

## ORDINANCE NO. 2018-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION, HELD ON NOVEMBER 6, 2018, PURPOSE OF ELECTING A MAYOR, CITY COUNCIL MEMBER, PLACE FIVE, CITY COUNCIL MEMBER, PLACE SIX, AND A SPECIAL ELECTION TO FILL A VACANCY FOR THE TWO YEAR REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL MEMBER, PLACE FOUR CONDUCTED CONCURRENTLY WITH THE GENERAL ELECTION; ORDERING A RUNOFF ELECTION FOR THE POSITIONS OF CITY COUNCIL MEMBER, PLACE FIVE AND CITY COUNCIL MEMBER PLACE FOUR, FOR DECEMBER 11, 2018; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; DECLARING AN EMERGENCY CREATING THE NEED TO ADOPT THIS ORDINANCE WITH ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE.

### **RECITALS:**

1. On August 7, 2018 the City Council adopted Ordinance No. 2018-23 ordering a general and special election to be held on November 6, 2018 for the purpose of electing a Mayor, City Council Member, Place Five, City Council Member, Place Six, and to fill a vacancy for the two year remainder of the unexpired term of City Council Member, Place Four.
2. The election was duly and legally held on November 6, 2018, in conformity with the election laws of the State of Texas, and the results of the election have been certified and returned by the proper judges and clerks.
3. The City Council of the City of San Marcos, Texas convened on November 14, 2018 to consider the returns of the General and Special election held on November 6, 2018 with the following members present: Mayor John Thomaides, Mayor Pro Tem Lisa Prewitt, Deputy Mayor Pro Tem Scott Gregson, Council Member Saul Gonzales, Council Member Ed Mihalkanin, Council Member Jane Hughson, and Council Member Melissa Derrick.
4. It appears to the Council, and the Council finds, that the election was in all respects lawfully held.
5. It appears to the Council, and Council finds, that the tabulation of the results of the election is correct.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The general and special election of November 6, 2018 was duly called, notice of the election was given in accordance with law, and the election was held in accordance with law.

SECTION 2. The tabulation of votes cast in the General and Special election held on November 6, 2018, for the purposes stated in Recital 1 above, a copy of which is attached to and made a part of this ordinance as Exhibit "A," is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the City of San Marcos as the official canvass of the election.

SECTION 3. The official canvass of the returns of the election reflects the following:

A. For Mayor:

Jane Hughson	<u>7,490</u>
John Thomaides	<u>6,719</u>

B. For City Council Member, Place Five:

Jocabed "Joca" Marquez	<u>5,360</u>
Rick Henderson	<u>4,093</u>
Mark Gleason	<u>2,872</u>

C. For City Council Member, Place Six:

Juan Miguel Arredondo	<u>5,921</u>
Melissa Derrick	<u>6,613</u>

D. For City Council Member, Place Four, Unexpired Term:

Griffin Spell	<u>2,523</u>
Mark Rockeymoore	<u>3,501</u>
Shane Scott	<u>5,347</u>

SECTION 4. That Jane Hughson received a majority of the votes and is elected to serve as Mayor, and that Melissa Derrick received a majority of the votes and is elected to serve as City Council Member, Place Six.

SECTION 5. That no candidate for the position of City Council Member, Place Four, Unexpired Term or City Council Member, Place Five received a majority of votes cast and a runoff election is hereby ordered for December 11, 2018 between Mark Rockeymoore and Shane Scott for the position of City Council Member, Place Four, Unexpired Term, and Jocabed "Joca" Marquez and Rick Henderson for the position of City Council Member, Place Five.

SECTION 6. The polling places for each precinct on Election Day shall be as follows:

PRECINCTS VOTING	POLLING PLACE LOCATION
110/113	Hays County Health Department 401-A Broadway St. San Marcos, TX 78666
111/112	Dunbar Center 801 Martin Luther King Dr. San Marcos, TX 78666
413/414/416/417	Allenwood Homes 1201 Thorpe Ln San Marcos, TX 78666
315/316/317	Stone Brook Senior Center 300 S. Stagecoach Trail San Marcos, TX 78666
120	San Marcos Housing, CM Allen Homes 820 Sturgeon San Marcos, TX 78666
318/330/334	Crockett Elementary School 1300 Girard Street San Marcos, TX 78666
336	Brookdale – formally Horizon Bay at San Marcos 1720 Ranch Road 12 San Marcos, TX 78666
332/415/447	Travis Elementary School 1437 Post Road San Marcos, TX 78666

SECTION 7. Jennifer Anderson is appointed Early Voting Clerk for the City.

SECTION 8. The main early polling place for early voting by personal appearance for the election is the Government Center Conference Room, 712 S. Stagecoach Trail, San Marcos, TX 78666. Early voting by personal appearance shall be conducted during the following stated dates and times (excluding holidays) in the Government Center Conference Room:

<u>Date</u>	<u>Time</u>
Monday, November 26 through Thursday, November 29, 2018	8:00 a.m. to 5:00 p.m.
Friday, November 30, 2018	7:00 a.m. to 7:00 p.m.
Saturday, December 1, 2018	10:00 a.m. to 2:00 p.m.
Monday, December 3 through Thursday, December 6, 2018	8:00 a.m. to 5:00 p.m.
Friday, December 7, 2018	7:00 a.m. to 7:00 p.m.

In addition, temporary branch and mobile early polling places for early voting by personal appearance for the City election are established at the following locations, with voting to be conducted at the dates and times indicated:

<u>Location</u>	<u>Date</u>	<u>Time</u>
Hays County Health Dept.	December 1, 2018	10:00 a.m. to 2:00 p.m.
401 A Broadway St	December 3, 2018	7:00 a.m. to 7:00 p.m.
San Marcos, TX	December 4, 2018	8:00 a.m. to 5:00 p.m.
Texas State San Marcos LBJ Student Center 700 Student Center Drive San Marcos, TX	November 28-30, 2018	10:00 a.m. to 6:00 p.m.

SECTION 9. Early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of 712 S. Stagecoach Trail, San Marcos, Texas 78666, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City.

SECTION 10. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Early Voting Ballot Board at the Hays County Election Administrator's office which is located in the City, in accordance with the Election Code. Early votes shall be counted at the central counting station. The Early Voting Ballot Board shall perform in accordance with applicable provisions of the Election Code.

SECTION 11. A Direct Record Electronic ("DRE") System, as the term is defined in the Texas Election Code, shall be utilized in connection with the election. This system shall be utilized for all early voting as well as for all precinct voting conducted on Election Day. The Hays County Election Administrator will appoint a programmer, who shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in each of the various precincts on Election Day. The central counting station is established as the Hays County Elections Administrator's office, 712 S. Stagecoach Trail, San Marcos, Texas.

SECTION 12. The Hays County Elections Administrator will appoint the Early Voting Ballot Board, a Presiding Judge of the Central Counting Station, a Tabulation Supervisor of the Central Counting Station, and a Central Counting Station Manager.

SECTION 13. The election will be held in accordance with the provisions of the Charter and Ordinances of the City of San Marcos and the laws of the State of Texas.

SECTION 14. An executed copy of this Ordinance will serve as proper notice of the election.

SECTION 15. A writ of election as required by the Texas Election Code will be delivered on or before November 26, 2018 by the Hays County Election Administrator to the presiding and alternate judges of each election precinct in which the election is ordered to be held.

SECTION 16. Testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with Subchapter D of Chapter 127 of the Texas Election Code.

SECTION 17. The rate of compensation to be paid judges, clerks, and assistants to the Central Counting Station Presiding Judge and Tabulation Supervisor for services rendered during the election will be compensated at the rate of no more than \$12.00 per hour.

SECTION 18. The additional compensation to be paid judges who deliver returns of the election is established at \$35.00.

SECTION 19. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 20. The importance of this Ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings be waived and, this Ordinance will take effect immediately upon adoption.

CONSIDERED, APPROVED, AND ADOPTED this the 14th day of November, 2018.

Jane Hughson  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney