

RESOLUTION NO. 2017-R-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF BUDA, TEXAS, ON TUESDAY, NOVEMBER 7, 2017 FOR THE PURPOSES OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, A PROPOSED INITIATIVE ORDINANCE RELATING TO THE USE OF FLUORIDE TO THE CITY OF BUDA MUNICIPAL POTABLE WATER SUPPLY, ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION

- WHEREAS,** pursuant to the Home Rule Charter of the City of Buda, Texas, (hereinafter "Charter") the City Council of the City of Buda ("hereinafter "City"), upon its own motion and by the affirmative vote of a majority of the full membership of the City Council, may submit to popular vote at an election for adoption or rejection any proposed ordinance; and
- WHEREAS,** any such proposed ordinance shall be submitted the same manner and with the same force and effect as provided in the Charter for submission of initiatives; and
- WHEREAS,** such proposed ordinance may be submitted for consideration by the qualified voters on an authorized uniform election date as provided by state law, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed initiative ordinance; and
- WHEREAS,** if a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council; and
- WHEREAS,** the City Council now desires to submit to the qualified voters for their consideration a proposed ordinance governing the fluoridation of the municipal water supply; and
- WHEREAS,** the City has found the submission of said proposed ordinance constitutes a necessity under the Charter and the laws of the State of Texas to hold a special election; and
- WHEREAS,** the City will hold a special election on November 7, 2017 to adopt or reject a proposed initiative ordinance governing the fluoridation of the municipal water supply, by a majority of those votes cast; and
- WHEREAS,** the election will be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement to be entered into with the City and the other participating entities located in Hays County, which are holding an election on November 7, 2017; and
- WHEREAS,** the City Council of the City hereby authorizes the execution, delivery, approval or acceptance, as applicable, of the documents referenced herein; and
- WHEREAS,** the meeting at which this Resolution is considered is open to the public as required by

law, and public notice of the time, place, and purpose of said meeting was given as required by Title 5, Chapter 551, Texas Government Code.

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

Section 1. RECITALS.

The recitals set forth in the preamble hereof are 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 MUNICIPAL 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 November 7, 2017, for the purpose of submitting to qualified voters of the City of Buda, for adoption or rejection, a proposed initiative ordinance. Said election shall be held in accordance with the Texas Election Code.

Section 3. PROPOSED MEASURE. The following measure will be submitted to the qualified voters of the City at the election in the form of a proposition in accordance with the City Charter and applicable law;

MEASURE A

Shall Article 24.01 of Chapter 24 of the City Code be amended by adding a new Section 24.003 of the City Code regarding the treatment of the municipal potable water supply to read:

**“Chapter 24
Utilities**

Article 24.01 General Provisions

. . . .

Sec 24.003 Fluoridation of municipal potable water supply.

The City of Buda shall resume the use of fluoride additives within the allowable level as recommended and regulated by the Texas Commission on Environmental Quality in the City of Buda municipal potable water supply.”

Section 4. PROPOSITION.

The ballot for the election shall comply with the Texas Election Code, and on such ballot shall appear a proposition corresponding to the proposed measure described in Section 3 of this resolution, with a provision on such ballot to allow voters to vote FOR or AGAINST such proposition. Such proposition shall read as follows:

PROPOSITION A

FOR/AGAINST Shall the Code of Ordinances of the City of Buda, Texas be amended to adopt an ordinance resuming the use of fluoride additives within the allowable level as recommended and regulated by the Texas Commission on Environmental Quality in the City of Buda municipal potable water supply?

Section 5. ENACTMENT.

If the Proposition provided in Section 4 is approved by the majority of the voters voting at the election, a new Section 24.003 of Article 24.01 of Chapter 24 of the City of Buda, Texas Code of Ordinances shall be adopted upon the certification of the election results to provide as follows:

**“Chapter 24
Utilities**

Article 24.01 General Provisions

. . . .

Sec 24.003 Fluoridation of municipal potable water supply.

The City of Buda shall resume the use of fluoride additives within the allowable level as recommended and regulated by the Texas Commission on Environmental Quality in the City of Buda municipal potable water supply.”

Section 6. 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. 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 7. 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 8. 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 resolution, 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 9. 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 10. EARLY VOTING BALLOT BOARD.

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 11. VOTERS.

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

Section 12. 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 city election records.

Section 13. NOTICE.

Posting. A copy of this Ordinance, with such omissions authorized by law, shall serve as a proper notice of the election. Such notice, including a Spanish translation thereof, shall be posted on the bulletin board used by the City to post notices of meetings and at City Hall not less than twenty-one (21) days prior to the date the election is to be held, and shall remain posted through election day. [EC §4.003(b)]

Publication. 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 The Hays Free Press, 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. [EC §4.003(a)(1)]

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 14. 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 15. PROVIDING FOR REPEAL.

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

Section 16. SEVERABILITY.

That if any section, subsection, sentence, clause, or phrase of this resolution, 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 resolution, and to such end the various portions and provisions of this resolution 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 THIS 15th DAY OF AUGUST 2017.

CITY OF BUDA, TEXAS

/s/ _____
Todd Ruge, Mayor

ATTEST:

/s/ _____
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>

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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)
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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.)*