

ORDINANCE NO. 2020-81

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 3, 2020, FOR THE PURPOSE OF ELECTING A MAYOR, CITY COUNCIL MEMBER, PLACE THREE, CITY COUNCIL MEMBER, PLACE FOUR, AND A SPECIAL ELECTION TO FILL A VACANCY FOR THE ONE YEAR REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL MEMBER, PLACE FIVE CONDUCTED CONCURRENTLY WITH THE GENERAL ELECTION; AMENDING ORDINANCE NO. 2020-71 THAT PREVIOUSLY DESIGNATED DECEMBER 1, 2020 AS THE RUNOFF ELECTION DATE; ORDERING A RUNOFF ELECTION FOR THE POSITIONS OF MAYOR AND CITY COUNCIL MEMBER, PLACE FIVE TO BE HELD CONCURRENTLY WITH OTHER RUNOFF ELECTIONS WITHIN HAYS COUNTY ON DECEMBER 8, 2020; ESTABLISHING EARLY VOTING AND ELECTION DAY POLLING LOCATIONS 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 4, 2020 the City Council adopted Ordinance No. 2020-52 ordering a general and special election to be held on November 3, 2020 for the purpose of electing a Mayor, City Council Member, Place Three, City Council Member, Place Four, and to fill a vacancy for the one year remainder of the unexpired term of City Council Member, Place Five. On September 1, 2020 the City Council adopted Ordinance No. 2020-71, that amended Ordinance No. 2020-52 by establishing early voting and election day polling places for the Election.
2. The election was duly and legally held on November 3, 2020, 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 16, 2020 to consider the returns of the General and Special Election held on November 3, 2020 with the following members present: Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Saul Gonzales, Council Member Melissa Derrick, Council Member Joca Marquez, and Council Member Maxfield Baker.
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 3, 2020 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 3, 2020, 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:

| | |
|--------------------------|----------------|
| Michael Sean Hathaway II | 1,895 – 9.48% |
| Randy Dethrow | 851 – 4.26% |
| Jane Garnette Hughson | 8,946 – 44.74% |
| J. M. Harris | 1,764 – 8.82% |
| Juan Miguel Arredondo | 6,540 – 32.71% |

B. For City Council Member, Place Three:

| | |
|-----------------|-----------------|
| Alyssa C. Garza | 13,854 – 71.40% |
| Ed Mihalkanin | 5,549 – 28.60% |

*Ed Mihalkanin requested a partial recount of votes cast for this position. The recount committee's report is attached to and made a part of this ordinance as Exhibit "B." The number of votes cast for each candidate in the election for this position did not change as a result of the partial recount.

C. For City Council Member, Place Four:

| | |
|------------------|-----------------|
| Shane Scott | 10,250 – 55.15% |
| Mark Rockeymoore | 8,336 – 44.85% |

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

| | |
|---------------|----------------|
| Omar Baca | 6,182 – 32.58% |
| Zach Sambrano | 6,082 – 32.06% |
| Mark Gleason | 6,708 – 35.36% |

SECTION 4. That Alyssa Garza received a majority of the votes and is elected to serve as City Council Member, Place Three and that Shane Scott received a majority of the votes and is elected to serve as City Council Member, Place Four.

SECTION 5. That no candidate for the position of Mayor or City Council Member, Place Five, Unexpired Term received a majority of votes cast. Ordinance No. 2020-71 that previously set December 1, 2020 as the runoff election date is hereby amended and a runoff election is hereby ordered for December 8, 2020 between Jane Hughson and Juan Miguel Arredondo for the position of Mayor and Omar Baca and Mark Gleason for the position of City Council Member, Place Five, Unexpired Term to be conducted concurrently with other runoff elections within Hays County on that date.

SECTION 6. On Election Day, eligible City of San Marcos voters may vote at any of the locations listed below from 7:00 a.m. to 7:00 p.m. Voters are not limited to only voting in the precinct where they are registered to vote:

| POLLING PLACE | ADDRESS | CITY |
|--|--|-------------------|
| <u>Hays County Government Center</u> | <u>712 South Stagecoach Trail</u> <u>Northwest Conference</u> <u>Rooms</u> | <u>San Marcos</u> |
| <u>Live Oak Health Partners</u> | <u>401 Broadway Street #C</u> | <u>San Marcos</u> |
| <u>San Marcos Fire Station #5</u> | <u>100 Carlson Street</u> | <u>San Marcos</u> |
| <u>Texas State University Performing Arts Center</u> | <u>405 Moon Street</u> | <u>San Marcos</u> |

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, Northwest Conference Rooms San Marcos, TX 78666. Early voting by personal appearance shall be conducted during the following stated dates and times (excluding holidays) at the following locations:

| <u>Date</u> | <u>Time</u> |
|--|-------------------------|
| Saturday, November 28, 2020 | 10:00 a.m. to 2:00 p.m. |
| Sunday, November 29, 2020 | 12:00 p.m. to 4:00 p.m. |
| Monday, November 30 through Thursday, December 3, 2020 | 8:00 a.m. to 5:00 p.m. |
| Friday, December 4, 2020 | 6:00 a.m. to 6:00 p.m. |

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|--------------------------------------|--|-------------------|
| <u>Hays County Government Center</u> | <u>712 South Stagecoach Trail</u> <u>Northwest Conference</u> <u>Rooms</u> | <u>San Marcos</u> |
| <u>Live Oak Health Partners</u> | <u>401 Broadway Street #C</u> | <u>San Marcos</u> |

Date

Monday, November 30 through Thursday, December 3, 2020
Friday, December 4, 2020

Time

8:00 a.m. to 5:00 p.m.
6:00 a.m. to 6:00 p.m.

| POLLING PLACE | ADDRESS | CITY |
|--|------------------------|-------------------|
| <u>Texas State University Performing Arts Center</u> | <u>405 Moon Street</u> | <u>San Marcos</u> |

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, Suite 1012 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. The Verity Duo Hybrid voting system, shall be utilized in connection with the Election. This system shall be utilized for all early voting as well as for all voting conducted on Election Day. Ample voting equipment shall be provided for early voting and in each of the various vote centers on Election Day. The central counting station is established as the Hays County Elections Administrator's office, 712 S. Stagecoach Trail, Suite 1012, 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 28, 2020 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 \$25.00.

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 16th day of November, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney