

Motion was made by Councilmember Graham Smith and seconded by Councilmember Lee, that the following Ordinance be passed:

ORDINANCE NO. 2018

ORDINANCE BY THE CITY COUNCIL OF PLUM GROVE, TEXAS CALLING AN SPECIAL ELECTION FOR MAY 07, 2016, TO FILL VACANT COUNCIL POSITIONS 1 AND 5; PROVIDING THAT THE COUNTY ELECTIONS ADMINISTRATOR SHALL CONDUCT EARLY VOTING AND ELECTION DAY VOTING FOR THE CITY; SETTING COUNTY POLLING PLACE FOR EARLY VOTING AND FOR THE CITY ELECTION; NAMING THE CITY SECRETARY AS THE CUSTODIAN OF THE VOTING RECORDS; PROVIDING FOR NOTICE OF THE ELECTION; AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO DO ALL THINGS NECESSARY TO CONDUCT THE ELECTION

WHEREAS, by state law the uniform election date for the month of May 2016 falls on May 07, 2016; and

WHEREAS, the City Council of the City has the authority and is required to call an election whenever there are two vacant seats on the City Council and is calling a Special Election (the "Election") on May 07, 2016, for the election of Councilmember to fill vacant seats for Councilmember Positions 1 and 5; and

WHEREAS, the Council pursuant to Chapter 31, Texas Election Code, will enter into an Election Services Agreement and Liberty County, Texas by its County Elections Officer who is the Elections Administrator ("Administrator") for Liberty County, Texas, for purposes of providing election administration services on behalf of the City, and

WHEREAS, the Council has determined pursuant to chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with Liberty County and other participating political subdivisions in the May 07, 2016 election and special election:

IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS THAT:

SECTION I

The facts and opinions in the preamble to this Ordinance are true and correct.

SECTION II

CALL OF ELECTION; DATE; ELIGIBLE ELECTORS; AND HOURS

An election shall be held on Saturday, May 07, 2016, which is seventy-eight (78) or more days from the date of the adoption of this Ordinance (the "Ordinance") within the entire territory of the City for the election of the following positions:

Special Election

Councilmember Position 1 for a term ending May 2017

Councilmember Position 5 for a term ending May 2017

Each of the members to be elected in the Special Election shall serve one year terms. All resident, qualified electors of the City shall be entitled to vote in the Election for candidates for the council members' positions. The Council hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7 a.m. to 7 p.m.

SECTION III
CONDUCT OF ELECTION

The election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America.

Pursuant to Chapter 31 of the Texas Election Code, the Council anticipates that this election will be conducted under the terms and conditions of the Election Services Agreement. Chapter 31 of the Texas Election Code provides that the Administrator may contract with the governing body of a political subdivision situated wholly or partly within the County served by the Administrator to perform election services in an election ordered by the political subdivision.

SECTION IV
VOTING PRECINCTS

The presently existing boundaries and territory of the Liberty County Election Precinct 23 which are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts of the City Election. The polling locations for the City Election shall be the City Hall; 9485 Plum Grove Rd., Cleveland, TX 77327.

SECTION V
APPOINTMENT OF CUSTODIAN OF RECORDS

To the extent not otherwise provided for in the Election Services Agreement, the Council appoints Stephanie Denman, the City Secretary, or her designee as the

Custodian of Records ("Custodian") and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, and determine the order in which names will appear on the ballot for the council member positions and accept and maintain records regarding campaign expenditures that may be filed with the City.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period required by law. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of the City that are required by the Texas Election Code.

SECTION VI **CANDIDATE PETITIONS AND APPLICATIONS**

Pursuant to the provisions of the Election Code, all candidates for a position on the City Council in the Election shall file an application for a place on the ballot with the City Secretary at the City Hall at 9485 Plum Grove Rd, Cleveland, TX 77327. The City Secretary shall note on the face of each such application the date and time of its filing.

Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

The order in which the names of the candidates are to be printed on the ballot for the general election, and the order in which the names of the candidates are to be printed on the ballot for the special election, shall be determined by a drawing by the City Secretary, as provided by Section 42.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, hour, and place of drawing. Such notice shall remain posted continuously for seventy-two (72) hours immediately preceding the scheduled time of the drawing, and personal notice shall also be given to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

SECTION VII **EARLY VOTING**

The Liberty County Elections Administrator is hereby appointed as early voting clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the joint early voting clerks shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The City shall adopt the designated May ____, 2016 Joint Election Early Voting Locations, dates and times as provided for by the Liberty County Elections Administrator and further adopts any amendments or additions to Joint Election Early Voting Locations by the Liberty County Elections Administrator all pursuant to the contract for election services with Liberty County.

Pursuant to the Election Services Agreement with Liberty County, Texas the Presiding Judge, alternate judges and other election officials will either be appointed by the Liberty County Commissioner's Court or alternatively the Presiding Judge, alternate judges and other election officials that are recommended by the Elections Administrator of Liberty County are hereby appointed by the City.

The City Secretary and the Liberty County Elections Officer are hereby appointed as joint early voting clerks for early voting; the appointment of a deputy clerk or clerks for early voting by the joint early voting clerks shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The City shall adopt the designated May ____, 2016 Joint Election Early Voting Locations, dates and times as provided for by the Liberty County Elections Administrator all pursuant to the contract for election services with Liberty County.

The Liberty County Elections Administrator is hereby appointed to receive ballot by mail applications. The appointment of a deputy clerk or clerks for early voting by the County Elections Administrator shall be in accordance with Section 83.031 *et seq.* of the Texas Elections Code. The Address of the Regular Early Voting Clerk that is provided by the Liberty County Election Administrator pursuant to the contract for election services with Liberty County is hereby adopted.

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 a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

The City Secretary is hereby appointed as the Regular Early Voting Clerk to receive ballot by mail applications. The appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The address of the Regular Early Voting Clerk is:

City of Plum Grove
PO BOX 1358
Splendora, Texas 77372

The above-described place is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. 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 a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

SECTION VIII
NOTICE OF ELECTION

Notice of the Election, stating in substance the contents of this Ordinance, shall be published one (1) time in the English and Spanish languages, in a newspaper circulated within the City's territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. A joint Notice of Election may be published by the Administrator. Notice of the Election shall also be timely posted on the bulletin board used by the Board to post notices of the City's meetings.

SECTION IX **AUTHORIZATION TO EXECUTE**

The Mayor of the City is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; that the Mayor and/or the City Secretary of the City of Plum Grove are hereby authorized to execute and/or issue, for an on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

If any person or persons appointed herein do not appear, are unable to perform their duties, or fail to perform their duties, the Mayor shall have the discretion and authority to appoint any substitute personnel to fill the position(s).

The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act and the terms and provisions of the Election Services Contract and the Joint Election Agreement in carrying out the provisions of this Ordinance, whether or not expressly authorized herein, and the Mayor of the City is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required the contracts for election services and election agreement with Liberty County.

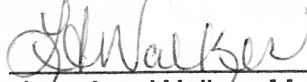
The Council finds that notice of the date, place, and subject of this meeting was posted in accordance with the terms and provisions of the Texas Open Meetings Act at least 72 hours proceeding the scheduled time of this meeting.

**SECTION IX
EFFECTIVE DATE**

This Ordinance is effective immediately upon its passage and approval.

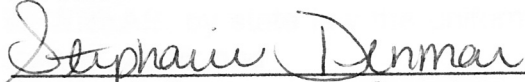
PASSED AND APPROVED this the 26st day of January 2016.

CITY OF PLUM GROVE, TEXAS



Lee Ann Walker, Mayor

ATTEST:



Stephanie Denman, City Secretary

[Seal]

IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS THAT:

SECTION

The date and contents of the Ordinance to be determined by the City Council

SECTION

CALL OF ELECTION DATE, PLACE, HOURS AND HOURS