

RESOLUTION NO. 434

A RESOLUTION OF THE CITY COUNCIL OF POST, TEXAS ORDERING A SPECIAL LOCAL OPTION ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER OR NOT TO PERMIT THE LEGAL SALE OF MALT BEVERAGES AND WINE FOR OFF-PREMISE CONSUMPTION ONLY; AND ESTABLISHING PROCEDURES FOR SAID ELECTIONS.

WHEREAS, the City Council is composed of a Mayor and five Council Members Per General Law City; and

WHEREAS, Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code provide for the holding of local option elections; and

WHEREAS, Section 501.032 of the Texas Election Code requires a city to order a Local option election upon receipt of a valid petition containing signatures equal to or Greater than at least thirty-five percent (35%) of the registered voters in the city who voted for governor in the most recent gubernatorial election; and

WHEREAS, a Petition for Local Option Election was presented to the City Clerk of Post, Texas, on June 27, 2022, and the City Secretary has verified that the Petition exceeds the number of signatures of qualified voters required to request a local option election be held for the legal sale of Malt Beverages and Wine for off premise consumption; and

WHEREAS, Section 501.032 of the Texas Election Code required the City Council at its next Regular session, on or after the 30th day after the petition is filed, to order a Local Option Election to be held on the issue set out in the Petition; and

WHEREAS, pursuant to Section 501.032 of the Texas Election Code, the City Council shall By this Resolution order a Special Local Option Election to be held on a uniform election day, said Date being November 8, 2022, establish the procedure to be followed in said election, and designate the voting places for said election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POST, TEXAS, THAT:

SECTION 1. SPECIAL LOCAL OPTION ELECTION ORDERED

A Special Local Option Election is hereby ordered to be held on November 8, 2022, for the purposes of considering the following:

The legal sale of malt beverages and wine for off-premise consumption only in the City of Post

SECTION 2. OPTICAL SCAN BALLOTS

Voting shall be conducted with optical scan ballots prepared in conformity with the Texas Election Code, and there shall be at least one disabled access voting device, such as a Direct Recording Electronic (DRE) machine at each polling place.

SECTION 3. CONDUCT OF ELECTION

Pursuant to Chapter 501 of the Texas Election Code, the City Council is further ordering that this Special Local Option Election be conducted under the terms and conditions of a Joint Election Agreement and Contract for Election Services ("Joint Election Agreement") between the City of Post and Garza County. Chapter 31, Subchapter D of the Texas Election Code provides that a city may contract with the County Elections Officer for election services if the city is located in whole or in part in the county. In addition, this will be a joint election conducted with other entities that will also hold an election on November 8, 2022, pursuant to the Joint Election Agreement.

As authorized by Chapter 31, Subchapter D of the Texas Election Code, the Post City Council hereby appoints the Garza County Elections Administrator, Xane Reiter, PO Box 847, Post, Texas 79356, as the Election officer for the purpose of conducting the November 8, 2022 Special Local Option Election. This appointment includes services as Early Voting Clerk for the Election, Counting Station Manager, Presiding Judge of the Central Counting Station, Alternate Judge and Tabulation Supervisor.

In addition to and in accordance with Chapter 66 and Chapter 31 of the Texas Election Code, the City Council hereby appoints Garza County Elections Administrator, Xane Reiter, as agent for the Custodian of Records ("Agent") for the November 8, 2022, General Election for the purpose of preserving voted ballots and other election documents.

SECTION 4. EARLY VOTING

Early voting by Personal Appearance shall take place at the locations and times delineated by the Garza County Election Administrator per the Joint Election Agreement beginning on the 12th day preceding the date of the election, which is Monday, October 24, 2022, and ending on the fourth day before Election Day, which is Friday, November 4, 2022. Those locations are delineated on Exhibit A-1, attached to the Order of Election set forth in Exhibit A and incorporated herein by reference for all purposes.

If the Elections Administrator plans to change any of the polling locations or the dates and time, he shall timely notify the City of Post so that City Council can be made aware thereof and be given the opportunity to comment thereon.

The Early Voting Clerk's mailing address to which applications for ballots by mail be sent, for voters residing in Garza County, is as follows:

Early Voting Clerk
Garza County
P.O. Box 847
Post, Texas 79356

A completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to elections@co.garza.tx.us. Applications for ballot by mail must be received no later than Friday, October 28, 2022. The last day to receive ballots by mail is Tuesday, November 8, 2022, at 7:00 p.m. or Wednesday, November 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the Election, on Election Day, unless overseas or military deadlines apply.

SECTION 5. ELECTION DAY VOTING

Election Day Voting shall take place from 7:00 a.m. to 7:00 p.m. at the locations delineated by the Garza County Election Administrator per the Joint Election Agreement. If the Elections plans to change any of the polling locations or the times, he/she shall timely notify the City of Post so that the City Council can be made aware thereof and be given the Opportunity to comment thereon.

SECTION 6. ELECTION INFORMATION TO BE PROVIDED IN SPANISH

The Mayor and all other election officers appointed by the City Council as being responsible for the preparation of notices, instructions, orders, ballots, and other written material pertaining to the Special Local Option Election shall cause each such document to be translated into and furnished to voters in both the English language and Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Mayor and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

SECTION 7. CANVASSING OF RETURNS; DECLARING RESULTS

The Garza County Elections Administrator, as Post's designated election officer, shall provide the written return of the Election results to the City of Post in accordance with the Texas Election Code. The City Council shall canvass the returns on a date and time set by the Mayor between the dates of November 11, 2022, and November 19, 2022 and declare the results of the Special Local Option Election in accordance with the Texas Election Code Section 67.003(b), which provides that for elections held on the uniform election date in November, the following provisions apply:

For an election held on the uniform election date in November, the local canvass must occur not later than the 11th day after Election Day and not earlier than: (1) The third day after election day; (2) The date on which the early voting ballot board has verified and counted all Provisional ballots, if a provisional ballot has been cast in the election; or the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

SECTION 8. NOTICE OF ELECTION

Notice of the Local Option Election shall be published at least one time in the English and Spanish languages, in a newspaper published within Post's territory at least 10 days and no more than 30

days before the Local Option Election and as otherwise may be required by the Texas Election Code. Notice of the Local Option Election shall also be posted on the bulletin board used by the City Council to post notices of its City Council meetings no later than the 21st day before the Local Option Election.

SECTION 9. AUTHORIZATION TO EXECUTE

The Mayor of the City of Post is authorized to execute and the City Secretary is authorized to attest to the Order on behalf of the City Council; and the Mayor is further authorized to do all other things legal And necessary in connection with the holding and consummation of the Local Option Election which includes the giving of and the publication of the Notice of Election to be in a form as to be approved by the City Attorney.

SECTION 10. BALLOT

The official ballot to be used in the Election shall be prepared in accordance with Sections 501.035 and 501.109 of the Texas Election Code. The ballot shall permit the voter to vote "For" or "Against" the proposition and shall be set forth substantially in the following form:

PROPOSITION __. The legal sale of malt beverages and wine for off-premise consumption only

FOR _____
AGAINST _____

SECTION 11. PREAMBLE TRUE AND CORRECT

The facts and recitations contained in the preamble of this resolution are hereby found to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 12. EFFECTIVE DATE

The Resolution shall be effective immediately upon its approval.

DULY PASSED AND APPROVED by the City Council of the City of Post, Texas, on this the 9th day of August, 2022.



Marvin Self, Mayor

ATTEST:



Meg Nelson, City Secretary

EXHIBIT A-1

LOCATIONS FOR ELECTION DAY VOTING AND EARLY VOTING BY PERSONAL APPEARANCE AS DESIGNATED BY THE GARZA COUNTY ELECTIONS ADMINISTRATOR AND APPROVED BY THE POST CITY COUNCIL:

Election Day Voting:

Post Community Center
129 W. Main
Post, Texas
7:00 a.m. – 7:00 p.m.

Early Voting:

Garza County Courthouse
300 W. Main
Post, Tx.
8:00 a.m. – 5:00 p.m.

EXHIBIT A
ORDERING OF ELECTION
CITY OF POST, TEXAS

A Special Election is hereby ordered to be held on Tuesday, November 8, 2022:

TO ABOLISH THE EXISTING SALES AND USE TAX COLLECTED SOLELY FOR THE BENEFIT OF CAPROCK ECONOMIC DEVELOPMENT CORPORATION AND DEDICATED TO WATER AND SEWER SYSTEM IMPROVEMENTS (BEING AT THE RATE OF ONE-HALF OF ONE PERCENT) AND, CONCURRENTLY, AUTHORIZE THE ADOPTION OF A TYPE B ECONOMIC DEVELOPMENT SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT TO UNDERTAKE AUTHORIZED PROJECTS, INCLUDING RELATED MAINTENANCE AND OPERATING COSTS, AS DESCRIBED IN CHAPTERS 501 AND 505 OF THE TEXAS LOCAL GOVERNMENT CODE.

Election day voting and early voting by personal appearance will be conducted at the locations designated by the Garza County Elections Administrator and approved by the Post City Council, all as are delineated on Exhibit A-1, attached hereto and incorporated herein by reference for all purposes.

Applications for ballots by mail shall be mailed to:

Early Voting Clerk
Garza County
P.O. Box 847
Post, Texas 79356

A completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to elections@co.garza.tx.us. Applications for ballot by mail must be received no later than Friday, October 28, 2022. The last day to receive ballots by mail is Tuesday, November 8, 2022, at 7:00 p.m. or Wednesday, November 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the Election, on Election Day, unless overseas or military deadlines apply.

Issued this 9th day of August 2022.



Marvin Self, Mayor

Ordinance No. _____
Ordering a Special Election on November 8, 2022
Date Adopted: August 9, 2022

EXHIBIT A-1

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