two nor more than eighteen (18) qualified electors to serve as members of the Early Voting Ballot Board.

SECTION 8. VOTERS

All resident, qualified electors of the City shall be entitled to vote at the election.

SECTION 9. NOTICE

Pursuant to and in accordance with Chapter 4 of the Texas Election Code and Section 9.004 of the Texas Local Government Code, notice of said election shall be given by posting and publication; a copy of this resolution to be served on the Presiding Judge as notice of said election; and immediately after said election, the officers holding the same shall make returns of the results thereof to the Mayor. The attached Exhibit E shall serve as order of said election.

Notice of the Election: shall include a Spanish translation thereof, shall be posted not later than the twenty-first (21<sup>st</sup>) day before the election on the bulletin board used for posting notices of meetings of the City Council and shall be published at least once, not early than the thirtieth (30<sup>th</sup>) day nor later than the tenth (10<sup>th</sup>) day before the election in a newspaper published and or general circulation in the City of Cedar Park.

Publication of Amendments: Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Cedar Park on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14<sup>th</sup> day before Election Day. The notice shall contain a substantial copy of the proposed amendments and include an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election.

SECTION 10. ADOPTION OF VOTING SYSTEMS

An electronic voting system, as defined by the Texas Election Code, may be used for voting at the polling places for said election and the tabulation of the results. The conduct of the election and the use of the electronic voting systems shall be accordance with the Texas Election Code. In accordance with the Texas Election Law, Chapter 123, Section 123.001, the City of Cedar Park hereby adopts the voting systems utilized by the Williamson County Elections Department and Travis County Elections Department for Early Voting and Election Day as certified by the Secretary of State.



SECTION 11. VOTING DEVICES

The City of Cedar Park authorized the use of Direct Recording Electronic Voting Machines (“DRE’s”) by Resolution Number R069.20.03.12.F3 for Williamson County and Travis County. Electronic Optical scan voting devices may also be used in conducting the election. The Williamson County Voter Registrar and Travis County Voter Registrar may also utilize a central counting station as provided by Section 127.000 *et. seq.*, as amended, of the Texas Election Code.

SECTION 12. RESULTS; RETURNS AND CANVASSING

The Williamson County Elections Administrator and/or the Travis County Elections Manager shall conduct an unofficial tabulation of results after the closing of the polls on election day. The official canvass and tabulation of the results of the Special Election shall be conducted in accordance with the Texas Election Code and other applicable provisions of state law.

SECTION 13. CUSTODIAN OF ELECTION RECORDS

Pursuant to the Election Code and the application Election Services Contract, the Williamson County Elections Administrator and/or the Travis County Election Manager shall serve as the Custodian of Election Records for the conduct of the election and voted ballots in their respective counties, and the City Secretary shall serve as custodian of all other election records as maintained by the City.

SECTION 14. APPROVAL OF THE PROPOSITIONS; EFFECTIVITY

The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and Sections listed in **Exhibit F** attached hereto and submitted for amendment to read as stated therein (with proposed new language being underlined, bolded, and italicized and language proposed to be removed is struck through).

SECTION 15. AUTHORIZATION FOR OTHER ACTION

The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized therein.

SECTION 16. SEVERABILITY

The provisions of this Ordinance are severable; and in case any one or more the provisions of this Ordinance of the application thereof to any person or circumstances should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SECTION 17. REPEALER.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 18. COMPLIANCE WITH TEXAS OPEN MEETINGS ACT.

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 14<sup>th</sup> day of January, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 28<sup>th</sup> day of January, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

  
Corbin Van Arsdale, Mayor

ATTEST:



LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

  
J.P. LeCompte, City Attorney



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## EXHIBITS

- A Williamson County Polling Locations – Election Day  
*[To be finalized by Williamson County]*
  
- B Travis County Polling Locations – Election Day  
*[To be finalized by Travis County]*
  
- C Williamson County Polling Locations and Times– Early Voting  
*[To be finalized by Williamson County]*
  
- D Travis County Polling Locations and Times– Early Voting  
*[To be finalized by Travis County]*
  
- E Order Of Election  
*[To be finalized by City Secretary]*
  
- F Proposed Amendments to City of Cedar Park Home Rule Charter



## EXHIBIT F

### Proposed Amendments to City of Cedar Park Home Rule Charter

If Proposition A is adopted, then Section 3.01 shall be revised as follows:

#### Section 3.01 Number, Selection and Term

The Council shall be composed of the Mayor and six (6) Councilmembers. The Mayor and all Councilmembers shall be elected from the City at Large and each Councilmember shall occupy a position on the Council, such positions being numbered one (1) through six (6) consecutively. The Mayor and Councilmembers shall be elected in the manner in Article V of this Charter to serve for ~~two (2)~~three (3) year terms. ~~The Mayor, Councilmember Place Two (2), Councilmember Place Four (4), and Councilmember Place Six (6) shall be elected in the even years. Councilmember Place One (1), Councilmember Place Three (3), and Councilmember Place Five (5) shall be elected in the odd years. In order to provide for an orderly transition from two (2) year terms to three (3) year terms, at the first general election held after the adoption of this amended Section, two (2) positions (either the Mayor and one (1) Councilmember, or two (2) Councilmembers) shall be elected to serve two (2) year terms and two (2) positions (either the Mayor and one (1) Councilmember, or two (2) Councilmembers) shall be elected to serve three (3) year terms. The places which shall be elected to two (2) year terms shall be determined by Mayor/Councilmember volunteer or drawing lots at the first regular City Council meeting held after this amended Section is adopted and confirmed by majority vote of the Council. The following year, and each year thereafter, all elections shall be for three (3) year terms.~~

**If Proposition B is adopted, then Section 3.05 and Section 4.01(d) shall be revised as follows:**

### **Section 3.05 Mayor and Mayor Pro Tem**

The Mayor shall be the official head of the City Government, and shall work with the City Manager with assistance from the City Secretary and other City staff members, as required, in preparing agendas for the Council meetings. The Mayor shall preside at all meetings of the Council, shall sign all ordinances, orders, resolutions, statements, agreements, conveyances, plats, instruments, and documents, authorized or enacted by the Council, except as delegated to the City Manager or their designee. The Mayor shall vote on all issues, proposals, questions, and motions which require Council votes. The Mayor shall not have the power to veto or modify any ordinance adopted by the Council and shall not, in any way, neutralize or negate any action of the Council. The Mayor shall be recognized as the head of City government for all ceremonial purposes and shall be responsible for providing initiative and guidance in the orderly management and growth of the City.

The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor, and, in this capacity, shall have the rights conferred upon the Mayor.

### **Section 4.01 City Manager**

(a) Appointment and Qualifications: The Council, by a majority vote, shall appoint a City Manager. The method of selection shall be left to the discretion of the Council so long as the method insures orderly, non-partisan action in securing a competent and qualified person to fill the position. The City Manager shall be chosen upon the basis of executive and administrative training, experience and ability. The City Manager does not need to be a resident of the City when appointed. However, within a reasonable period of time after the appointment, shall reside within the City during employment. The City Manager shall be bonded in an amount of not less than one hundred thousand dollars (\$100,000.00) and the cost thereof shall be borne by the City.

(b) Compensation: The City Manager shall receive compensation as may be fixed by the Council according to experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the Council may change it at its discretion.

(c) Term and Removal: The City Manager shall not be appointed for a definite term but may be removed at the discretion of the Council, by a vote of the majority of the

Council. The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

(d) Powers and Duties: The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power to:

- (1) See that all federal, State, and local laws and ordinances are effectively enforced.
- (2) Appoint, suspend or remove all or any one of the directors of departments, Assistant City Managers and City employees except as otherwise provided in this Charter.
- (3) Attend all meetings of the Council except when excused by the Council.
- (4) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.
- (5) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (6) Submit to the Council a monthly budget summary and keep the Council advised of the financial condition and future needs of the City and make recommendations as may seem advisable.
- (7) Make reports as the Council may require concerning the operation of City departments, offices and agencies subject to his direction and supervision.
- (8) Perform duties prescribed by this Charter and duties required of them by the Council.
- (9) Insure that all public records are accessible to the public and available upon request.
- (10) To execute all agreements, conveyances, instruments, and documents as authorized or directed by the Council, or as reasonably necessary in furtherance of the proper administration of City affairs in accordance with the annual budget and this Charter.

(11) To have all such additional authority not inconsistent with the City Charter to carry out the duties reasonably necessary of a City Manager.

(e) Acting City Manager: The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, approved by the Council, to perform the duties of the City Manager in their absence or disability. No member of the Council shall serve as Acting City Manager.

**If Proposition C is adopted, then Section 3.06(c) shall be revised as follows:**

**Section 3.06 Vacancies, Forfeiture, Filling of Vacancies**

(a) Vacancies: The office of a Councilmember or office of the Mayor shall become vacant upon their death, resignation, removal from office in any manner authorized by law, or forfeiture of their office.

(b) Forfeiture of Office: If the Mayor or any Councilmember:

- (1) Fails to maintain the qualifications as required in Section 3.02 and Section 5.02 herein;
- (2) Violates any expressed prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude; or
- (4) Fails to attend three (3) consecutive Regular Council Meetings without being excused by the Council,

the Council shall, at its next regular meeting, after validation of any of the above, declare the office to be vacant and shall fill such vacancy as set forth in subsection (c) below.

(c) Filling of Vacancies: If the office of Mayor or a Councilmember becomes vacant, the vacancy shall be filled as follows:

(i) If, at the time of the vacancy, twelve (12) months or less remain on the term, the Council shall within thirty (30) days of the vacancy, by majority vote of the remaining members of the Council, appoint a qualified person to fill the vacancy ~~A single vacancy in the Council shall be filled within thirty (30) days of the occurrence of the vacancy, by a majority of the remaining members of the Council by the appointment of a person qualified for the position as described in this Charter. The Council shall, within 90 days of the election adopting this provision, adopt a~~ pursuant to the procedure for such appointment ~~to be as~~ stated in the Council Rules of Procedure ~~under Section 3.11 of this Charter~~; any amendment, supplement, or alteration of the adopted appointment procedure shall be void if it was adopted or became effective within the 90 days prior to any vacancy under this Section. This appointee shall serve until the position is filled at the next regular City election and shall be disqualified from candidacy for any place on the City Council for the next general or special election following the appointment.



~~When more than one vacancy shall develop at any time, a special election shall be called by the Council within thirty (30) days following the occurrence of the vacancies to fill the vacancies in the same manner as described herein for regular elections. However, if the vacancies occur within 120 days of a regular election, then no special election shall be called and the remaining Councilmembers shall appoint qualified persons to fill vacancies until the regular election.~~ Notwithstanding the requirement in [Section 3.10](#), if at any time the membership of the Council is reduced to less than four (4), the remaining members may by majority action appoint additional members to raise the membership to four (4). These appointees shall serve until the positions can be filled at the next regular or special City election.

(i) If, at the time of the vacancy, more than twelve (12) months remain on the term, the Council shall within 120 days of the vacancy call a special election to fill such vacancy. The date for a special election to fill the vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by State law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the Council shall, without regard for the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy.

All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.



**If Proposition D is adopted, then Section 3.08(d) shall be amended as follows:**

**Section 3.08 Prohibitions**

(a) Holding Other Office: No Mayor or Councilmember shall hold any other City office or City employment during their term as Mayor or Councilmember and no former Mayor or Councilmember shall hold any compensated appointive City office or City employment until one (1) year after the expiration of their term as Mayor or Councilmember.

(b) Appointments and Removals: Neither the Council nor any of its members shall in any manner dictate the appointment, promotion, demotion, discipline or removal of any City employees other than the City Manager or City Attorney, but any Councilmember may express its views and fully and freely discuss with the City Manager or City Attorney anything pertaining to appointment and removal of such employees.

(c) Interference with Administration: Except for the purpose of inquiries and investigations under Section 3.16 of this Charter, the Council shall deal with City employees who are subject to the direction and supervision of the City Manager or City Attorney solely through the City Manager or City Attorney. Neither the Council nor any of its members shall give orders to or in any way publicly or privately exercise the influence of their office on any City employee in their official or personal capacity, except as otherwise authorized in this Charter.

(d) ~~Attorney-Client Privilege~~Disclosure of Privileged or Confidential Information: No Mayor or Councilmember, nor any appointee to a City Board, Commission, committee, or task force, shall disclose any information that has been discussed in closed executive session pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, or any attorney-client privileged communication. ~~The City Council as the governing body of the City solely holds and is entitled to the attorney-client privilege, and it may only be waived by an affirmative vote of two thirds of the City Council.~~This provision does not prohibit disclosure of attorney-client privileged or confidential information:

(i) to and between the Mayor and Councilmembers, or to and between members of the same Board or Commission, subject to the Texas Open Meetings Act;

(ii) to and between City staff, as necessary and in conjunction with the performance of their role and responsibilities as City employees;

(iii) if the attorney-client privilege is waived by an affirmative two-thirds vote of the City Council, Board, Commission, committee, or task force that is privy to the subject attorney-client privileged information;

(iv) to a law enforcement officer, if the person disclosing the information in good faith believes the information was discussed in closed executive session in violation of the Texas Open Meetings Act; or

(v) if the information has otherwise been disclosed publicly.

**If Proposition E is adopted, then Section 5.02(f) shall be amended and Section 5.07 added as follows:**

**Section 5.02 Filing for Office**

Eligibility to File. Each candidate for an elective City office shall meet the requirements of State law and the following qualifications:

- (a) Shall be a registered voter of the City and at least eighteen (18) years of age.
- (b) Shall have resided within the corporate limits of the City, including territory annexed prior to the filing deadline, for at least the twelve (12) months immediately preceding the date of the election.
- (c) Shall have paid a filing fee of fifty dollars (\$50.00) or tendered a petition signed by the greater of twenty-five (25) qualified voters residing in the City or one-half of one percent (0.5%) of the total votes received by all candidates for Mayor in the last mayoral election, with each signatory thereto providing their printed name, residential address, date of birth, signature, and date of signing.
- (d) An incumbent seeking re-election must file for the same position number presently held.
- (e) No candidate may file for more than one office or position number per election.
- ~~(f) In addition to the requirements of State law, an elected official filing for any office other than the office presently held or for Mayor, shall resign from such presently held office at least forty five (45) days prior to the election.~~

**Section 5.07 Resign to Run**

If a member of the Council files or becomes a candidate for election to any public office, other than for reelection to their current position on the Council or for Mayor, such filing or candidacy shall constitute an automatic and immediate resignation of the city office then held and the vacancy thereby created will be filled in accordance with the provisions of this Charter and State law.