

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. 2022-19**

**ORDERING THE NOVEMBER 8, 2022 GENERAL ELECTION**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD IN THE CITY OF HORSESHOE BAY ON NOVEMBER 8, 2022 FOR THE PURPOSE OF ELECTING THREE CITY COUNCIL MEMBERS; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND PROVIDING FOR INCONSISTENT PROVISIONS; GOVERNING LAW; SEVERABILITY; PROPER NOTICE AND OPEN MEETING AND EFFECTIVE DATE.**

**WHEREAS**, the City finds it necessary, is authorized by state statute, and seeks to proceed with the ordering of a general municipal election on the next uniform election date, to wit, November 8, 2022 for the purpose of electing three City Council Members; and

**WHEREAS**, the City Council has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Llano County Elections Administrator to furnish certain election services to those citizens of the City residing in Llano County; and

**WHEREAS**, the City Council has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Burnet County Elections Administrator to furnish certain election services to those citizens of the City residing in Burnet County; and

**WHEREAS**, the City Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with political subdivisions holding elections on the same day in all or part of the same territory.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

**I. FINDINGS OF FACT**

The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as part of the operative provisions hereof.

**II. CALL OF ELECTION; DATE; ELIGIBLE ELECTORS**

A general municipal election (the "Election") shall be held for and within and throughout the City on Tuesday, November 8, 2022, ("Election Day"), a uniform election date established by Section 41.001(a), Texas Election Code, as amended (the "Code"), as required by Texas law, to elect three City Council Members to the City Council, at which all resident qualified electors of the City shall be entitled to vote.



### **III. VOTING PRECINCTS; POLLING PLACE; HOURS**

Those portions of Llano County Election Precincts 102 and 109 within the territory of the City and that portion of Burnet County Election Precinct 19 within the territory of the City are hereby designated as the voting precincts of the City in compliance with Texas Election Code section 42.0621. The precinct numbers for the City's election precincts shall be the corresponding number for the Llano County and Burnet County Election Precincts located within the territorial boundaries of the City. The Polling Places of the City for the Election shall be the regular county polling places in the county election precincts that contain territory from the City, as required by Texas Election Code section 43.004. The poll at the designated polling place on Election Day shall be open from 7:00 a.m. until 7:00 p.m.

### **IV. CONTRACT FOR ELECTION SERVICES; JOINT ELECTION AGREEMENT**

(a) Chapter 31 of the Texas Election Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Texas Election Code, the Election shall be conducted in accordance with the terms and conditions of the Contract for Election Services between the Elections Administrator of Llano County and the City of Horseshoe Bay ("Llano County Election Services Contract") and the Contract for Election Services between the Elections Administrator of Burnet County and the City of Horseshoe Bay ("Burnet County Election Services Contract"), which shall be approved by separate action of the City Council.

(b) Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, the Election shall be conducted jointly between (1) the City and Llano County and (2) the City and Burnet County. Such joint election agreements shall be approved by separate action of the City Council.

### **V. CONDUCT OF ELECTION; BALLOTS; APPOINTMENT OF ELECTION OFFICERS**

(a) The Hart Verity v. 2.31 voting system shall be utilized for the Election in Llano County and the Hart InterCivic, Inc. voting system shall be utilized for the Election in Burnet County. The ballots shall be suitable for use with the eSlate voting system and shall otherwise conform to the requirements of the Election Code.

(b) 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 United States of America. The Presiding Election Judge and the Alternate Presiding Election Judge for the voting precinct shall be qualified voters of such precinct or otherwise eligible to serve pursuant to Election Code, Chapter 271. The Presiding Election Judge may appoint the number of election clerks to assist the Judge in the conduct of the Election at the polling place as agreed upon in the Llano County Contract for Election Services and the Burnet County Contract for Election Services, respectively. The Alternate Presiding Judge may be appointed as a clerk. The Alternate Presiding Election Judge may serve as the Presiding Election Judge for the precinct in the absence of the Presiding Election Judge. The Presiding and Alternate Election Judge and election clerks shall be compensated at the hourly rate agreed upon in the Llano County Contract for Election Services and the Burnet County Contract for Election Services, respectively. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code and other applicable laws.



## VI. EARLY VOTING BY MAIL

The City Council hereby appoints Andrea Wilson, the Elections Administrator of Llano County, Texas, and Doug Ferguson, the Elections Administrator of Burnet County, as joint Regular Early Voting Clerks. Ballot applications and ballots voted by mail shall be addressed to the Regular Early Voting Clerk of the county in which the resident resides at the addresses indicated immediately below:

Andrea Wilson  
Elections Administrator  
P.O. Box 787  
Llano, TX 78643  
elections@co.llano.tx.us

Doug Ferguson  
Elections Administrator  
220 S. Pierce  
Burnet, TX 78611  
elections@burnetcountytexas.org

Applications for ballot by mail must be received no later than 5:00 p.m. on October 28, 2022.

## VII. EARLY VOTING BY PERSONAL APPEARANCE; EARLY VOTING BALLOT BOARD.

(a) Early voting by personal appearance for residents residing in *Llano County* shall be conducted at the following hours and locations **October 24, 2022 through November 4, 2022** (or as hereafter amended by Llano County).

MAIN EARLY VOTING LOCATION & HOURS	
Llano County Library 102 E. Haynie Llano, Texas 78643	Hours: 8:00am – 5:00pm Monday through Friday, with the following exceptions: October 24 <sup>th</sup> and October 31 <sup>st</sup> – 7:00 AM – 7:00 PM.
BRANCH LOCATIONS & HOURS	
Kingsland Public Library 125 W. Polk Kingsland, Texas 78639	Hours: 8:30am – 4:30pm Monday through Friday
Horseshoe Bay City Hall Council Chambers 1 Community Drive Horseshoe Bay, Texas 78657	Hours: 8:30am – 4:30pm Monday through Friday

(b) Early voting by personal appearance for residents residing in *Burnet County* shall be conducted at the following hours and locations **October 24, 2022 through November 4, 2022** (or as hereafter amended by Burnet County).

EARLY VOTING LOCATIONS & HOURS	(All Locations) Hours: Monday through Friday 8:00am to 5:00pm, with the following exceptions: October 27 <sup>th</sup> and November 3 <sup>rd</sup> - 7:00am to 7:00pm; Saturday, October 29 <sup>th</sup> – 8:00am to 5:00pm
(MAIN) AgriLife Auditorium 607 N. Vandevener Street Burnet, Texas 78611	Joann Cole Mitte Memorial Library 170 N. Gabriel Street Bertram, Texas 78605
Texas Tech University at Highland Lakes 806 Steve Hawkins Pkwy. Marble Falls, Texas 78654	Granite Shoals Community Center 1208 N Phillips Ranch Rd Granite Shoals, Texas 78654

### VIII. NOTICE OF ELECTION

Notice of Election shall be published one time in the English and Spanish languages, in a newspaper published in the territory that is covered by the Election and is in the jurisdiction of the City. The notice shall be published not earlier than the 30<sup>th</sup> day or later than the 10<sup>th</sup> day before the Election, as required by section 4.003 of the Election Code. Notice of the Election shall also be posted on the bulletin board on which the City Council posts notices of its meetings not later than the 21<sup>st</sup> day before the Election. The contents of the Notice of Election shall comply with the requirements of the Election Code. The Notice of Election shall be delivered to the Llano County Clerk and Burnet County Clerk, respectively, not later than the 60<sup>th</sup> day before the Election.

### IX. INCONSISTENT PROVISIONS

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

### X. GOVERNING LAW

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

### XI. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

### XII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

### XIII. EFFECTIVE DATE

This Ordinance is effective immediately upon its passage and approval.

**ADOPTED AND APPROVED** on this 16<sup>th</sup> day of August, 2022 by a vote of the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

  
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**Cynthia Clinesmith, Mayor**

**ATTEST:**

  
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**Kerri Craig, City Secretary**