

**ORDINANCE NO. 991**

**AN ORDINANCE OF THE CITY OF TAFT, TEXAS CALLING AND ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 FOR THE PURPOSE TO LEGALIZE THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES IN THE CITY OF TAFT; AUTHORIZING THE EXECUTION OF A JOINT ELECTION CONTRACT WITH SAN PATRICIO COUNTY FOR ELECTION SERVICES; DIRECTING THE SAN PATRICIO COUNTY ELECTION ADMINISTRATOR AND/OR CITY SECRETARY TO PREPARE THE OFFICIAL BALLOT FORM; ADOPTING A VOTING SYSTEM FOR USE IN THE SPECIAL ELECTION ON NOVEMBER 6, 2018, AND FOR EARLY VOTING BY PERSONAL APPEARANCE BEGINNING OCTOBER 22, 2018 AND ENDING NOVEMBER 2, 2018, WHICH INCLUDES TWO TWELVE-HOUR DAYS OF VOTING AS REQUIRED BY STATE LAW; ORDERING PUBLICATION AND POSTING OF NOTICE FOR THE SPECIAL ELECTION; APPOINTING AN EARLY VOTING CLERK; PROVIDING FOR EARLY VOTING DATES, TIMES, AND POLLING PLACES; PROVIDING FOR EARLY VOTING BY MAIL; PROVIDING FOR APPOINTMENT OF A PRESIDING JUDGE, ALTERNATE PRESIDING JUDGE AND CLERKS; CREATING AN EARLY VOTING BALLOT BOARD; PROVIDING FOR THE SPECIAL ELECTION DAY POLLING PLACES; PROVIDING FOR CANVASSING OF THE SPECIAL ELECTION RESULTS; PROVIDING A REPEALING AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND ORDAINING OTHER RELATED MATTERS.**

WHEREAS, City Council by Resolution No. 611 accepted Petitions for Local Option Election to order a special election For/Against "The Legal Sale of Alcoholic Beverages Including Mixed Beverages" and which was filed on July 9, 2018; and

WHEREAS, Texas Election Code, Section 501.032, requires City Council, at its next regular session, on or after the 30<sup>th</sup> day after the date the petition is filed, to order a local option election; and

WHEREAS, the next regular session of City Council, on or after the 30<sup>th</sup> day after the date the petition is filed, falls on August 14, 2018; and

WHEREAS, in accordance with the general laws and Constitution of the State of Texas, the City of Taft, Texas is a Type A municipality and hereby calls and orders a special election to be held on the next uniform election date, which is Tuesday, November 6, 2018; and

WHEREAS, the Special Election shall be held as a Joint Election administered by the San Patricio County in accordance with Texas Election Code Sections 31.092 and 271.002 and a Joint Election Contract with San Patricio County for election services.

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

1. The Elective Council of the City of Taft, Texas hereby calls and orders a Special Election of the City of Taft, Texas to be held on Tuesday, November 6, 2018 between the hours of 7:00 a.m. and 7:00 p.m. Central Standard Time, such Special Election to be held for the purpose to legalize the sale of all alcoholic beverages including mixed beverages.

The election will be conducted in accordance with the Texas Election Code and Joint Election Contract by and between the City and San Patricio County.

The Taft City Council hereby appoints the San Patricio County Election Administrator as the custodian of records for the Special Election.

2. **Joint Election Contract with County.** The Mayor is hereby authorized to execute a Joint Election Contract for election services with San Patricio County to conduct a joint election to be held on Tuesday, November 6, 2018, and to approve any amendments thereto in compliance with Texas Election Code,

Chapter 271. The San Patricio County Election Administrator will conduct the election, handle administrative details, and provide the returns of the city election for canvassing by the Taft City Council, all in accordance with the Constitution and laws of the State of Texas.

3. **Official Ballot.** The San Patricio County Election Administrator and/or the City Secretary shall prepare the necessary documents and acquire the ballot such that the vote shall be held upon an official ballot prepared in such a manner as will permit the qualified voters of the City of Taft to vote "For" or "Against" the aforementioned proposition and shall be set forth in substantially the following form:

The legal sale of all alcoholic beverages including mixed beverages.

(La venta legal de todas bebidas alcoholicas incluyendo bebidas mixtas)

- For
- Against

4. **Voting Machines.** The Hart InterCivic Verity Voting System, which has been approved by the Secretary of State pursuant to Election Code Chapter 122, as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012, are adopted for use in the Special Election.

5. **Notice of Special Election by Publication and Posting.** Notice of the Special Election shall be *published* at least once, not earlier than the 30th day nor later than the 10th day before the election day as provided in Section 4.003(a)(1) of the Texas Election Code in a newspaper of general circulation in Taft, Texas known as the San Patricio County News.

The Mayor or his designee shall *post* notice of the Special Election, with a copy of this Ordinance forming a part thereof, upon: (1) the bulletin board located at Taft City Hall, 501 Green Ave., Taft, Texas 78390 no later than 21 days prior to said Special Election Day; and (2) the polling location no later than the 10th day prior to the Special Election Day. Notice shall remain posted continuously through election in compliance with Texas Election Code Section 4.003(b).

A copy of the *published* notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person *posting* the notice shall make a record at the time of the posting stating the date and place of posting in accordance with Texas Election Code Section 4.005.

7. **Early Voting Clerk Appointment.** To comply with Texas Election Code Section 271.006, Pamela Hill, the San Patricio County Election Administrator, P.O. Box 579, Sinton, Texas 78387 shall be appointed as Early Voting Clerk. Other deputy early voting clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance at branch locations.

8. **Early Voting Dates, Times and Polling Places.** All early voting, except early voting by mail, shall take place at Kiva Hut, 402 Park, Taft, Texas, 78390 from 8:00 a.m. to 5:00 p.m. Central Standard Time, Monday through Friday beginning Monday, October 22, 2018 and ending Friday, November 2, 2018.

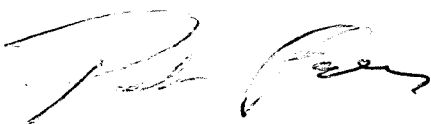
As required under Texas Election Code Section 85.005(d), early voting by personal appearance at the early voting place shall be conducted for at least 12 hours on two weekdays if the voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted 12 hours on Tuesday, October 23, 2018 and on Tuesday, October 30, 2018, from 7:00 a.m. to 7:00 p.m. Central Standard Time, at Kiva Hut, 402 Park, Taft, Texas, 78390.

9. **Early Voting by Mail.** The application for early voting ballot by mail shall be mailed to: Pamela Hill, the San Patricio County Election Administrator, P.O. Box 579, Sinton, Texas 78387. Applications for early voting ballot by mail must be received (not postmarked) no later than the close of business on Friday, October 26, 2018.

10. **Polling Place Presiding Judge, Alternate Presiding Judge and Polling Clerks.** Pursuant to the Joint Election Contract, the San Patricio County Election Administrator shall serve as Election Administrator for the election. A Presiding Election Judge, Alternate Presiding Election Judge and polling clerks appointed to serve at said polling places shall be furnished by the Election Administrator pursuant to the Joint Election contract.
11. **Early Voting Ballot Board.** An Early Voting Ballot Board shall be created to process early voting results in compliance with Texas Election Code Chapter 87. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract and the Presiding Judge and Alternate Presiding Judge of the Early Voting Ballot Board shall be the election officials listed in the Joint Election Contract.
12. **Special Election Day Polling Places.** The Special Election Day polling place shall be open from 7:00 a.m. to 7:00 p.m. at the following designated place for all at-large voting and Precincts 110 and 112:  
  
Kiva Hut  
402 Park,  
Taft, Texas 78390
13. **Canvassing of Votes.** In addition to and cumulative of all the provisions herein provided for said Special Election, including the canvassing hereof shall be held and conducted in accordance with the Texas Election Code, Chapter 67.
14. **Repealing and Severability Clause.** Any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect. All ordinance provisions are severable.
15. **Effective Date.** This Ordinance shall take effect immediately upon passage.

**FINALLY ENACTED THIS** 14<sup>th</sup> day of August, 2018 at a regular meeting of the Elective Council of the City of Taft, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

**CITY OF TAFT:**

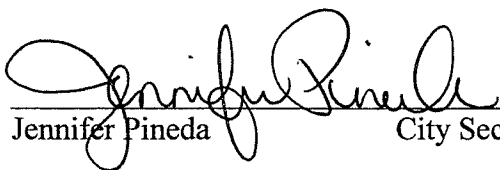


Pedro Lopez

Mayor



**ATTEST:**



Jennifer Pineda

City Secretary