

RESOLUTION NO. 1051-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, CALLING FOR A RUNOFF ELECTION TO BE HELD ON JUNE 5, 2021; 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 May 1, 2021 to elect a City Council Member for Place 4; 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 on May 11, 2021 from the May 1, 2021 general election at a regular city council meeting on May 11, 2021, duly posted and published in accordance to law, and Edmundo E. Gutierrez received 15.83% of the votes cast, Garrett Grissom received 9.17% of the votes cast, Yolie Rodriguez received 44.44% of the votes cast and Sherrie Uptmore Dast received 30.56% of the votes cast in the election, none of which constituted being a majority of the votes cast in the election for City Council Place 4; and

WHEREAS, without a majority vote for one of the candidates that filed for office in City Council Place 4 (3-year 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 to elect the office of City Council Member Place 4 (3-year term) to serve from May of 2021 until May of 2024 or until their successors are duly elected and qualified. The runoff election shall be held on June 5, 2021 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 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 **Yolie Rodriguez and Sherrie Uptmore Dast** to be placed on the ballot as the Place 4 candidates for a runoff election.

Section 4. Early Voting.

a. Early voting by personal appearance. Early voting by personal appearance shall commence May 24, 2021 and shall continue until June 1, 2021 at the location designated in the agreement except that Monday, May 31, 2021 is a holiday and the polls will be closed that day. 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 (Elections Administrator) is hereby designated as Early Voting Clerk for the runoff election. Applications for early voting by mail may be delivered to the Elections Administrator at the following address: Early Voting Clerk, 2700 Premier Street, Fort Worth, Texas 76111, not later than 5:00 P.M. on May 25, 2021. All voted ballots that are returned on or before Election Day will be counted. Voted ballots mailed from outside the United States may be counted if clearly postmarked on or before Election Day and received by the Elections Administrator not later than the sixth day after Election Day. Completed applications may be submitted by mail, contract or common carrier, or by fax. 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 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 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 Chisholm, MADE THE MOTION, SECONDED BY COUNCIL MEMBER

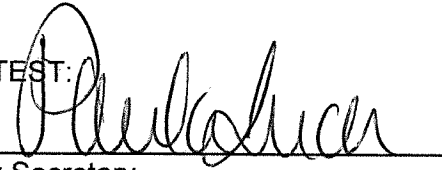
Claridge TO APPROVE RESOLUTION NUMBER 1051-2021 CALLING FOR A RUNOFF ELECTION TO BE HELD ON JUNE 5, 2021 FOR THE PURPOSE OF ELECTING A PERSON TO THE OFFICE OF CITY COUNCIL PLACE 4. ALL VOTED AYE. APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS 11TH DAY OF MAY 2021.

CITY OF RIVER OAKS



Mayor

ATTEST:



City Secretary