

## **ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, ORDERING A REGULAR MUNICIPAL ELECTION TO BE HELD ON THE 7<sup>TH</sup> DAY OF MAY 2022; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The Texas State Legislature has called for two state constitutional ballot amendment measures to be placed on the ballot for a statewide election on the May 2022 uniform election date; and

**WHEREAS**, The City of Bay City will hold a regular municipal election for the election of City Mayor and Council member positions designated as Council Position No. 1, Council Position No. 2, and Council Position No. 3, on the May 7, 2022, uniform election date; and

**WHEREAS**, The City Council finds that it is in the public interest to enter into a joint election agreement and election services contract with Matagorda County in order to provide the most efficient and convenient voting opportunities for both the City and State elections, with voting available in all Matagorda County polling locations and the potential for extended hours for early voting;

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

**SECTION 1.** The regular municipal election of the City of Bay City, Texas, for election of members of the City Council as prescribed by Section 6.01 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 7<sup>th</sup> day of May 2022, in the city, for the purpose of electing a Mayor, Council Position No. 1, Council Position No. 2, and Council Position No. 3.

**SECTION 3.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Council has determined, pursuant to Chapter 271 of the Texas Election Code, that the City is authorized to enter into a Joint Election Agreement with Matagorda County and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

**SECTION 4.** Any eligible and qualified person may have his or her name placed upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 19, 2022, and must be filed not later than 5:00 p.m. on February 18, 2022. Candidate filings will be accepted in the office of the City Secretary, 1901 5<sup>th</sup> Street, Bay City, Texas, 77414, from 8 a.m.-5 p.m. Monday through Friday.

**SECTION 5.** The positions of Mayor, Council Position No. 1, Council Position No. 2, and Council Position No. 3 shall each be elected and installed with the candidate that receives a majority of all the

votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

**SECTION 6.** Each candidate for the office Mayor of Council must be a resident of the City for at least one year preceding election day within the corporate limits of the City or for one year within territory which has been annexed by the City in accordance with Section 4.03 of the City Charter.

**SECTION 7.** Matagorda County shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for early voting in person and voting by mail and shall designate the Main Early Voting Location for early voting for the election. Applications for ballot by mail (ABBM) shall be mailed to:

Stephanie Wurtz  
Matagorda County Clerk  
Attn: Elections Division  
1700 7<sup>th</sup> Street, Room 202  
Bay City, TX 77414

who shall, upon approval of the application, provide balloting materials to the voter in accordance with the Texas Election Code.

The deadline to receive an application for a ballot by mail (ABBM) is Tuesday, April 26, 2022, by the close of the business, in accordance with Election Code Sec. 84.007(c).

The places at which Early Voting by personal appearance shall be conducted shall be designated by Matagorda County. During the lawful early voting period, the Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

**SECTION 8.** Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. Matagorda County, via the joint election agreement/election services contract with the City of Bay City, shall obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

**SECTION 9.** The City Secretary of the City of Bay City shall issue notice of said election to be published one time in the *Bay City Tribune*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21<sup>st</sup>) day before election day and remain posted thorough election day.

**SECTION 10.** The Mayor and/or the City Secretary of the City of Bay City are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

**SECTION 11.** Each and every provision, paragraph, sentence and clause of this ordinance has been

separately considered and passed by the City Council of the City of Bay City, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**SECTION 12.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Texas open meetings law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**SECTION 13.** This ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED, this \_\_\_\_\_ day of February, 2022.

CITY OF BAY CITY, TEXAS

\_\_\_\_\_  
Robert K. Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeanna Thompson, City Secretary

\_\_\_\_\_  
Anne Marie Odefey, City Attorney