

Ordinance No. 2009.01
Village of Salado
County of Bell
State of Texas
February 5, 2009

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS ESTABLISHING A DATE FOR A GENERAL MUNICIPAL ELECTION AND MAKING PROVISION FOR THE CONDUCT OF SAID ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING FOR PREAMBLE INCORPORATION; CONFLICTING PROVISIONS; GOVERNING LAW; SEVERABILITY; AN EFFECTIVE DATE; AND AN AUTHORIZATION TO EXECUTE.

WHEREAS, the statutes of the State of Texas provide that the Mayor and Aldermen of the Village of Salado (Village) when elected are to serve until the next regular municipal election; and

WHEREAS, such provision would require the Village of Salado to hold a municipal election at the next regular municipal election date, to wit, May 9, 2009 for the purpose of electing three (3) Aldermen; and

WHEREAS, the Village of Salado Board of Aldermen (Board) wishes to proceed with the ordering of an election for Saturday, May 9, 2009, the next uniform election date, and appointing election officials required for the conduct of the election, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the Board has authority pursuant to Chapter 271, Texas Election Code, to enter into a joint election agreement with the Salado Independent School District (SISD) and the Salado Public Library District (Library District), which are political subdivisions holding elections on the same day in all or part of the same territory; and

WHEREAS, the meeting to adopt this Ordinance was open to the public, and public notice of the time, place, and purpose of the meeting was given, all as required by Chapter 551 of the Government Code, as amended,

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

1. That a general election be held by the Village of Salado between the hours of 7:00 am and 7:00 pm CDST on May 9, 2009 (the Election), which is sixty-two (62) or more days from the date of the adoption of this Ordinance, for the purpose of electing three (3) Aldermen at the following designated polling place, to wit, the Salado Civic Center, 601 North Main, Salado, Texas 76571, which lies within the boundaries of the Village.

2. That, pursuant to Chapter 271 of the Texas Election Code, the Election be conducted under the terms and conditions of an agreement between the Village, SISD and the Library District (the Joint Election Agreement), which is attached and labeled as “Exhibit A” to this Ordinance and incorporated by reference as if fully set out herein. Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Board is expressly authorizing this action.
3. That the following election officers are hereby appointed to hold the Election at said location and authorized to sign the Notice of Election on behalf of the Village:

Joint Election Officer: Lyndal Cabaniss
Presiding Judge: TO BE NAMED
Alternate Presiding Judge: TO BE NAMED

4. That the Presiding Judge may appoint no more than three qualified election clerks to serve and assist in conducting said election as further directed by the Village, provided that if the Presiding Judge actually serves as expected, the Alternate Presiding Judge shall be one of the clerks.
5. Attached hereto as Exhibit “B” and hereby incorporated by reference, is a description of the boundaries of the Village of Salado.
6. That, to the extent not otherwise provided in the Joint Election Agreement, the Village appoints Dianna Zulauf, the City Secretary of the Village, as the Custodian of Records (Custodian) to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code ending not earlier than the fortieth (40th) day after the date of the Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order in which names will appear on the ballot for aldermen positions, and accept and maintain records regarding campaign expenditures that may be filed with the Village.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period required by the Election Code. The Custodian shall post notice of the location and hours of her office as required by the Election Code.

Notwithstanding the foregoing, pursuant to sections 66.058 and 271.010 of the Election Code, the Village appoints Lyndal Cabaniss as the Joint Custodian of Records (Joint Custodian) for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period of preservation required by the Election Code.

7. That voting in the election shall be by the use of paper ballots to be scanned by an ES&S Model 100 Optical Scan voting machine, shall be printed in both English and Spanish and shall conform to the requirements of the Texas Election Code. The Village shall provide at least one AutoMARK v. 1.0. voting system in the polling place. Oral bilingual assistance shall be available during the election and may be obtained by contacting the Presiding Election Judge or Alternate Election Judge.
8. That applications for a place on the ballot can be filed beginning February 7, 2009 through March 9, 2009.
9. That Dianna Zulauf serve as the Village's Regular Early Voting Clerk. Ballot applications and ballots voted by mail shall be addressed and mailed to the following location:

Village of Salado
Attn: Dianna Zulauf, Village Secretary
P. O. Box 219
Salado, Texas 76571

Applications for ballots by mail must be received by the close of business on May 1, 2009.

10. That the Joint Early Voting Clerk for all purposes other than accepting applications for ballots by mail shall be Lyndal Cabaniss, as provided in the Joint Election Agreement. The deputy early voting clerks for the Election shall be, but not limited to, Dianna Zulauf, Bonnie Smith, and Darlene Kirk. Early voting by personal appearance will be conducted between the hours of 7:30am and 4:30pm CDST beginning on April 27, 2009 and ending on May 5, 2009 on each day which is not a Saturday, a Sunday or an official state holiday provided, however, early voting hours shall be conducted for at least 12 hours on two weekdays as required by section 85.005(d) of the Election Code. Early voting by personal appearance will be conducted at the following location:

Salado Civic Center
601 North Main
Salado, Texas 76571

The Joint Early Voting Clerk shall keep the early voting place open during such hours as prescribed by law for early voting by personal appearance. The early voting location shall also remain open on the day of the Election during the hours the polls are required to be open for voting.

11. That an Early Voting Ballot Board is hereby created to process early voting results, and that a presiding judge of the Early Voting Ballot Board shall be appointed. The presiding judge shall appoint at least two clerks, and such judge and clerks shall constitute the early voting ballot board and shall perform the duties set forth for such board in the Election Code.

12. That the election shall be held and conducted and returns made to the Village Board of Aldermen in accordance with the Texas Election Code. The Joint Election Officer, as the Village's designated election officer under the Joint Election Agreement, shall make a written return of the Election results to the Village in accordance with the Election Code. The Village shall canvass the returns and declare the results of the Election.
13. That the cost of the election shall be shared proportionately with the Salado Independent School District and the Board of Trustees of the Salado Public Library District, as provided in the Joint Election Agreement.
14. That all qualified resident electors of the Village of Salado shall be entitled to vote at said election.
15. That the Secretary of the Village of Salado is hereby directed to cause notice of this election to be published once in both English and Spanish in a newspaper of general circulation published in Bell County, Texas and in the Village of Salado not more than 30 days or later than 10 days before the date set for election. In addition, a substantial copy of this Ordinance shall be posted in three public places within the Village of Salado not later than 21 days before the election. The notice shall be substantially in the form of Notice of Election attached hereto as Exhibit "C" and made a part hereof for all purposes.
16. That at the election each voter may vote for three (3) Aldermen. The Aldermen candidates receiving the highest numbers of votes shall be elected Aldermen.
17. That the official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for the candidates or candidate of their choice. The ballots are to contain such provisions, markings, and language as required by law.
18. That the recitals contained in the preamble hereof are hereby found to be true and correct, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and findings of the Board of Aldermen.
19. That all ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.
20. That in all respects, this Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America and said election shall be conducted in accordance with the same.

21. That it is the intention of the Board of Aldermen of the Village of Salado that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance should be declared invalid by the final judgment or decree of a court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph, or section.
22. That this Ordinance is effective immediately upon its passage and approval.
23. That the Mayor of the Village is authorized to execute and the City Secretary of the Village is authorized to attest this Ordinance on behalf of the Board; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

PASSED AND APPROVED this 5th day of February, 2009.

The Village of Salado

Merle Stalcup, Mayor

ATTEST:

Dianna Zulauf, Village Secretary