

RESOLUTION NO. 1023-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, CALLING FOR A SPECIAL ELECTION ON NOVEMBER 3, 2020 PURSUANT TO THE TEXAS CONSTITUTION TO FILL A VACATED COUNCIL PLACE (PLACE 4) ON THE CITY COUNCIL; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Place 4 City Councilmember Joe Ashton officially announced his candidacy for the office of Mayor in the May 2, 2020 General Election; and

WHEREAS, since there is more than (1) one-year and (30) thirty days remaining in his term of office as the Place 4 City Council Member, his announcement of such candidacy for the Office of Mayor constitutes an automatic resignation of the office then held of Place 4; and

WHEREAS, with the announcement of candidacy, Councilman Joe Ashton must resign the office then held, thereby creating a vacancy for Place 4 on the River Oaks City Council that pursuant to the Texas Constitution must be filled by a Special Election of the voters called within 120-days after the vacancy occurs; and

WHEREAS, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered; and

WHEREAS, pursuant to Section 201.054 of the Texas Constitution, a candidate's application for a place on a special election ballot must be filed not later than 5 p.m. of the 62nd day before election day, if election day is on or after the 70th day after the date the election is ordered; and

WHEREAS, the regular election for City Council members of the City of River Oaks pursuant to the adoption of Resolution # 1000 on January 14, 2020 was required to be held on May 2, 2020 at which time the voters would have elected persons to fill the offices of Mayor and City Council Place 5; and

WHEREAS, on March 18, 2020 Governor Greg Abbott issued a proclamation authorizing political subdivisions that would otherwise hold elections on May 2, 2020 to move their general elections for 2020 to November 3, 2020 due to public health and safety concerns related to the novel coronavirus (COVID-19); and

WHEREAS, the City Council with the adoption of Resolution # 1012-2020 on March 23, 2020 postponed the May 2, 2020 special election to November 3, 2020 in order to protect the health and safety of the citizens of the City of River Oaks; and

WHEREAS, the special election to fill a vacancy on the City Council will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code; and

WHEREAS, by this Resolution, it is the intention of the City Council to designate a polling place for the election, to appoint the necessary election officers to establish and set forth procedures for conducting the election.

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

Section 1. Special Election to fill a vacated place on the City Council. A special election is hereby called to fill the unexpired Council Place 4 to serve from November of 2020 until May of 2021 or until the successor is duly elected and qualified. The election shall be held in conjunction with the general election on November 3, 2020 between the hours of 7:00 a.m. and 7:00 p.m. at locations set forth in the Agreement.

Section 2. Joint Election Agreement Approved. Prior to the election, the City

anticipates that it will enter into a joint election agreement and contract for election services with Tarrant County, conducted under the authority of Chapter 271 of the Election Code (the "Agreement").

Section 3. Filing Deadlines. By postponing the election date, the City is preserving all candidate filings and ballot order actions that have already taken place. This postponement does not have the effect of reopening candidate filings.

Section 4. Early voting by personal appearance. Early Voting by personal appearance shall be conducted beginning on Tuesday, October 13, 2020 and continuing through Friday, October 30, 2020. The exact times and locations for early voting will be determined by the Tarrant County Elections Administrator in accordance with the Joint Election Agreement and will be reflected in a future revision to the original election order.

Section 5. Applications for Ballots by Mail for the May 2, 2020 Election.

- (a) All applications for ballots by mail that were filed for the May 2, 2020 Election that are marked annual remain valid for the November 3, 2020 election.
- (b) All single use applications for ballots by mail that were submitted for the May 2, 2020 Election for reasons of age or disability remain valid for the November 3, 2020 election.
- (c) Single use applications for ballots by mail submitted for the May 2, 2020 Election that indicated the reason for voting by mail was due to absence from the county will not remain valid for the November 3, 2020 election.

Section 6. Applications for Ballots by Mail for the November 3, 2020 Election:

Applications for early voting by mail in Tarrant County may be delivered to the Early Voting Clerk, 2700 Premier Street, Fort Worth, Texas 76111, FAX: 817-831-6118, email: votebymail@tarrantcounty.com to be received not later than the close of business on October 23, 2020. Early Voting ballots for Tarrant County shall be mailed to Early Voting

Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. On July 27, 2020 by proclamation of the Governor suspended Section 86.006(a-1) of the Texas Election Code that for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day.

Section 7. Early voting by Ballot Board. Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, appointed herein, shall serve as the presiding officer and alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

Section 8. Appointment of Election Judge and Alternate Election Judge. The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Texas Election Code.

Section 9. Method of Voting. Early voting by personal appearance and election day voting shall be conducted using the Hart InterCivic Verity Voting System, a hybrid system that provides a paper trail for every voter, combined with the latest advancement in digital security. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Agreement and the Code.

Section 10. Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 11. Publication and Posting of Notice of Election. Notice of the election shall

be given as required by Chapter 4 of the Code.

Section 12. Necessary Actions. The City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

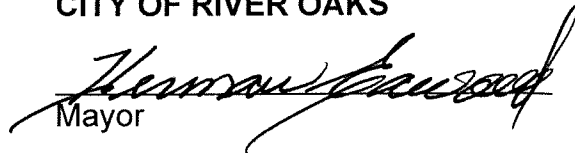
Section 13. Deadline to register to vote. Any individual seeking to vote in the November 3, 2020 election must register to vote by October 5, 2020.

Section 14. Effective Date. This resolution shall be effective upon its adoption.

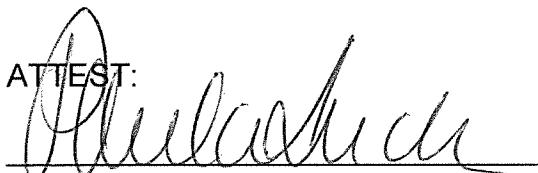
COUNCIL MEMBER JOHN CLARIDGE, MADE THE MOTION, SECONDED BY COUNCIL MEMBER DAN CHISHOLM TO APPROVE RESOLUTION NUMBER 1023-2020 CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING A QUALIFIED CANDIDATE TO FILL A VACANCY ON THE CITY COUNCIL PLACE 4. ALL VOTED AYE. MOTION PASSES.

APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS 28TH DAY OF JULY 2020 AND IS AFFIRMED BY THE SIGNATURES AFFIXED BELOW:

CITY OF RIVER OAKS


Mayor

ATTEST:


City Secretary