

ORDINANCE NO. 665

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE CITY OF MANOR'S CONTINUED PARTICIPATION IN THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY; DESIGNATING NOVEMBER 8, 2022, AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; PROVIDING FOR ELECTION PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Manor, Texas has determined that the citizens of Manor should be given an opportunity to vote on Manor's continued participation in the Capital Metropolitan Transportation Authority, pursuant to *Section 451.601, et seq., Texas Transportation Code*;

WHEREAS, Section 451.607, Texas Transportation Code, provides that the election must be held on the first applicable uniform election date occurring after the expiration of 90 days after the date the governing body orders the election;

WHEREAS, November 8, 2022 is the first applicable uniform election date occurring after the expiration of 90 days after the date of this ordinance ordering the special election;

WHEREAS, the City Council finds it appropriate to substitute the words "Yes" and "No" on the ballot for "For" and "Against" to be consistent with language used for other City propositions anticipated to be considered at the November 8, 2022 election;

WHEREAS, the City of Manor lies within Travis County;

WHEREAS, the City of Manor, Texas (hereinafter the "City") approves and agrees to conducting the election jointly with other political subdivisions in Travis County in accordance with *Tex. Elec. Code, Chapter 271*; and

WHEREAS, the City is making provision to contract with the Travis County Elections Administrator to conduct the City's election pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the "Election Services Contracts");

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS:

Section 1. Special Election Ordered. The City Council of the City of Manor hereby orders a special election to be held on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City the question of the City's continued participation in the Capital Metropolitan Transportation Authority.

Section 8. Early Voting.

- (a) Early voting shall commence on Monday, October 24, 2022, and continue through Friday, November 4, 2022 and early voting polls shall remain open for the time specified by the *Texas Election Code*.
- (b) The period to apply for a ballot by mail is January 1, 2022 through October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (c) The period to apply for a federal postcard application (FPCA) is January 1, 2022 through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (d) Early Voting Conducted by the Travis County Elections Administrator:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code*. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election.
 - 2) Applications for ballot by mail for qualified voters of the City shall be mailed to:
 - By mail:
 - Rebecca Guerrero, County Clerk
 - Travis County Early Voting Clerk
 - PO Box 149325
 - Austin, Texas 78714-9325
 - By Contract Carriers/ Fedex:
 - Elections Division
 - Travis County Clerk
 - 5501 Airport Blvd., Suite #100
 - Austin, Texas 78751
 - Telephone: (512) 238-VOTE
 - Email: elections@traviscountytexas.gov
 - Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>
 - 3) The main early voting location for the special election is:
 - City of Austin Permitting and Development Center
 - 6310 Wilhelmina Delco Drive
 - Austin, TX 78752
 - Polling place hours:
 - Monday – Saturday, 7:00 am – 7:00 pm
 - Sunday, Noon – 6:00 pm
 - 4) Early voting shall be held at the dates, times, and location authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

Section 9. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Travis County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council confirms and appoints the election judges and alternate election judges that are appointed by Travis County for the election.

Section 10. City Secretary Assistance. The City Secretary is hereby authorized and instructed to aide the Travis County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Contracts between the City and the Travis County Elections Administrators, the Travis County Elections Administrators shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contract.

Section 11. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance. The City Manager is further authorized to give notice of the election as provided in Section 451.607, Texas Election Code.

Section 12. General. The election shall be held and conducted by the Travis County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than November 11, 2022 nor later than November 22, 2022.

Section 13. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the election.

Section 14. Effective Date; Election Code. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Travis County Elections Administrator shall comply with the Texas Elections Code.

Section 15. Severability. If any provision, section of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 16. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.

PASSED, ADOPTED AND APPROVED on this the 3rd day of August 2022.

CITY OF MANOR, TEXAS

Dr. Christopher Harvey, Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary