

ORDINANCE NO. 2017-07

AN ORDINANCE OF THE CITY OF BUDA, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD NOVEMBER 7, 2017, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, OF PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF BUDA, TEXAS; ESTABLISHING EARLY VOTING LOCATIONS AND PRECINCT POLLING PLACES FOR THIS ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, the City Council of the City of Buda, Texas, in the exercise and discretion reposed in it by the laws of this State, and in accordance with the Texas Local Government Code, has determined to submit the following proposed amendments to the existing Charter of the City of Buda at a special election to be held on November 7, 2017; and

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, an Order should be passed ordering said election and establishing the procedure to be following in said election, and designating the voting place for said election; and

WHEREAS, on March 7, 2017, the City Council appointed persons to a Charter Review Committee (“CRC”), and charged the CRC with reviewing and proposing amendments to the Buda City Charter; and

WHEREAS, following a series of public meetings, held pursuant to and in compliance with the Texas Open Meetings Act, the CRC presented its report of proposed Charter amendments to the Buda City Council; and

WHEREAS, the City Council reviewed the Report, and after considering the CRC’s proposed amendments, now believes that Buda voters should vote on the following proposed amendments in the form of ballot propositions; and

WHEREAS, the City Council of the City of Buda, Texas, finds it in the public interest to order a special election, to be held on November 7, 2017, for a vote of the electors as to the proposed amendments to the Buda City Charter.

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

Section 1. RECITALS.

The recitals set forth in the preamble hereof is incorporated herein and shall have the same force and effect as if set forth in this Section. Capitalized terms used herein shall have the meaning assigned in the preamble hereof, unless otherwise defined.

Section 2. CALLING AND ORDER OF A SPECIAL ELECTION.

The City Council of the City of Buda, Texas, does hereby call and order a special election to be held in the City of Buda, Texas on the first Tuesday after the first Monday in November, being the 7th day of November 2017, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City of Buda, for adoption or rejection,

propositions for certain proposed amendments to the existing Charter of the City of Buda. Said election shall be held in accordance with the Texas Election Code.

Section 3. PROPOSED MEASURES.

The following measures will be submitted to the qualified voters of the City at the election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and Section 10.07 of the Buda City Charter and other applicable laws:

MEASURE B

Shall Section 3.02, Section 4.03, Section 4.04 and Section 12.05 of the City Charter regarding City Council positions and elections be amended to read:

“SECTION 3.02 Positions, Selection, Terms and Districts

- A. The City Council shall be composed of the Mayor and six (6) Councilmembers. Any reference to the City Council within this Charter shall mean the Mayor and six (6) Councilmembers. The Mayor and Councilmembers shall be elected for three (3) year terms, except as provided by Article XII. Each year two Councilmember positions shall be elected for their respective terms, except as set forth in Article XII of this Charter.
- B. Upon the adoption of this Charter by amendment and prior to the transition to three-single member districts provided herein, the Mayor and six (6) Councilmembers shall each be elected at-large by the qualified voters of the City. The six (6) Councilmembers shall each occupy a position on the City Council, such positions being designated as Councilmember, Position 1; Councilmember, Position 2; Councilmember, Position 3; Councilmember, Position 4; Councilmember, Position 5 and Councilmember, Position 6.
- C. Establishment of Single-Member Districts A, B and C. As provided by Article XII of this Charter, the City shall establish boundaries of three single-member districts, designated as District A, District B and District C, according to law. Whenever the City Council shall annex additional land into the City, the City Council shall thereafter provide for the inclusion of the annexed land within one (1) or more districts. Not less than once in every ten (10) years, within two (2) years following the date of each decennial federal census, the City Council shall determine the boundaries of each of the districts by ordinance adopted according to law. From time to time, the City Council may amend the boundaries of the districts when, in the City Council's sole determination, such amendment is necessary so that all districts are drawn and configured to provide equal and fair representation to all citizens of the City.
- D. Upon the establishment of districts as provided above, the Mayor and three (3) Councilmembers shall each be elected at-large by the qualified voters of the City. Three Councilmembers shall each occupy a position on the City Council, such positions being designated as Councilmember-at-Large, Position 1; Councilmember-at-Large, Position 2 and Councilmember-at-Large, Position 3. Three (3) Councilmembers shall each be elected from within geographic districts of the city, as established elsewhere in this Charter, and shall each occupy a position on the City Council. One (1) Councilmember shall be designated as Councilmember, District A and shall be elected from District A. One (1) Councilmember shall be designated as Councilmember, District B and shall be

elected from District B. One (1) Councilmember shall be designated as Councilmember, District C and shall be elected from District C. The three (3) district Councilmembers shall be elected by the qualified votes cast for the office of district Councilmember within their respective districts.

- E. Establishment of Single-Member Districts D, E and F. As provided by Article XII of this Charter, the City shall establish boundaries of three additional single-member districts, designated as District D, District E and District F, according to law. Whenever the City Council shall annex additional land into the City, the City Council shall thereafter provide for the inclusion of the annexed land within one (1) or more districts. Not less than once in every ten (10) years, within two (2) years following the date of each decennial federal census, the City Council shall determine the boundaries of each of the districts by ordinance adopted according to law. From time to time, the City Council may amend the boundaries of the districts when, in the City Council's sole determination, such amendment is necessary so that all districts are drawn and configured to provide equal and fair representation to all citizens of the City.
- F. Upon the establishment of Districts D, E and F, the Mayor shall be elected at-large by the qualified voters of the City. The six (6) Councilmembers shall each be elected from within geographic districts of the city, as established elsewhere in this Charter, and shall each occupy a position on the City Council. One (1) Councilmember shall be designated as Councilmember, District A and shall be elected from District A. One (1) Councilmember shall be designated as Councilmember, District B and shall be elected from District B. One (1) Councilmember shall be designated as Councilmember, District C and shall be elected from District C. One (1) Councilmember shall be designated as Councilmember, District D and shall be elected from District D. One (1) Councilmember shall be designated as Councilmember, District E and shall be elected from District E. One (1) Councilmember shall be designated as Councilmember, District F and shall be elected from District F. The six (6) district Councilmembers shall be elected by the qualified votes cast for the office of district Councilmember within their respective districts.
- G. Section 12.05 of this Charter shall govern all transitions as provided by this Charter.”

....

“SECTION 4.03 Filing for Office

Any person having the qualifications set forth for Council members under Section 3.03 of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot. A candidate for City Council shall specify the council position the candidate is seeking.

SECTION 4.04 Official Ballot

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on official ballots without party designations specifying

the council position for which each is seeking election. All official ballots shall be prepared and printed in accordance with the Election Code and any other applicable law.”

. . . .

“SECTION 12.05 Transitional Council Positions and Elections

To transition from electing at-large Councilmembers to electing single-member district Councilmembers, the following rules shall apply:

- A. Selection of Transitioning Positions and Continuation of Term of Office. At the City Council meeting following the adoption of this Charter amendment, the City Council shall determine the three councilmember positions that initially transition to single-member district positions by choosing either all three existing odd-numbered places or all three existing even-numbered places by lot. Any Councilmember in a transitioning at-large position shall continue in such position until such time that the single-member district position replacing the at-large position is filled by the corresponding single-member district Councilmember’s induction into office. The term of office for each existing Councilmember position selected by lot to transition to a single-member district position is shortened as necessary to expire upon the election and induction to office of each respective single-member district Councilmember. The terms of office for the Councilmember positions not transitioning shall not be affected. The position titles for the Councilmembers not transitioning shall be Councilmember, Position 1; Councilmember, Position 2; and Councilmember Position 3.
- B. Election Year 2018. Single-member Districts A, B and C shall be established in Election Year 2018. The three Councilmember positions transitioning to single-member districts shall be elected in Election Year 2018. The single-member district position replacing Councilmember Place 1 or 2 shall carry a one-year term. The single-member district position replacing Councilmember Place 3 or 4 shall carry a three-year term. The single-member district position replacing Councilmember Place 5 or 6 shall carry a two-year term.
- C. Election Year 2019. The single-member district position replacing Councilmember Place 1 or 2 shall be elected to a three-year term in Election Year 2019.
- D. Election Year 2020. The single-member district position replacing Councilmember Place 5 or 6 shall be elected to a three-year term in Election Year 2019. The transition to three single-member district positions is complete.
- E. Year City Population Reaches 25,000. When the City Council determines that the population of the City has reached 25,000, single-member Districts D, E and F shall be established and the three remaining at-large Councilmember positions shall transition to single-member districts following the same procedure used for the creation and transition of the initial three single-member districts.”

MEASURE C

Shall Section 3.03 of the City Charter regarding qualifications for Mayor and Councilmembers be amended by renumbering the existing subsection 5 as 6, by adding the following new subsection 5 and by amending subsections 3 and 4 to read:

“SECTION 3.03 Qualifications

The Mayor and each Councilmember shall meet the following:

. . . .

- 3. Have resided and lived continuously in the corporate limits of the City for 12 months immediately preceding the date of the election;
- 4. Not be in violation of any provision in this Charter;
- 5. Not be a former paid City employee if such candidate’s last date of City employment occurred within 12 months immediately preceding the date of the election; and
- 6. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.”

MEASURE D

Shall the first sentence of Section 3.05 of the City Charter regarding compensation of Councilmembers and Mayor be amended to read:

“Each Councilmember shall be paid one hundred dollars (\$100.00) for attendance at each regular, special, or workshop City Council meeting, and the Mayor shall be paid one hundred fifty dollars (\$150.00) for attendance at each regular, special, or workshop City Council meeting.”

MEASURE E

Shall Subsection 3.08B of the City Charter regarding forfeiture of office be amended by renumbering the existing subsection 6 as 7, by adding the following new subsection 6 and by amending subsection 5 to read:

“SECTION 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

. . . .

B. Forfeiture of Office. A Councilmember or Mayor shall forfeit office if that person:

. . . .

- 5. fails to attend three consecutive meetings of the Council without being excused by the Council,
- 6. violates the City’s Code of Ethics Ordinance, or
- 7. must vacate office by the mandate of any other law.”

MEASURE F

Shall Subsection 3.08D of the City Charter regarding filling of vacancies be amended to read:

“SECTION 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

. . . .

- D. Filling of Vacancies. In the event of a single vacancy in the City Council, and if there are 365 days or more remaining in the term of the vacated Mayoral or City Council position, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacated Mayoral or City Council position, the City Council may, by majority vote of the remaining Councilmembers, at its discretion, appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy.”

MEASURE G

Shall Section 5.04 of the City Charter regarding freedom from interference with administration be deleted and the language contained therein be relocated to Subsection 3.09C and shall Subsection 3.09C of the City Charter regarding interference with administration be amended to read:

“SECTION 3.09 Prohibitions

. . . .

- C. Interference with Administration. Except for the purpose of inquiries and investigations under Section 3.12, the City Council or any of its members shall not dictate to the City Manager the appointment of any person to office or employment. The City Council or its members shall not interfere in any manner with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager’s own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. The City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.”

MEASURE H

Shall Article III be amended by renumbering existing Sections 3.10, 3.11 and 3.12 as new Sections 3.11, 3.12 and 3.13 and by adding a new Section 3.10 of the City Charter regarding a code of ethics to read:

“SECTION 3.10 Code of Ethics

Purpose and policy: The City Council by ordinance shall adopt a code of ethics to establish guidelines for high ethical standards in official conduct by city officials, board, committee, and commission members and provide penalties for violations.”

MEASURE I

Shall existing Subsection 3.10B of the City Charter regarding City Council meetings and procedure be amended by reordering the existing second sentence as the third sentence and adding a new second sentence to read:

“The city manager or his designee shall prepare the agenda for each meeting in compliance with the Texas Open Meetings Act and shall administer the placement of items in a fair manner.”

MEASURE J

Shall existing Subsection 3.11C of the City Charter regarding ordinances be amended by reordering the existing second sentence as the third sentence and adding a new second sentence to read:

“Any franchise, the regulation of land use or development of real property shall be enacted by ordinance.”

MEASURE K

Shall existing Section 3.12 of the City Charter regarding council investigations be amended by amending the third sentence to read:

“The City Council shall provide, by ordinance, a procedure for conducting Council investigations and penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence.”

MEASURE L

Shall Section 4.02 of the City Charter regarding regulation of elections be amended to add a second sentence to read:

“The election shall include at least one designated weekend date early voting location at City Hall, which shall remain open a minimum of eight hours.”

MEASURE M

Shall Subsection 4.06(1) of the City Charter regarding taking of office be amended to read:

“Each newly elected person to the City Council shall be inducted into office at the next City Council meeting following the canvass of the votes.”

MEASURE N

Shall Section 5.02 of the City Charter be amended by deleting the following Subsection 5.02 E regarding the Department of Taxation:

“SECTION 5.02 Other Departments, Offices, and Agencies

. . . .

- E. Department of Taxation. There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor-Collector, which office shall be filled by appointment by the City Manager with concurrence of the City Council.”

MEASURE O

Shall Section 6.02 of the City Charter regarding preparation and submission of budget be amended by amending the second sentence to read:

“Such a budget shall be submitted to the City Council not more than one hundred twenty (120) days but not less than thirty (30) days prior to the beginning of each fiscal year.”

MEASURE P

Shall Subsection 6.03C of the City Charter regarding budget adoption be amended by amending the first sentence to read:

“The majority of all voting members of the City Council shall adopt the budget on or before the 20th day of the last month of the fiscal year currently ending.”

MEASURE Q

Shall Article IX of the City Charter be amended by adding a new Subsection 9.01D and by amending the first sentence of Subsection 9.12(1) regarding city attorney review of initiative, referendum and recall to read:

“SECTION 9.01 General Authority

. . . .

- D. City Attorney Review. Any action for initiative, referendum or recall received by the City Clerk shall be forwarded to the City Attorney for a legal opinion on enforceability and legality. The City Attorney shall render an opinion within seven (7) business days from the date received. In the event the action is determined enforceable and legal, the action shall be filed, along with the opinion, with the City Clerk who shall act on it as provided by this Charter. In the event it is determined unenforceable or illegal, the action shall be returned, along with the opinion to the person(s) filing the action. A determination of unenforceability or illegality does not prohibit a person from the filing of new action for initiative, referendum or recall.”

. . . .

“SECTION 9.12 Initiative; Petition; Procedure

- (1) Qualified voters of the City may initiate legislation by ordinance by submitting a petition addressed to the City Council, which requests the submission of the proposed ordinance to a vote of the qualified voters of the City. . . .”

MEASURE R

Shall Article X of the City Charter be amended by adding a new Section 10.08 of the City Charter regarding rearrangement and renumbering of charter provisions to read:

“SECTION 10.08 Rearrangement and Renumbering

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs, and subparagraphs of this Charter or any amendments thereto, as it shall deem appropriate.”

MEASURE S

Shall the City Charter be amended to make the following non-substantive revisions to ensure clear wording interpretation: revise all references to “he” or “she” to read “s/he”; revise all references to “his”, “her” or “his or her” to read “his/her”; revise all references to “him” to read “him/her”; revise all references to “himself” to read “himself/herself”; revise the terms “they are” in Section 5.01A to read “he or she is”; revise the term “their” in Section 5.02D to read “his/her”; conform all references in all forms to state and/or federal law to read “applicable law”; and amend Article XI of the City Charter by amending Section 11.12 of the City Charter regarding wording interpretation of charter provisions to read:

“SECTION 11.12 Wording Interpretation

The use of any gender herein shall be applicable to all genders. All singular words shall include the plural and all plural words shall include the singular. All references to the federal law, state law or laws of the State of Texas, however expressed in this Charter, shall mean “as presently enacted or as may be amended or superseded.” The use of the word “City” in this Charter shall mean the City of Buda City, Texas, and the use of the word “Charter” shall mean this Home Rule Charter. The term “qualified voter” shall mean a person who meets all legal requirements of state law and this Charter for becoming a registered voter and is also registered to vote.”

MEASURE T

Shall the City Charter be amended to make the following non-substantive revisions to correct grammar, typographical errors, capitalization and punctuation: revise all references to “City Secretary” to read “City Clerk”; revise all references to “Pro-Tem” or “pro-tem” to read “Pro Tem”; revise all references to “Council member” or “Council members” to read “Councilmember” or “Councilmembers”, as applicable; revise all references to “Council” to read “City Council” other than the references contained in Section 1.01; capitalize all references to “city”, “council”, “mayor”, “councilmember” and “city manager”; revise term “Employees” in Section 5.01C4 to read “employees”; revise all references to “City of Buda” to read “City”, other than the first reference within the Charter, which shall read “City of Buda (“City”) and the references within Subsection 3.12B and Section 11.12 which shall remain “City of Buda”; correct the word “exist” in Section 1.04 to “exists”; add a period to

the conclusion of Subsection 2.02A; correct the typographical error in Subsection 3.08B4 from “cases” to “ceases”; correct the typographical error in Section 4.01 from “f” to “of”; and amend the title of Section 4.05 from “Run-Off Election” to “Election; Run-Off Election”.

Section 4. PROPOSITIONS.

The ballot for the election shall comply with the Texas Election Code, and on such ballot shall appear propositions corresponding to the proposed measures described in Section 3 of this Ordinance, with a provision on such ballot to allow voters to vote FOR or AGAINST each proposition without voting FOR or AGAINST all propositions. Such propositions, lettered to correspond with the lettering of the proposed measures listed in Section 3 shall read as follows:

PROPOSITION B

FOR/AGAINST Shall the City of Buda amend Section 3.02, Section 4.03, Section 4.04 and Section 12.05 of the City Charter of the City of Buda, Texas to establish and to provide for the transition to six (6) City Councilmember single-member districts in two phases, the first being the transition of three (3) at-large City Councilmember positions to three (3) single-member district positions to be filled at the November 2018 election and the second being the transition of the remaining three (3) City Councilmember positions to single-member district positions when the city reaches 25,000 in population?

PROPOSITION C

FOR/AGAINST Shall the City of Buda amend Section 3.03 of the City Charter of the City of Buda, Texas to amend the qualifications for Mayor and each Councilmember: to add to the residency requirement that the person live in the City of Buda for a consecutive 12-month period immediately preceding the election and to disqualify a former paid City employee if such employee’s City employment occurred within the 12-month period immediately preceding the date of the election?

PROPOSITION D

FOR/AGAINST Shall the City of Buda amend Section 3.05 of the City Charter of the City of Buda, Texas to increase the per-meeting Councilmember compensation from \$50 to \$100 and the per-meeting Mayor compensation from \$75 to \$150 for regular, special, and workshop City Council meetings attended?

PROPOSITION E

FOR/AGAINST Shall the City of Buda amend Subsection 3.08B of the City Charter of the City of Buda, Texas to include the failure to attend three consecutive City Council meetings without excuse and to include a violation of the City’s Code of Ethics Ordinance as grounds for forfeiture of office by a Councilmember or Mayor?

PROPOSITION F

FOR/AGAINST Shall the City of Buda amend Subsection 3.08D of the City Charter of the City of Buda, Texas to conform to the process governed by Texas Constitution to fill a single Councilmember vacancy?

PROPOSITION G

FOR/AGAINST Shall the City of Buda delete Section 5.04 and amend Subsection 3.09C of the City Charter of the City of Buda, Texas to add the language contained in Section 5.04 to Subsection 3.09C to consolidate the City Charter prohibitions against the Interference with Administration?

PROPOSITION H

FOR/AGAINST Shall the City of Buda amend the City Charter of the City of Buda, Texas to add a new Section 3.10 to require a Code of Ethics Ordinance and penalty provision?

PROPOSITION I

FOR/AGAINST Shall the City of Buda amend Subsection 3.10B of the City Charter of the City of Buda, Texas to require the City Manager to prepare the City Council meetings agenda in compliance with state law and administer the placement of items on the agenda in a fair manner?

PROPOSITION J

FOR/AGAINST Shall the City of Buda amend Subsection 3.11C of the City Charter of the City of Buda, Texas to require an ordinance to regulate franchises, land use or the development of real property?

PROPOSITION K

FOR/AGAINST Shall the City of Buda amend Section 3.12 of the City Charter of the City of Buda, Texas to establish a procedure for conducting City Council investigations by ordinance?

PROPOSITION L

FOR/AGAINST Shall the City of Buda amend the Section 4.02 of the City Charter of the City of Buda, Texas to require at least one designated weekend date early voting location at City Hall, which shall remain open a minimum of eight hours?

PROPOSITION M

FOR/AGAINST Shall the City of Buda amend Subsection 4.06(1) of the City Charter of the City of Buda, Texas to require a newly elected City Councilmember be inducted into office at the next city council meeting following the canvass of the votes?

PROPOSITION N

FOR/AGAINST Shall the City of Buda amend Section 5.02 the City Charter of the City of Buda, Texas to remove as a Charter requirement the obligation to maintain a Department of Taxation and related provisions?

PROPOSITION O

FOR/AGAINST Shall the City of Buda amend Section 6.02 of the City Charter of the City of Buda, Texas to reduce the time between the date the City Manager submits the annual budget to the City Council and the date of the beginning of each fiscal year to not less than 30 days?

PROPOSITION P

FOR/AGAINST Shall the City of Buda amend Subsection 6.03C of the City Charter of the City of Buda, Texas to require a majority of all seven (7) voting members of City Council to adopt the budget?

PROPOSITION Q

FOR/AGAINST Shall the City of Buda amend the City Charter of the City of Buda, Texas, to add a new Subsection 9.01D and to amend Subsection 9.12(1) to provide a procedure requiring the City Attorney to review any action for initiative, referendum or recall for enforceability and legality within seven (7) business days from date received?

PROPOSITION R

FOR/AGAINST Shall the City of Buda amend the City Charter of the City of Buda, Texas to add a new Section 10.08 to authorize City Council to rearrange and renumber charter provisions by ordinance?

PROPOSITION S

FOR/AGAINST Shall the City of Buda amend Subsection 11.12 of the City Charter of the City of Buda, Texas to provide for gender neutrality in charter provisions; to include references to federal law in providing that expressions of law include enactments, amendments and superseded language and to conform all references in all forms to state and/or federal law?

PROPOSITION T

FOR/AGAINST Shall the City of Buda amend the City Charter of the City of Buda, Texas to make corrections to grammar, typographical errors, capitalization and punctuation and update the title of "City Secretary" to "City Clerk"?

Section 5. **JOINT ELECTION, ELECTION DATE, POLLING PLACES, AND ELECTION JUDGES.**

Joint Election. The City is located in Hays County, and the Hays County Elections Administrator is conducting the election pursuant to an election agreement (the "Election Agreement") between the City and Hays County as authorized under Section 31.092 of the

Texas Election Code. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement to be entered into between the City and the other participating entities located in Hays County, which are holding an election on November 7, 2017.

Election Date. An election shall be held in the City as prescribed by applicable law between the hours of 7:00 A.M. and 7:00 P.M. on November 7, 2017.

Precincts and Polling Places. The City election precincts and polling places within the City designated for holding the election shall be determined by Hays County and conducted at the polling places used for the Hays County General Election, which will be attached hereto as Exhibit "A" to this Ordinance, and such exhibit is incorporated herein by reference for all purposes. Exhibit "A" may be revised as necessary to conform to the final polling locations as instructed by Hays County. Hays County's election equipment shall be used to conduct the election.

Election Judges. The election judges shall be appointed in accordance with the Election Agreement and the Texas Election Code, as amended. 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 Hays County Elections Administrator.

Section 6. ELECTION CLERK.

Unless otherwise directed by the County, the Presiding Judge shall appoint not less than two nor more than five resident qualified electors of the City to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must 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 election day. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

Section 7. EARLY VOTING.

Dates, Times, and Places for Early Voting. Early voting in the election by personal appearance shall be conducted at the dates, times, and polling places as attached hereto as Exhibit "B" to this Ordinance, and such exhibit is incorporated herein by reference for all purposes. Exhibit "B" may be revised as necessary to conform to the final early voting polling locations as instructed by Hays County.

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

Jennifer Anderson
Hays County Elections Administrator
712 South Stagecoach Trail, Suite 1045
San Marcos, Texas 78666

Applications for ballots by mail for must be received by 5:00 p.m. on October 27, 2017 in accordance with law the Election Code.

Section 8. CONDUCT AND CANVASS OF ELECTION.

Said elections shall be conducted and the results canvassed and announced as prescribed by the General Election and Special Election Laws of the State of Texas, as amended, and only duly qualified electors shall be qualified to vote.

Section 9. EARLY VOTING BALLOT BOARDS.

The early voting ballot board is hereby created to process early voting results, and the Presiding Judge of the board will be appointed by the Hays County Elections Administrator. The Presiding Judge shall appoint not less than two nor more than eighteen resident qualified electors to serve as members of the Early Voting Ballot Board.

Section 10. VOTERS.

All resident, qualified electors of the City of Buda, Texas, shall be entitled to vote at the election.

Section 11. CUSTODIAN OF ELECTION RECORDS.

The Hays County Elections Administrator shall serve as the custodian of voted ballots, and the City Secretary of Buda, Texas, shall be appointed as custodian of all other election records.

Section 12. NOTICE.

A copy of this Ordinance, with such omissions allowed by law, shall serve as a proper notice of the election. Such notice, including a Spanish translation thereof, shall be published in a newspaper of general circulation in the City, occurring not earlier than the thirtieth (30th) day or later than the tenth (10th) day prior to the day of the election. A substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact of each to the City shall be published in a newspaper of general circulation in the City on the same day in each of two successive weeks, the date of the first publication to be not less than fourteen days prior to the date of November 7, 2017.

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 13. VOTING DEVICES.

Electronic optical scan voting devices may be used in conducting the election. The Hays County Elections Administrator may also utilize a central counting station as provided by the Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code. The Hays County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

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

The Texas Election Code requires that at least one accessible voting station must be provided in each polling place used in a Texas election. 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.

The Texas Election Code authorizes the acquisition of voting systems by local political subdivisions and further mandates certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Buda, the Hays 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. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Buda, including but not limited to lease or rental from Hays County or from any other legal source, as authorized or required by the Texas Election Code.

Section 14. PROVIDING FOR REPEAL.

Any and all other ordinances in conflict herewith are hereby repealed.

Section 15. SEVERABILITY.

That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Buda, Texas declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED, after an affirmative vote of five or more members of the City Council determining that a single reading is sufficient for adequate consideration, on FIRST READING this 15th day of August, 2017.

CITY OF BUDA, TEXAS

Todd Ruge, Mayor

ATTEST:

Alicia Ramirez, City Secretary

Exhibit "A"

Precincts and Polling Places

DATE AND TIME: **Tuesday, November 7, 2017** **7:00 AM – 7:00 PM**

PRECINCT LOCATION **224**

 Buda City Hall – Council Chambers

 121 S. Main Street

 Buda TX 78610

PRECINCT LOCATION **228**

 McCormick Middle School

 5700 Dacy Ln

 Buda, TX 78610

Approved 8/8/17



HAYS COUNTY EARLY VOTING
(Votación Adelantada del Condado de Hays)

November 7, 2017
(7 de Noviembre de 2017)

Location, Dates, & Hours of Main Early Voting Polling Location

(Lugar, Fechas y Horas de los Centros Principales de Votación para la Votación Anticipada)

**GOVERNMENT CENTER
 CONFERENCE ROOM
 712 S. Stagecoach Trail
 San Marcos, TX 78666**

Monday, October 23rd through Friday, October 27, 2017
(Lunes, 23de Octubre hasta el Viernes, 27 de Octubre de 2017)
8:00 a.m. to 5:00 p.m. (8:00 am este las 5:00 pm)
Saturday, October 28th, 2017
(Sábado, 28 de Octubre de 2017)
10:00 a.m. to 2:00 p.m. (10:00 am este las 2:00 pm)
Sunday, October 29th, 2017
(Domingo, 29 de Octubre de 2017)
1:00 p.m. to 6:00 p.m. (1:00 pm este las 6:00 pm)
Monday, October 30th through Friday, November 3, 2017
(Lunes, 30 de Octubre hasta el Viernes, 3 de Noviembre de 2017)
7:00 a.m. to 7:00 p.m. (7:00 am este las 7:00 pm)

Location, Dates, & Hours of Temporary Branch Early Voting Polling Locations

(Lugar, Fechas y Horas de las Sucursales de los Centros Temporal de Votación para la Votación Anticipada)

October 2017
Octubre 2017

Monday – 23rd	Tuesday – 24 th	Wednesday – 25th
Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)
Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)
Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)
Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)
Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)	Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)	Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)
Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)	Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)	Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)
	Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)	Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)

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Thursday – 26th	Friday – 27th	Saturday – 28th
<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)</p> <p>McCormick Middle School 5700 Dacy Lane Buda, Texas 78610</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)</p> <p>McCormick Middle School 5700 Dacy Lane Buda, Texas 78610</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (10 am – 2pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (10 am – 2 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (10 am – 2 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (10 am – 2 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (10 am – 2 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX (10 am – 2 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (10 am – 2 pm)</p> <p>McCormick Middle School 5700 Dacy Lane Buda, Texas 78610</p>

Sunday – 29th	Monday – 30th	Tuesday – 31st
<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (1 pm – 6 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (1 pm – 6 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (1 pm – 6 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (1 pm – 6 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (1 pm – 6 pm)</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (7 am – 7 pm)</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> <p>Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)</p>

Approved 8/8/17

Wednesday – 1st	Thursday – 2nd	Friday – 3rd
Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)
Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)
Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)
Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)
Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)	Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)	Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)
Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)	Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)	Buda City Hall 121 N Main St. Buda, TX (7 am – 7 pm)
	Buda City Hall 121 N Main St. Buda, TX (7 am – 7 pm)	McCormick Middle School 5700 Dacy Lane Buda, Texas 78610 (7 am – 7 pm)
	McCormick Middle School 5700 Dacy Lane Buda, Texas 78610 (7 am – 7 pm)	

Applications for Ballot by Mail shall be mailed to : *(Las solicitudes para boletas que se votaran adelantada por correo deberan enviarse a:)*

Jennifer Anderson, Early Voting Clerk
(Secretario De Votación Adelantada, Jennifer Anderson)
 712 S. Stagecoach Trail, Suite 1045
 San Marcos, TX 78666

Applications for Ballots by Mail must be received no later than the close of business on October 27, 2017. *(Las solicitudes para boletas que se votaran adelantada por correo deberan recibirse para el fin de las horas de negocio el 27 de Octubre, 2017.)*

Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site. *(Todo votante habilitado para votar por anticipado en persona puedo hacerlo en el Lugar principal de Votación Anticipada o en cualquiera de las Sucursales temporales.)*

Emergency and Limited ballots available at the Election Office, 712 S. Stagecoach Trail, Suite 1045, San Marcos, TX. *(Boletas limitadas y de emergencia solamente están disponibles en la oficina de elección, 712 S. Stagecoach Trail, Suite 1045, San Marcos, TX.)*