

**CITY OF PILOT POINT, TEXAS
ORDINANCE NO. 416-13-2020**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PILOT POINT, TEXAS, AMENDING ORDINANCE NO. 408-13-2020 CALLING FOR A SPECIAL ELECTION ON MAY 2, 2020, AS POSTPONED TO NOVEMBER 3, 2020 PURSUANT TO RESOLUTION NO. 2020-06-469, TO INCORPORATE CHANGES TO THE ELECTION DATE, INCLUDING RUN OFF ELECTION DATE IF NEEDED, AND POLLING LOCATION, DATES, AND TIMES, INCLUDING EARLY VOTING; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS TO ORDINANCE NO. 408-13-2020; DIRECTING THE CITY SECRETARY TO PROVIDE AN AMENDED NOTICE OF ELECTION TO DENTON COUNTY FOR POSTING ON THE COUNTY'S WEBSITE IN ACCORDANCE WITH THE TEXAS ELECTION CODE; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council ordered a special election via Ordinance No. 408-13-2020 for May 2, 2020 for the purpose of electing an individual to the office of City Council Place 4, to serve the remainder of an unexpired term until the next regular City Council election in May 2022, but, due to the Governor's Proclamation on March 18, 2020 due to the COVID-19 Pandemic, Texas municipalities were permitted to postpone their May 2020 elections until November 2020; and

WHEREAS, the Texas Election Code (hereinafter the "Code") establishes the first Tuesday of November as a Uniform Election Date for the purposes of conducting a Special Election; and

WHEREAS, the City Council exercised its authority to postpone its May 2, 2020 Special Election to November 3, 2020 by adopting Resolution No. 2020-06-469 which complied with all requirements of Election Advisory 2020-12; and

WHEREAS, in order to hold the election on November 3, 2020, the Council is required to adopt an amending ordinance to address any changes to the date of the election, location of the main early voting location, early voting dates and hours, including weekend early voting, the identity of the early voting clerk and the clerk's contact information or changes to branch early voting locations; and

WHEREAS, the City Council now desires to amend Ordinance No. 408-13-2020 to amend the voting dates, times, and locations, including early voting, for the Special Election and to direct the City Secretary to provide a revised notice of election to Denton County and to comply with all other requirements for the holding of the City's election on November 3, 2020.

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

SECTION 1
INCORPORATION OF PREMISES

All of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

SECTION 2
AMENDMENTS TO ORDINANCE NO. 20-02-06-07

2.01. Section 1 of Ordinance No. 408-13-2020 is hereby amended to be read in its entirety as follows:

Section 1. Election Date; Purpose of Election; Officers and Terms of Office. A special election shall be held in and throughout the City on Tuesday, November 3, 2020 for the purpose of electing the following officer: one (1) Council Member (Place 4) to serve the remainder of an unexpired term until the regular City Council election in May 2022.

2.02. Section 4 of Ordinance No. 408-13-2020 is hereby amended to be read in its entirety as follows:

Section 4. Runoff Election. The candidate for each respective office who shall receive a majority of all votes cast for the office for which that person is a candidate shall be declared elected. In the event any candidate fails to receive a majority of all votes cast for the office for which that person is a candidate, a run-off election shall be held on Tuesday, December 8, 2020 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of resolving the run-off of each office for which a candidate did not receive a majority of all votes cast at the special election as ordered above.

2.03. Section 6 of Ordinance No. 408-13-2020 is hereby amended to be read in its entirety as follows:

Section 6. Joint Election; Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. Chapter 31 of the Texas Election Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Texas Election Code, the Election shall be conducted in accordance with the terms and conditions of the Contract for Election Services between the Elections Administrator of Denton County and the City of Pilot Point ("Denton County Election Services Contract"), which shall be approved by separate action of the City Council.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, the Election shall be conducted jointly between the City and Denton County. Such joint election agreements shall be approved by separate action of the City Council.

The election shall be held as a joint election with Denton County and other municipalities and school districts pursuant to a Joint Election Agreement for the conduct of a joint election to be held on November 3, 2020 (the "Joint Election Agreement", a copy of which is or will be placed on file in the Office of the City Secretary), and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation. Election judges and clerks shall have the qualifications required by law, and notice of appointment shall be given to such judges and clerks by the Administrator (as defined in Section 11) in accordance with the law.

2.04. Section 10 of Ordinance No. 408-13-2020 is hereby amended to be read in its entirety as follows:

Section 10. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Texas Election Code. Frank Phillips, Denton County Elections Administrator ("Administrator"), is hereby appointed as the Early Voting Clerk. Early voting by personal appearance will be conducted beginning October 13, 2020 and continue through October 30, 2020 in accordance with the Joint Election Agreement and law. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

Frank Phillips, Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, TX 76208

And at any of the branch locations set forth in the Joint Election Agreement. Early voting location and times may be changed or additional early voting locations may be added by the Denton County Elections Administrator without further action of the City Council or amendment to this Ordinance, as is necessary for the proper conduct of the Election.

Dates and times of early voting by personal appearance are as follows (subject to change by the Administrator in accordance with law):

Early Voting Dates and Hours:

Tuesday-Saturday	October 13-October 17, 2020	7:00 a.m. to 7:00 p.m.
Sunday	October 18, 2020	11:00 a.m. to 4:00 p.m.
Monday-Saturday	October 19-October 24, 2020	7:00 a.m. to 7:00 p.m.
Sunday	October 25, 2020	11:00 a.m. to 4:00 p.m.
Monday-Friday	October 26-October 30, 2020	7:00 a.m. to 7:00 p.m.

Applications for ballot for early voting by mail shall be requested from and mailed to the Denton County Elections Department, 701 Kimberly, Denton, Texas 76202, and such applications must be received by a date and time in accordance with the Code. All requests for early voting ballots by mail that are received by authorities participating in the Joint Election Agreement ("participating authorities") will be transported by runner on the day of receipt to the Denton County Elections Department for processing. Persons voting by mail will send their voted ballots to the Denton County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87 .00 I of the Code. Pilot Point hereby waives its right under the Joint election agreement to appoint a member to the Board, and will have Denton County appoint a member for the City.

Run-Off

Early voting by personal appearance for the run-off election, if a run-off election is necessary, shall be conducted at the main early voting location and at any of the branch locations set forth in the Joint Election Agreement (such locations being subject to change in accordance with law). Dates and times of early voting by personal appearance are set forth in the Joint Election Agreement (subject to change by the Administrator in accordance with law).

SECTION 3
REVISED NOTICE OF ELECTION

The City Secretary is directed to prepare and provide a revised notice of election reflecting the changes adopted in this Ordinance to Denton County for posting on the County's website at least sixty (60) days prior to the date of election pursuant to Texas Election Code Section 4.008.

SECTION 4
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of Ordinances of the City of Pilot Point, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 5
SEVERABILITY CLAUSE

It is hereby declared to be the intent of the City Council of the City of Pilot Point that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

AND IT IS SO RESOLVED, PASSED AND APPROVED by the City Council of the City of Pilot Point, Texas this 10th day of August 2020.



SHEA DANE-PATTERSON
MAYOR

ATTEST:



JOANN WRIGHT
ACTING CITY SECRETARY

APPROVED AS TO FORM:

WM. ANDY MESSER
CITY ATTORNEY