

RESOLUTION NO. 948-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, CALLING FOR A RUNOFF ELECTION TO BE HELD ON DECEMBER 11, 2018; 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, a general election was held on November 6, 2018 to elect a City Council Member to fill the unexpired term for Place 3; and

WHEREAS, pursuant to Section 7.10 "Runoff" of the City Charter as amended in 2009 in the event no candidate receives a majority of the votes cast, there shall be a runoff election held in accordance with state law; and

WHEREAS, the City Council canvassed the official votes from the November 6, 2018 Special Election, duly posted and published in accordance to law on November 15, 2018 at a special called city council meeting at 7:00 P.M., and Dan Dagele received 23.96% of the votes cast, Sherrie Uptmore Dast received 38.73% of the votes cast and Darren Houk received 37.30% of the votes cast in the election, none of which constituted being a majority of the votes cast in the special election for City Council Place 3 (unexpired term); and

WHEREAS, without a majority vote for one of the candidates that filed for office of City Council Place 3 (unexpired term), it necessitates that a runoff election be held between the candidates who receive the highest and second highest number of votes in the special election in order to be elected; and

WHEREAS, the election 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 runoff election, to appoint the necessary election officers to establish and set forth procedures for conducting the runoff election.

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

Section 1. Runoff Election Called. A runoff election is hereby called in order to elect the successor to fill the unexpired term of City Council Member Place 3 to serve once the successor is duly elected and qualified and continuing to serve until May of 2019 or until the successor is duly elected and qualified. The runoff election shall be held on December 11, 2018 between the hours of 7:00 a.m. and 7:00 p.m. in the River Oaks City Hall located at 4900 River Oaks Blvd., River Oaks, Texas 76114.

Section 2. Joint Election Agreement Approved. Prior to the election, the City has entered 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. Application for Place on Ballot. The Mayor has certified to the City Secretary the names of **Sherrie Uptmore Dast and Darren Houk** to be placed on the ballot as the Place 3 candidates for a runoff election.

Section 4. Early Voting.

a. Early voting by personal appearance. Early voting by personal appearance shall commence November 26, 2018 and shall continue until December 7, 2018 in the River Oaks City Hall located at 4900 River Oaks Blvd., River Oaks, Texas 76114. On at least two days during the early voting period, the location for early voting shall be open for at least twelve (12) hours.

b. Early voting by mail. . The Tarrant County Election Administrator is hereby designated as Early Voting Clerk for the special runoff election. Early voting ballots by mail may be delivered to the Elections Administrator until Tuesday, December 11, 2018 at 7:00 P.M. or next business day after election day at 5:00 P.M. if carrier envelope is postmarked by 7:00 P.M. at the location of the election on election day (unless overseas or military deadlines apply) at the following address: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011. Early voting by ballots shall be mailed to the Elections Administrator at the same address.

c. 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 by Tarrant County, 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 5. 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 6. Method of Voting. Early voting by personal appearance shall be conducted exclusively on Tarrant County's eSlate electronic voting system. On Election Day, voters shall have a choice between voting on the eSlate electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County's eScan voting system. 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 7. Governing Law and Qualified Voters. The runoff 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.

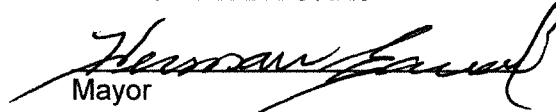
Section 8. Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Code.

Section 9. Necessary Actions. The Mayor 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 runoff election, whether or not expressly authorized herein.


Section 10. Effective Date. This resolution shall be effective upon its adoption.

COUNCIL MEMBER BUTLER, MADE THE MOTION, SECONDED BY COUNCIL MEMBER ASHTON TO APPROVE RESOLUTION NUMBER 948-2018 CALLING FOR A RUNOFF ELECTION TO BE HELD ON DECEMBER 11, 2018 FOR THE PURPOSE OF ELECTING A PERSON TO THE OFFICE OF CITY COUNCIL PLACE 3 (UNEXPIRED TERM). ALL VOTED AYE. APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS 15TH DAY OF NOVEMBER, 2018.

CITY OF RIVER OAKS


Mayor

ATTEST:



City Secretary

