

ORDINANCE NO. 369

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ORDERING A GENERAL ELECTION IN THE CITY OF BEE CAVE, TEXAS, TO ELECT A MAYOR AND TWO (2) CITY COUNCIL MEMBERS FOR SAID CITY; MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF SAID ELECTION; PROVIDING FOR AN ELECTION AGREEMENT WITH TRAVIS COUNTY; COMBINING OF THE GENERAL ELECTION IN CONJUNCTION WITH OTHER PARTICIPATING ENTITIES IN A JOINT ELECTION; PROVIDING EARLY VOTING POLLING PLACES, TIMES, AND DATES; AUTHORIZING QUALIFIED VOTER PARTICIPATION; REQUIRING NOTICE OF ELECTION TO BE POSTED IN ENGLISH AND SPANISH; PROVIDING FOR SELECTION OF ELECTION JUDGES AND CLERKS; PROVIDING FOR SEVERABILITY, OPEN MEETING, AND EFFECTIVE DATE

WHEREAS, Texas Election Code, section 41.001(a)(2) provides that the uniform election date for political subdivisions, shall be the first Saturday in May; and

WHEREAS, the City of Bee Cave ("City") Home-Rule Charter, section 12.01, provides that the City's general elections shall be held on the uniform election date in May; and

WHEREAS, City Council of the City of Bee Cave hereby orders a General election to be held for the purpose of electing a Mayor and two (2) City Council Members for the term that expires in May 2020; and

WHEREAS, the City Council has made provision for the General Election to be conducted jointly with other political subdivisions in the area under the authority of Texas Election Code, Chapter 271; and

WHEREAS, the City has made provision to contract with Travis County to conduct the City's General Election pursuant to Chapter 31, of the Texas Election Code and Chapter 791 of the Texas Government Code (the "Election Agreement"), jointly with other political subdivisions that hold elections on the same day in all or part of the same territory of the City, as authorized in Chapter 271, Texas Election Code;

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

Section 1: Date of Election. A General Election shall be held in the City on the 5th day of May, 2018, which day is not less than Sixty-two (62) days from the date of the adoption hereof.

Section 2: Joint Election, Election Services Agreement, Use of Electronic Voting System and Authorization of Ballot. The election shall be held as a joint election pursuant to Texas Election Code Chapter 271 in conjunction with the City's General election and elections which may be held on the election day by other political subdivisions (hereinafter "Participating Entities") under a joint election agreement that will be submitted to the City Council for approval at a subsequent meeting.

Pursuant to Chapter 31 of the Texas Election Code, the City Council orders that the Election be conducted pursuant to an Election Agreement Contract with Travis County Clerk which has been previously presented to the City Council and approved, and said agreement is incorporated herein as if fully set out.

An electronic voting system, as defined and described in Title 8 of the Texas Election Code, shall be utilized for the Election and for early voting, by personal appearance and paper ballots for early voting mail.

Section 3: Election Day Precincts, Polling Places, Precinct Officials and Voting Times. The election precincts for this election shall be the Travis County Election Precincts wholly within the territorial limits of the City and the polling place established for each of these precincts shall serve as common polling places for the joint elections of the Participating Entities and they may be combined for the convenience of the voters. On Election Day, the polls shall be open from 7:00 AM to 7:00 PM. The returns for precincts in Travis County will be provided by precinct for the general election and the Travis County Administrator shall tabulate and provide the election returns for the general election.

Section 4: Conduct of Election. The Travis County Election Officer 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 in the manner provided by the Election Agreement with the City; and the official ballots, together with such other election materials as are required by the Texas Election Code, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 5: Early Voting Polling Places, Times and Dates, Mail in Voting Procedures. Early voting for the election shall be conducted jointly with the Participating Entities in the joint election. Early Voting by personal appearance for the Election shall be conducted jointly at the locations and on the dates and times specified. These Early Voting polling places shall be common polling places utilized by the City, the Participating Entities and Travis County, Texas. The main early voting polling place will be Travis County Clerk's Office, 5501 Airport Boulevard, Austin, Texas 78751. Early voting by personal appearance begins April 23, 2018 and ends on May 1, 2018.

The Regular Early Voting Clerk for voting by mail in the Election shall be the Bee Cave City Secretary. Applications from voters to vote early by mail in the Election shall be addressed to the Early Voting Clerk, 4000 Galleria Parkway, Bee Cave, Texas 78738. The Regular Early Voting Clerk for the City shall collect all applications for ballots received by the City at the above address during the period allowed by the Texas Election Code and shall deliver all such applications to the Joint Early Voting Clerk as directed under the Joint Election Agreement.

Section 6: Qualified Voters and Conduct of Election. All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election, such electors shall vote at the polling place designated for the City Election Precinct in which they reside or at any Voting Center if they are used during this Election. This election shall be held and conducted in accordance with the Texas Election Code, and as may be required by law, all election materials shall be printed in both English and Spanish.

Section 7: Notices. Notice of the election in English and Spanish, and as otherwise provided by law, shall be posted not later than the 21st day before Election Day, on the bulletin board used for posting notices of the meetings of the City Council of the City of Bee Cave and shall remain posted continuously through Election Day. Notice of the Election in English and Spanish shall also be given by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before Election Day in the official newspaper of the City.

Section 8: Election Materials and Supplies. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Agreement between the City and Travis County, the Travis County Elections Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Agreement. The Travis County Elections Officer shall give the notices required by the Texas Election Code and the Election Agreement to be given for the election.

Section 9: Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election precincts, the Presiding Judge of the Early Voting Ballot Board and the Central Counting Station Manager and Tabulation Supervisor shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law.

Section 10: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 11: Proper Notice and Open Meeting. The City Council officially finds, determines, and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon.

Section 12: Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 13: Effective Date. This Ordinance is effective immediately upon its passage and approval and publication as may be required by governing law.

PASSED AND ADOPTED this ____ day of January, 2018.

City of Bee Cave, Texas

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:

Patty L. Akers, City Attorney