AGENDA
ELGIN CITY COUNCIL
SPECIAL MEETING
THURSDAY, MARCH 10, 2016
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM

CALL TO ORDER

PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM". Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

PRESENTATIONS

None

REPORTS

None

CONSENT AGENDA

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items unless a council member removes an item from the Consent Agenda and places it on the New Business section for Discussion and action.

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Discussion and action for an ordinance calling a Special Election on May 7, 2016 for the purpose of Electing certain city officials for filling a vacancy, designating election precincts and polling place, providing for early voting and Election Day voting, making provisions for the conduct of such election, certifying provision of required accessible voting systems at each polling place, and providing for performance of required administrative duties.
   Kerry Lacy, City Manager
   Marc Holm, Mayor
   Lucretia Alvarez, City Secretary

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

None

RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

I, Lucretia Alvarez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Monday, the 7th day of March before 6:00 p.m. in accordance with Chapter 551 of the Texas Government Code.

Lucretia Alvarez
Lucretia Alvarez, City Secretary

COUNCIL MEETING: March 10, 2016

ITEM: 1. Discussion and action for an ordinance calling a Special Election on May 7, 2016 for the purpose of Electing certain city officials for filling a vacancy, designating election precincts and polling place, providing for early voting and Election Day voting, making provisions for the conduct of such election, certifying provision of required accessible voting systems at each polling place, and providing for performance of required administrative duties.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Marc Holm, Mayor
Lucretia Alvarez, City Secretary

SUMMARY:

Resignation by Edward Maldonado has created a vacancy in Ward 2.

Our city charter directs that this vacancy is to be filled at the next possible uniform election date. Election date of May 7, 2016 will be in conjunction with our General Election. City Ordinance is required to call a special election to fill a vacancy for Ward 2.

All other dates and deadlines are in conjunction with the general election except for:

March 11, 2016 at 8:00 a.m. First day for filing a place on this ballot

March 28, 2016 at 5:00 p.m. Deadline for filing a place on this ballot

April 4, 2016 5:00 p.m. Deadline to withdraw from a place on the ballot

April 4, 2016 at 5:00pm Drawing for placement of names on the ballot for Special Election

RECOMMENDATION(S): **Approval of Ordinance 2016-03-10-07 calling a special election on May 7, 2016 for the purpose of filling a vacancy in Ward 2 as presented.**

ATTACHMENT: **1-Ordinance calling special election Ward 2**

ORDINANCE NO. 2016-03-10-07

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING A SPECIAL ELECTION ON MAY 7, 2016 FOR THE PURPOSE OF FILLING A VACANCY ON CITY COUNCIL; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH CITY ELECTION.

WHEREAS, a vacancy exists on the City Council by reason of resignation and the Elgin City Charter Article IV Section 8C calls for election by special election; and

WHEREAS, the City Council has determined that May 7, 2016 is the appropriate date for holding the election for electing a member for Ward 2; and

WHEREAS, the City Council has determined by the Texas Election Code Section 201.052(b) calls for election by special election; and

WHEREAS, the City Council of the City of Elgin, Texas, wishes to order a special city election on May 7, 2016 for the purpose of electing a member for Ward 2; and

WHEREAS, the City Council wishes to encourage all registered voters in the city to vote in this election; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

Section 1. ELECTION DATE, PRECINCTS AND POLLING PLACES, AND ELECTION JUDGES.

Election Date. An election shall be held on Saturday, May 7, 2016 in accordance with the attached Order of Election, which Order of Election is labeled as Exhibit "A" and incorporated herein by reference for all purposes.

Precincts and Polling Places. The City hereby designates the election precincts and polling places designated by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court, for such Election Day voting. Further, the City hereby designates the early voting polling places and the temporary polling places designated by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court, for early voting in such election.

Election Judges. The Bastrop County Elections Administrator is conducting such election for the City pursuant to the terms of an Election Services Contract. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those

designated by the Bastrop County Elections Administrator.

Section 2. 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 voters of the City of Elgin, Texas. If the election is conducted by the regularly appointed presiding election judge, then the alternate presiding election judge shall be appointed to serve as one of the clerks. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

Section 3. EARLY VOTING.

Early Voting Clerk. The City Council hereby appoints the Bastrop County Elections Administrator as the City of Elgin Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Bridgette Escobedo
Bastrop County Elections Administrator
804 Pecan Street
Bastrop, TX 78602

Applications for ballots by mail must be received no later than 5:00 p.m. on Tuesday, April 26, 2016.

Dates for Early Voting. Early voting shall commence on Monday, April 25, 2016 and continue through Tuesday, May 3, 2016, as provided by the Texas Election Code and as shown on attached exhibits.

Places for Early Voting. Early voting shall be conducted by personal appearance at the Elgin Public Library, 404 North Main Street, Elgin, Texas, and/or at such other places as shall be designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court.

Times for Early Voting. During the period in which early voting is required or permitted by law, that being April 25, 2016 through May 3, 2016, the hours designated for early voting by personal appearance shall be designated in writing by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court.

Section 4. EARLY VOTING BALLOT BOARD.

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Bastrop County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

Section 5. CUSTODIAN OF ELECTION RECORDS.

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Bastrop County Elections Administrator shall serve as the custodian of voted ballots, and the City Secretary of

Elgin, Texas shall be appointed as custodian of all other election records.

Section 6. CANDIDATE FILING PERIOD.

In accordance with Section 143.007 of the Texas Election Code, the first day of filing is 8:00 a.m. Friday, March 11, 2016 and the deadline for filing an application for a place on the ballot for this election is declared to be 5:00 p.m. Monday, March 28, 2016.

Section 7. VOTERS.

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

Section 8. NOTICE.

Posting. Notice of this election, including a Spanish translation hereof, shall be given by posting the appropriate documentation on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than Saturday, April 16, 2016 and shall remain posted through Election Day.

Publication. Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than April 7, 2016 nor later than April 27, 2016.

Authorization to City Secretary. The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 9. VOTING DEVICES.

Pursuant to the Election Code and the applicable Election Services Contract, the Bastrop County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Bastrop County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

The City Council of the City of Elgin, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election on or after January 1, 2006. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Elgin, the Bastrop County Elections Administrator shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election ordered on or after January 1, 2006. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the

City of Elgin, including but not limited to lease or rental from Bastrop County or from any other legal source, as authorized or required by Sections 123.032 and 123.035 of the Texas Election Code.

The Bastrop County Elections Administrator may also utilize a central counting station as provided by Texas Election Code § 127.000 *et seq.*, as amended.

Section 10. CONDUCT ACCORDING TO STATUTES.

In all substantive respects, the election shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Elgin's Home Rule Charter.

Section 11. ELECTION RESULTS.

The Bastrop County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 7, 2016. The official canvass, tabulation and declaration of the results of the election shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

Section 12. MISCELLANEOUS.

The provisions of this ordinance are severable; and in case any one or more of the provisions of this ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then 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.

By motion duly made, seconded and passed with an affirmative vote of the City Council members present, the requirement for reading this ordinance was dispensed.
READ, PASSED and **ADOPTED** on first reading on this 10th day of March, 2016.

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Mayor, City of Elgin, Texas

ATTEST:

_____
City Secretary, City of Elgin, Texas

EXHIBIT "A"
ORDER OF ELECTION

CITY OF ELGIN, TEXAS

An Election is hereby ordered to be held on May 7, 2016 for the purpose of electing member for Ward 3.

Applications for a place on the ballot will be accepted beginning 8:00 a.m. on March 11, 2016 and must be received no later than 5:00 p.m. on Monday, March 28, 2016.

Election Day voting shall be conducted at the polling places for the precincts designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court, all as are shown on "Exhibit A to the Order of

Election" which is incorporated herein by reference and made a part hereof for all intents and purposes. The polls at the designated polling places shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

The Bastrop County Elections Administrator is hereby appointed as the Election Officer and Early Voting Clerk and Custodian of Election Records for this election. The presiding judge(s) for each of said polling places are those designated by the Bastrop County Elections Administrator, and they are hereby authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Early voting by personal appearance will be conducted at the locations designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court, all as are delineated on the attached "Exhibit B to the Order of Election" which is incorporated herein by reference and made a part hereof for all intents and purposes.

Applications for a ballot by mail shall be mailed to:

Bridgette Escobedo
Bastrop County Elections Administrator
804 Pecan Street
Bastrop, TX 78602

Applications for ballots by mail must be received no later than 5:00 pm on Tuesday, April 26, 2016.

Issued this the 10th day of March, 2016.

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Marc Holm, Mayor City of Elgin, Texas

EXHIBIT "B"

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 25, 2016 through Tuesday, May 3, 2016.

Main Location:

City of Elgin Public Library, 404 N. Main St., Elgin, TX 78621

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY

25 **8:00 am – 5:00 pm**	**26** **8:00 am – 5:00 pm**	**27** **8:00 am – 5:00 pm**	**28** **8:00 am – 5:00 pm**	**29** **7:00 am – 7:00 pm**
2 **8:00 am – 5:00 pm**	**3** **7:00 am – 7:00 pm**	**4**	**5**	**6**

Issued this the 10th day of March, 2016.

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Marc Holm, Mayor City of Elgin, Texas

EXHIBIT "C"

CITY OF ELGIN ELECTION DAY POLLING LOCATION

City of Elgin Public Library, 404 N. Main Street, Elgin, TX 78621