

ORDINANCE 08142018

AN ORDINANCE AUTHORIZING A LOCAL OPTION ELECTION TO LEGALIZE “THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY” FOR THE CITY OF LEONARD, FANNIN COUNTY, TEXAS TO BE HELD ON TUESDAY NOVEMBER 6, 2018, BETWEEN THE HOURS OF 7:00 O’CLOCK A.M. AND 7:00 O’CLOCK P.M., BY THE QUALIFIED VOTERS OF THE CITY OF LEONARD, FANNIN COUNTY, TEXAS WITH THE EARLY VOTING FOR THE CITY OF LEONARD BEING CONDUCTED IN THE CITY HALL COUNCIL CHAMBERS FROM THE 22nd, DAY OF OCTOBER, 2018 THROUGH THE 2nd, DAY OF NOVEMBER, 2018. MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 8:00 O’CLOCK A.M. AND 4:30 O’CLOCK P.M., OFFICE HOURS WILL BE 7:00 O’CLOCK A.M. TO 7:00 P.M. ON THE 25th, DAY OF OCTOBER, 2018 AND 30th, DAY OF OCTOBER, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEONARD:

Section 1. That a local option election to legalize “the legal sale of beer and wine for off-premise consumption only” for the City of Leonard, Fannin County, Texas be held by the qualified voters of the City of Leonard, Fannin County, Texas on Tuesday, November 6, 2018 between the hours of 7:00 o’clock a.m. and 7:00 o’clock p.m.

Section 2. That the polling place for this election shall be as follows:

Polling Place:

**City Hall Council Chamber
111 W. Collin St
Leonard, Texas**

Section 3. Early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the general election shall be October 22 through November 2, 2018. Paper ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Early Voting Clerk for said elections shall be the City Secretary. He/She shall determine the number of election workers to be hired and arrange for training of all election workers. Early voting by personal appearance for the general election shall be conducted at the location and on the following dates and times specified by the Early Voting Clerk:

October 22 – October 24 8:00 a.m. - 4:30 p.m.
(Monday – Wednesday)

October 25 7:00 a.m. - 7:00 p.m.
(Thursday)

October 26 & October 29 8:00 a.m. - 4:30 p.m.
(Friday & Monday)

October 30 7:00 a.m. - 7:00 p.m.
(Tuesday)

October 31 - November 2 8:00 a.m. - 4:30 p.m.
(Wednesday - Friday)

Section 4. There is hereby created an Early Voting Ballot Board, which consists of the presiding Election Judge and two Board Members to be appointed by the said Early Voting Clerk. The Early Voting Ballot Board shall carry out the duties enumerated in Chapter 87 of the Election Code of the State of Texas.

Section 5. Early Voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of P.O. Box 1270, Leonard, Texas 75452, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City. Early Voting by email ballot shall be conducted in accordance with Section 84.007 of the Election Code allows email transmission of a completed, scanned application for a ballot by mail containing an original signature and to require the early voting clerk to designate an email address for receipt of such application. All email ballot request should be emailed to bwoodson@cityofleonard.net.

Section 6. 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 City Secretary's Office. Early votes shall be counted at the Fannin County Clerk's office. The Early Voting Ballot Board shall perform in accordance with applicable provisions of the Election Code.

Section 7. 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 voting conducted on election day. The Fannin County Clerk will appoint a programmer, who shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and on election day. The central counting station is established at the Fannin County Clerk's Office 101 E. Sam Rayburn Dr., Bonham, Texas.

Section 8. Such election shall be held in accordance with the laws of the State of Texas governing general and municipal elections, insofar as the same may be applicable, and with the provision of the Ordinances of the City of Leonard, wherein such laws and ordinances do not conflict with the above described Order.

Section 9. The City Secretary of the City of Leonard is hereby directed and instructed to post a properly executed Notice of Election pursuant to this Order of Election, signed by the Mayor of the City of Leonard and attested by the City Secretary, on the front window provided for notices at the City Hall, at the polling place designated above at least twenty-one (21) days before the election; further, a properly executed copy of such Notice of Election shall be published at least one time not more than thirty (30) days nor less than ten (10) days before the elections in at least one daily newspaper. Published in the City's Official paper the Leonard Graphic, and a copy of the notice shall be filed with the City Secretary of the City of Leonard, together with the posting officer's return and the newspaper certificate of publication.

Section 10. A writ of election as required by the Texas Election Code will be delivered on or before October 19, 2018 by the Early Voting Clerk to the presiding judge, alternate judge and clerk in which the election is ordered to be held.

Section 11. 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 12. The rate of compensation to be paid judge, alternate judge and clerk and assistants to the Fannin County Clerk's Office for services rendered during the election will be compensated at the rate stated below:

Fannin County Clerk's Office will be compensated as stated in the interlocal agreement between Fannin County and City of Leonard.

Appointed Election Judge or Clerk will be compensated for early voting duties from October 22 through November 1, 2018 in the amount of \$350.00.

Election Judge will be compensated for election day duties in the amount of \$175.00.

Alternate Judge and Election Clerk will be compensated for election day duties in the amount of \$125.00 respectfully.

Section 13. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 14. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

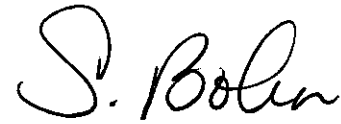
Section 15. The Mayor is authorized to execute, and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 16. This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 17. It is hereby officially found and determined that the meeting at which this Ordinance was 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 by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED by the City Council of the City of Leonard in regular meeting at the Council's Chamber of said City, on the 14th, day of August 2018.

ATTEST:



Steven Bolin, Mayor



Leath Robinson, City Secretary