ORDINANCE NO. 435

AN ORDINANCE OF THE CITY OF EL LAGO, TEXAS, ORDERING A REGULAR CITY OFFICERS ELECTION TO BE HELD ON THE 7TH DAY OF MAY, 2016; ORDERING AN ELECTION FOR THE ADDITIONAL PURPOSE OF SUBMITTING FOR APPROVAL OR REJECTION A PROPOSAL TO AUTHORIZE THE SALE OF CITY PARKLAND PROPERTY TO BE HELD ON THE 7TH DAY OF MAY, 2016; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; MAKE CERTAIN FINDINGS; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, Section 3.04(a) of the Texas Election Code directs that the governing body of the City of El Lago shall order the general election for City Officers in the City; and

WHEREAS, Section 41.001 of the Texas Election Code establishes May 7, 2016, as a "uniform election date" for the purposes of conducting the election; and

WHEREAS, the City Council of the City of El Lago, Texas desires to convey by sale approximately 7.3percent of an acre of land, more or less, contained in Unrestricted Reserve "B" of CITY OF EL LAGO, NASA ROAD 1 PARK, a subdivision in the City of El Lago, Texas, in the Ritson Morris Survey, Abstract 52, Harris County, Texas, more specifically described in Exhibit "A" attached to and made a part of this Ordinance by reference, which is an area of land owned by the City as parkland but which is unable to be utilized as parkland because it has been paved over; and

WHEREAS, Section 253.001 of the Texas Local Government Code requires that the sale of any parkland owned by the City must be submitted to the qualified voters of the City at an election and approved by a majority of the votes received at the election, and that any proceeds from the sale must only be used to acquire and improve property for park purposes; and

WHEREAS, the City Council of the City of El Lago, Texas, thus, has determined to submit to the qualified voters of the City for their approval or rejection a certain proposal to authorize the sale of parkland property pursuant to Section 253.001(b) of the Texas Local Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL LAGO, TEXAS:

Section 1. Findings.

The findings contained in the preamble to this Ordinance are determined to be true and correct and are hereby adopted as a part of the Ordinance.

Section 2. Election Order - City Officers.

It is hereby ordered that a Regular Election be held in the City of El Lago on the 7th day of May, 2016, at which election the following officers shall be elected by the qualified voters of the City:

POSITIONS:

Council Position 3
Council Position 4
Council Position 5

Section 3. Election Order – Proposition.

It is hereby ordered that an Election be held in the City of El Lago on the 7th day of May, 2016, at which election the following proposal shall be submitted to the qualified voters of the City of El Lago, Texas:

PROPOSITION NO. 1.

SHALL THE CITY BE AUTHORIZED TO SELL PARKLAND PROPERTY AS DESCRIBED BELOW UNDER THE PROVISIONS OF SECTION 253.001(B) OF THE TEXAS LOCAL GOVERNMENT CODE:

7.3 PERCENT OF AN ACRE OF LAND, MORE OR LESS, CONTAINED IN UNRESTRICTED RESERVE "B" OF CITY OF EL LAGO, NASA ROAD 1 PARK, A SUBDIVISION IN THE CITY OF EL LAGO, TEXAS, IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS.

Proposition No. 1 shall be placed on the ballot after the listing of city officers in such a manner so that "FOR" and, below it, "AGAINST" shall be printed to the left of the Proposition with the following instruction to be printed immediately above the Proposition: "Place an "X" in the square beside the statement indicating the way you wish to vote."

Section 4. Polling Place and Election Officers.

The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE:
City Hall for the City of El Lago
411 Tallowood Drive
El Lago, TX 77586

ELECTION OFFICERS:
Regina Aguirre, Presiding Judge
Kelly Vernon, Alternate Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to the judges as written notice of their appointment as required by § 32.009 of the Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than two (2) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than one clerk. Said election officers shall also serve as the Early Voting Ballot Board for such election: the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of $14.00 and election clerks shall be compensated at an hourly rate of $14.00 as provided by Title 3, §32.091 (a) of the Texas Election Code. The Election Judge shall be compensated in the amount of $25.00 for the delivery of election equipment and supplies as provided by Title 3, §32.091 (a) of the Texas Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 5. Early Voting.

The City Secretary is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with §83.001 et seq. of the Texas Election Code.

The City of El Lago City Hall at 411 Tallowood Drive, El Lago, TX 77586, is hereby designated as the place for early voting for such election. Said clerks shall keep said office open during regular office hours, that is, from nine (9:00) a.m. until five (5:00) p.m., with additional extended hours from seven (7:00) a.m. until seven (7:00) p.m. on the last 2 days of early voting which occur on a weekday, that is, Monday through Friday. Early voting will begin on the 12th day and continuing through the fourth 4th day preceding the date of the election which is not a Saturday, Sunday, or an official state holiday.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting 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 6. Ballots.

All ballots shall be prepared in accordance with Texas Election Code. The system used for voting shall be of paper ballots and a direct recording electronic (DRE) voting system (the `eSlate Direct Recording Electronic Voting System' which has been approved for use by the Secretary of State), and that the aforementioned DRE equipment will be acquired through a rental agreement with Harris County. Paper ballots shall be used for early voting by mail and for provisional voting both on Election Day and during early voting by personal appearance. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 7. Election Supplies.

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 8. Notice.

Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 9. Applicable Law.

Said election shall be held in accordance with Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Section 10. Severability.

In the event that any provision, section, subsection, sentence, clause, or phrase of this Ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF FEBRUARY, 2016.

Robert White, Mayor

Carolynn Stanley, Council Position 3

Robert Kumar - Misir, Council Position 1

John Skelton, Council Position 4

Jeff Michalak, Council Position 2

Jeff Tave, Council Position 5

ATTEST:

Ann Vernon, City Secretary

ORDER OF ELECTION FOR
THE CITY OF EL LAGO

An election is hereby ordered to be held on May 7, 2016 for the purpose of electing the City Council Member Position 3, Position 4, and Position 5 and to submit for approval or rejection a Proposal to authorize the sale of City parkland property.

Early voting by personal appearance will be conducted each weekday at

El Lago City Hall
411 Tallowood Dr.
El Lago, TX 77586

Between the hours of 9:00 a.m. and 5:00 p.m. beginning on April 25, 2016 through April 28, 2016

Between the hours of 9:00 a.m. and 12:00 noon on April 29, 2016

AND

Between the hours of 7:00 a.m. and 7:00 p.m. on May 2, 2016 and May 3, 2016

Applications for ballot by mail shall be mailed to:
Ann Vernon, Early Voting Clerk
City of El Lago
411 Tallowood Drive
El Lago, TX 77586

Applications for Ballots by mail must be received no later than the close of business on April 26, 2016

Issued this the 15th day of February, 2016