CITY OF WILLOW PARK

ORDINANCE NO. 629-11

AN ORDINANCE ORDERING A MUNICIPAL ELECTION TO BE HELD ON MAY 14, 2011 FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS FOR THE CITY OF WILLOW PARK, MAYOR AND COUNCIL MEMBERS: PLACE 1, PLACE 2; DESIGNATING A POLLING PLACE WITHIN THE MUNICIPAL LIMITS; APPOINTING A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, TX is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the City Council consists of a Mayor and five council members elected according to a place system for staggered two year terms of office; the terms of office for Mayor and council member Place No. 1, and council member Place No. 2, will expire in May 2011; and

WHEREAS, Chapter 1, *General Provisions,* Article 1.300 *Municipal Election* provides that "all elections pertaining to municipal affairs shall be governed by the election laws of the State of Texas." and,

WHEREAS, a general election for certain municipal officers of the City of Willow Park, Texas is ordered herein for May 14, 2011 under the authority of law; and

WHEREAS, the election so ordered for the City of Willow Park is ordered not later than 62 days before the election day pursuant to §3.005(a), TEX. ELECTION CODE; and,

WHEREAS, May 14, 2011 is the second Saturday in May, which is prescribed as a uniform election date under §41.001 TEX. ELECTION CODE; and

WHEREAS, Robert Parten, the Elections Administrator for Parker County, is designated under §83.005 TEX. ELECTION CODE as the early voting clerk for elections ordered on behalf of a municipality; and

WHEREAS, the City will enter into an agreement with Parker County for the provision of election services and said agreement provides for an election judge and the dates on which early voting shall occur; and

WHEREAS, §87.001 TEX. ELECTION CODE provides for the appointment of the early voting ballot board and §87.002 TEX. ELECTION CODE for the composition of the board.

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

SECTION 1. INCORPORATION

All of the above precatory statements are true and correct and incorporated herein for all purposes.

SECTION 2. DATE OF ELECTION

It is hereby Ordered that an election for certain municipal officers shall be held in and throughout the City of Willow Park, Texas on May 14, 2011.

SECTION 3. PURPOSE OF ELECTION

The purpose of the election is to provide for the general election of city officers, specifically Mayor, council member Place No. 1, and council member Place No. 2. The new term Mayor and for council member Place No. 1, and council member Place No. 2 are for a term of two years, ending May 2013.

SECTION 4. POLLING PLACE

The City of Willow Park polling place shall be: Willow Park City Hall, 516 Ranch House Road, Willow Park, Texas.

In accordance with §41.031(b) TEX. ELECTION CODE, said polling place shall be open between the hours of 7:00 a.m. and 7:00 p.m. on the date of election.

SECTION 5. ELECTION JUDGES

The Presiding Election Judge and Alternate Presiding Election Judge shall be as appointed by Parker County pursuant to an agreement with the County.

All Election Judges herein appointed, shall appoint not more than two eligible persons as clerks to serve and assist in the conduct of election. Provided, however, that if the Election Judge named herein actually serves, the Alternate Election Judge shall serve as one of the clerks. All election clerks shall be qualified voters of the City.

SECTION 7. COMPENSATION OF THE JUDGING CLERKS

The Election Judge, Alternate Election Judge and each Election Clerk shall be compensated at an hourly rate not to exceed $10.00 per hour, which is an amount that exceeds the federal minimum hourly wage pursuant to §32.019(a) TEX. ELECTION CODE.

The Election Judge or Clerk who delivers the returns of the election, keys to the ballot boxes or other election equipment, and unused election supplies will also be paid the additional sum of $25.00 for delivering such materials pursuant to §32.092 TEX. ELECTION CODE.

SECTION 8. EARLY VOTING CLERK

Robert Parten, the Elections Administrator for Parker County, is hereby designated as the early voting clerk pursuant to §83.05 TEX. ELECTION CODE for the election ordered herein. The official mailing address of the early voting clerk is 1112 Santa Fe Drive, Weatherford, Texas 76086. The City Secretary is further ordered to procure and allocate the supplies necessary to conduct the election pursuant to §51.003(3) TEX. ELECTION CODE and to provide written notice to the presiding and alternate presiding judge of the election as specified by §32.009 TEX. ELECTION CODE.

SECTION 9. GOVERNING LAW QUALIFIED VOTERS

The election shall be held in accordance with the Constitution of the State of Texas and the TEX. ELECTION CODE and all resident, qualified electors of the City shall be eligible to vote at the election.

SECTION 10. PUBLICATION AND POSTING OF NOTICE

Notice of the City election shall be given by posting a Notice of Election at the City of Willow Park on the bulletin board or other location used for posting notices of the meetings of the City Council, not later than 21 days prior to the date of the election, and by publication of said notice at least once in the newspaper published in the City, or if none, in a newspaper of general circulation. The date of said publication to be not less than 10 days nor more than 30 days prior to the date set for the election. Upon publication of the election notice, the City Secretary shall secure a Publisher's Affidavit which complies with the requirements of §4.005 TEX. ELECTION CODE.

SECTION 11. EARLY VOTING

Early voting shall commence in the office of the City Secretary on May 2, 2011, and shall continue Monday through Friday from 8:00 a.m. until 5:00 p.m. until May 10, 2011. Extended hours for Early Voting shall be on May 3, 2011 and May 5, 2011 from 7:00 a.m. to 7:00 p.m., as will be provided by in the agreement with Parker County. Early voting shall be conducted in accordance with the requirements of the TEX. ELECTION CODE.

Applications for early voting by mail shall be delivered to the Early Voting Clerk at the same address not earlier than March 15, 2011, and not later than the close-of-business on May 6, 2011.

The early voting clerk's address to which ballots voted by mail may be sent is:

Robert Parten
Early Voting Clerk
1112 Santa Fe Drive
Weatherford, TX 76086

SECTION 12. DELIVERY OF RETURNS

Immediately after closing the polling place on the date of the election, the election officers named in this Ordinance shall make four copies of the returns. The returns should be delivered as follows: One copy shall be retained by the Election

Judge; one copy shall be delivered to the Mayor of the City of Willow Park; one copy shall be delivered to the Voter Registrar; one copy shall be delivered to the City Secretary along with the ballot boxes and election supplies. All election records and supplies shall be preserved by the City Secretary in accordance with the TEX. ELECTION CODE.

SECTION 13. CANVASSING RETURNS

The City Council, pursuant to §67.003, TEX. ELECTION CODE, shall convene no earlier than the eighth day nor later than the eleventh day after the election to canvass the returns of the election.

SECTION 14. NECESSARY ACTIONS

The Mayor, City Council, or City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions with the TEX. ELECTION CODE in carrying out and conducting the election whether or not specifically authorized herein.

The City Secretary is directed to send a copy of the executed Order of Election to the Parker County Clerk and Election Administrator on or before March 15, 2011 pursuant to § 4.008 TEX. ELECTION CODE.

SECTION 15. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 16. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its adoption.

PASSED AND ADOPTED this 23rd day of February, 2011.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 629-11 did on the 23rd day of February, 2011, vote as follows:

	FOR	AGAINST
Kenneth Hawkins, Mayor		
Barry K. Tatum, Place 1	✓	
Gene Martin, Place 2	✓	
Barry Brown, Place 3	✓	
Mark Hickerson, Place 4	✓	
Hale Alderman, Place 5		