



City Of Seagraves

ORDINANCE NO. 19-01-14 A (Conejo vs. Seagraves)

AN ORDINANCE OF THE CITY OF SEAGRAVES REPEALING ORDINANCE NO. 18-06-04, AFFIRMING THE CONTENT AND OBLIGATIONS OF THE CITY PURSUANT TO THE ORDER OF THE FEDERAL DISTRICT COURT IN *IRENE CONEJO V. CITY OF SEAGRAVES* AND THE SETTLEMENT AGREEMENT ATTACHED TO SAID COURT ORDER; SPECIFYNG THE TERMS OF OFFICE OF THE MAYOR AND MEMBERS OF THE COUNCIL HEREAFTER; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDER OR PARTS THEREOF THAT ARE IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, by Ordinance No. 18-06-04(22.035), adopted on June 18, 2018, the City Council affirmed that the terms of office of the members of the Council, particularly the Mayor, were consistent with Article 11, Section 11 of the Texas Constitution; and

WHEREAS, the City Council subsequently became aware of and was provided a copy of the Order of the United States District Court, Lubbock Division, in the case of *Irene Conejo v. City of Seagraves*, Civil Action No. CA 5-91-140-C, dated October 23, 1991 ("the Court Order"); and

WHEREAS, whereas said Order recognized that the parties had settled the case and included a copy of the "Compromise Settlement Agreement" ("the Settlement Agreement") whereby the parties agreed to certain terms and conditions; and

WHEREAS, the Settlement Agreement provided the following:

- (a) The number of Councilmembers on the Seagraves City Council shall remain at five;
- (b) The City shall be divided into five single member districts as depicted on an attached map, the total population and ethnicity being depicted on an additional exhibit;
- (c) The Mayor shall be elected by majority vote;
- (d) Resident voters shall be entitled to elect one member of the city council;
- (e) A candidate for a single member district need not be a resident of that district;
- (f) Council members who represent a single member district need not reside in that district;
- (g) Any vacancy on the Council by death, resignation or otherwise shall be filled by appointment of the Council, such person appointed being a registered voter and resident of the City;
- (h) Such appointee shall serve until the next regular election for the position to which he or she was appointed;
- (i) The term of office for a member of the Council, including the Mayor, shall be three years;
- (j) Members of the Council shall serve staggered terms (with the years of election in each district identified in the Agreement);
- (k) Elections shall be held on the first Saturday in May or on a date chosen by the council pursuant to the Texas Election Code except in the event of a conflict, in which case the Settlement Agreement will prevail;

- (l) At each election for a single member district position the candidate receiving a majority of votes shall be elected and if no candidate receives a majority a runoff elections shall be held between the two candidates who received the highest number of votes;
- (m) The Council shall adopt an order implementing the electoral plan called for in the Settlement Agreement; and
- (n) Additional provisions related to preclearance, release of the City by the plaintiff, her heirs and assigns, no admission of liability by the City; and other details regarding the settlement and award of attorneys' fees.

WHEREAS, records of the City regarding the adoption of an order implementing the electoral plan, as well as other details related to compliance with the Court Order and the Settlement Agreement since 1992 are missing or have not been located; and

WHEREAS, the practices of the City in regard to the terms of office of the Mayor and Council Members have not been strictly adhered to by the City in recent years; and

WHEREAS, the current Mayor of the City of Seagraves, Charles Evans, was appointed to fill a vacancy in that office by unanimous vote of the Council for a three year term of office and members of the City Council elected prior to 2019 were elected by the voters for terms of two years each; and

WHEREAS, the City Council of Seagraves desires to affirm its understanding with regard to said Court Order and Settlement Agreement and its intent to adhere to the same and to discontinue any practice inconsistent with the Court Order and Settlement Agreement until such time, if ever, that said Order and Agreement are withdrawn, overruled, amended, or otherwise modified; and

WHEREAS, it is the desire of the City Council to give effect to the will of the voters of the City of Seagraves in all past elections; and

WHEREAS, the current Mayor of the City of Seagraves, Charles Evans, was appointed in 2018 to fill a vacancy in that office by unanimous vote of the Council for a three year term of office; and

WHEREAS, the current members of the City Council for the five districts in the City, the year of their election, and the term of office for which they were elected are as follows:

- District 1: Shannon Wadzeck elected in 2018 for a two year term;
- District 2: Debra Middleton elected in 2018 for a two year term;
- District 3; Kendra Sellers elected in 2017 for a two year term;
- District 4: Cindy Durham elected in 2017 for a two year term;
- District 5: Ruben Valles elected in 2017 for a two year term; and

WHEREAS, the next municipal election for the City of Seagraves will be on May 4, 2019, at which time council members are to be elected for districts 3, 4, and 5; and

WHEREAS, in order to hereafter comply with said Court Order and Settlement Agreement the City Council desires to specify the terms of office for officers elected in 2019 and thereafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGRAVES, TEXAS, THAT:

SECTION 1: The foregoing recitals are adopted and incorporated into this Ordinance as the legislative intent of the City Council of the City of Seagraves and for all other purposes.

SECTION 2: Ordinance No. No. 18-06-04, adopted on June 18, 2018, is hereby repealed.

SECTION 3: Commencing on the effective date of this Ordinance, the City of Seagraves shall adhere to and comply with the terms of the Court Order and Settlement Agreement as set out in the recitals above and stated in those documents, which are attached hereto as Exhibit "A" and incorporated herein for all purposes. In the event of any conflict or inconsistency between this Ordinance and the Court Order and Settlement Agreement, the Court Order and Settlement Agreement shall prevail.

SECTION 4: Council Members elected to office at the municipal election held on May 4, 2019 and thereafter shall be elected for a term of office of three years.


SECTION 5: The term of office of the Mayor shall hereafter continue to be three years.

SECTION 6: Any provision of any ordinance, resolution, or order or any part of an ordinance, resolution, or order of the City of Seagraves that is found to be in irreconcilable conflict with this ordinance is repealed to the extent of such conflict.

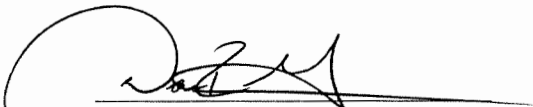
SECTION 7: If any part of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Seagraves hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

ADOPTED, PASSED, AND EFFECTIVE this 14TH day of JAN., 2019.

CITY OF SEAGRAVES


Charles Evans, Mayor

ATTEST:


Dan Grife, City Secretary