

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 6TH DAY OF NOVEMBER, 2018, IN THE CITY OF DESOTO FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM FOR COUNCILMEMBER PLACE 2; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ELECTIONS DEPARTMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of DeSoto, Texas, a Special City Election for the election of a councilmember to fill a vacancy for the unexpired term for Councilmember Place 2 shall be conducted on Tuesday, November 6, 2018; and

WHEREAS, the City Council desires to enter into a Joint Election Agreement and Election Services Contract with Dallas County Elections Department and other political subdivisions to conduct a Joint Election for the benefit of the City and its citizens.

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

SECTION 1. A Special Election to elect a Councilmember for the unexpired term for Councilmember Place 2 is hereby ordered to be conducted on Tuesday, November 6, 2018, at which election all qualified voters of the City may vote for the purpose of electing a Councilmember for Place 2 to fill the unexpired term created by the resignation of Virgil Helm. The Home Rule City Charter provides that members of the City Council shall run for office by Place, elected at large by the qualified voters of the entire City and shall, except the Mayor, reside in the correspondingly numbered geographical district of the City based on equality of population as established by Ordinance 1890-11 on September 6, 2011.

SECTION 2. The City Secretary is hereby directed to cause notice to be given of said election by publication in the official newspaper of the City of DeSoto, Texas, not earlier than the 30th day or later than the 10th day before Election Day. 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. Notice shall be posted on the bulletin board used to post notice of City Council meetings no later than the 21st day before election day in accordance with Texas Election Code Section 4.003 and the person posting the notice shall make a record at the time of posting stating the date and place of posting in accordance with the Texas Election Code. Notice shall also be posted to the City's website in accordance with the Government Code.

SECTION 3. The first day for a candidate to file an application for a place on the ballot with the City Secretary for the Special Election to fill the unexpired term for Councilmember Place 2 is no earlier than Tuesday, August 21, 2018, at 8:30 a.m., with the last day for filing to be no later than Thursday, August 23, 2018, at 6:00 p.m., in accordance with Section 201.054 of the Election Code. The City Secretary shall designate the official clock for filing.

SECTION 4. The Mayor is hereby authorized to execute the Joint Election Agreement and the Election Services Contract, attached as Exhibit A, for the conduct of a Joint Election to be held Tuesday, November 6, 2018. The Mayor shall have further authority to approve any minor modifications as may be necessary in the best interest of the City.

SECTION 5. Pursuant to the Joint Election Agreement, the Dallas County Elections Interim Administrator shall serve as Election Administrator for the election. Presiding Election Judge and Alternate Presiding Election Judge appointed to serve at said polling places, shall be those election officials furnished by the Elections Administrator from the list of proposed Elections Judges listed in an attachment to the agreement.

SECTION 6. In compliance with Section 271.006 of the Texas Election Code, Toni Pippins-Poole, shall serve as the Early Voting Clerk. 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.

SECTION 7. The early voting by personal appearance shall be conducted in the Disciple Central Community Church, located at 900 North Polk, Suite 170, DeSoto, Texas 75115, beginning Monday, October 22, 2018, and continuing through Friday, October 26, 2018, between the hours of 8:00 a.m. to 5:00 p.m.; Saturday, October 27, 2018 between the hours of 7:00 a.m. to 7:00 p.m.; Sunday, October 28, 2018, between the hours of 1:00 p.m. to 6:00 p.m.; and Monday, October 29, 2018, and continuing through Friday, November 2, 2018, between the hours of 7:00 a.m. to 7:00 p.m. Qualified voters for the Joint Election may vote early by personal appearance at either the main early voting location or at any of the branch locations attached hereto.

SECTION 8. Should a run-off election become necessary, the Dallas County Elections Department will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for all the candidates for such office, a run-off election shall be called as provided for by the agreement.

SECTION 9. The City Secretary shall present the election returns to the City Council at a City Council Meeting for the canvassing of said election in accordance with the Texas Election Code. Upon receipt of final counts from Dallas County Elections Department, the City Secretary shall present the official results to the City Council and the canvass of said election shall take place in accordance with the Texas Election Code.

SECTION 10. That all provisions of the Code of Ordinances of the City of DeSoto, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 11. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 12. This ordinance shall take effect immediately from and after its passage and publication of the caption, as the law and Charter in such case provide.

IT IS ACCORDINGLY SO ORDAINED.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS ON THIS THE 20TH DAY OF AUGUST, 2018.

APPROVED:


Curtistene S. McCowan, Mayor

ATTEST:


Kisha R. Morris-Perkins, City Secretary

APPROVED AS TO FORM:


Joseph J. Gorfida, Jr., City Attorney