

ORDINANCE NO. 2009- 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2009 FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER, PLACE 5, AND A CITY COUNCIL MEMBER, PLACE 6; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. A general election is ordered to be held by the City of San Marcos (the "City") at the various polling places and election precincts within the corporate limits of the City, as hereinafter designated, on November 3, 2009 from the hours of 7:00 a.m. to 7:00 p.m. This general City election will be conducted jointly with Hays County and will be administered for the City by the Hays County Elections Administrator, but this general City election is not a county-wide election. At this election the qualified voters of the City will elect a City Council Member for Place 5, and a City Council Member for Place 6 for terms of three years each.

SECTION 2. The ballots for the City election will conform to the requirements of the Texas Election Code.

SECTION 3. The polling places for each precinct for this election shall be as follows:

PRECINCT NO.	POLLING PLACE LOCATION
110A (portion in City)/113	Election Administrator's Office 401-C Broadway San Marcos, Texas
111/112	Dunbar Center 801 MLK Drive San Marcos, Texas
114	Allenwood Homes Auditorium 1201 Thorpe Lane San Marcos, Texas
116	Hernandez Intermediate School 333 Stagecoach Trail San Marcos, Texas

120	San Marcos Housing Authority Residents Office 820 Sturgeon San Marcos, Texas
127	Tobias Elementary School 1005 E. FM 150 Kyle, Texas
315A (portion in City)	Doris Miller Jr. High School 301 Foxtail Run San Marcos, Texas
330	Lamar Central Office Annex 500 Hutchison San Marcos, Texas
336	Merrill Gardens at San Marcos Auxiliary Room 1720 Ranch Road 12 San Marcos, Texas 78666
332 /334	Old Fish Hatchery Building 201 North C.M. Allen Parkway San Marcos, Texas 78666
446/447A (portion in City)	Travis Elementary School 1437 Old Post Road San Marcos, Texas

SECTION 4. The Hays County Elections Administrator shall appoint presiding judges and alternate judges to serve in this election, and it shall be each such judge's duty to hold the election in their respective precincts, and any vacancies occurring after the initial appointment may be filled by the Hays County Elections Administrator.

SECTION 5. Each presiding judge may appoint up to four clerks, and with the permission of the Hays County Election Administrator, additional clerks, to serve for each precinct in this election.

SECTION 6. The precincts numbered 110A/113, 111/112, 114, 116, 120, 127, 315A, 330, 336, 332/334, and 446/ 447A shall be polling places for the election.

SECTION 7. Joyce Cowan is appointed clerk for early voting for the City.

SECTION 8. The main early polling place for early voting by personal appearance for the election is the Hays County Election Administrator's Office, 401-C Broadway. Early voting by personal appearance shall be conducted during normal working days Monday- Friday (excluding holidays) in the Hays County Election Administrator's Office from October 19, 2009 through October 30, 2009 from 8:00 a.m. to 5:00 p.m., and on October 24, 2009 (Saturday) from

10:00 a.m. to 4:00 p.m. In addition, temporary branch and mobile early polling places for early voting by personal appearance for the City election are established at the following locations, with voting to be conducted at the dates and times indicated:

<u>Location</u>	<u>Date</u>	<u>Time</u>
San Marcos Library Large Meeting Room 625 E. Hopkins San Marcos, Texas	October 19-October 30, 2009 (Except weekends and holidays) October 24, 2009 (Saturday)	8:00 a.m. to 5:00 p.m. 10:00a.m. to 4:00p.m.
Texas State University-San Marcos LBJ Student Center 700 Student Center Drive San Marcos, Texas	October 21, 2009 October 22, 2009	10:00a.m. to 7:00p.m. 10:00a.m. to 7:00p.m.

SECTION 9. Early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of 401-C Broadway, 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. 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 all precinct voting conducted on election day. Jeff McGill is appointed as programmer, and shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in each of the various precincts on election day. The central counting station is established as the Hays County Elections Administrator's office, 401-C Broadway, 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, and any and all assistants appointed by the Presiding Judge and Tabulation Supervisor shall be subject to the approval of the Hays County Elections Administrator.

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. Notice of the election, including a Spanish translation thereof, will be published at least once in a newspaper published in San Marcos on or after October 4, 2009 and on or before October 26, 2009, and will be posted on the bulletin board at City Hall on or before October 13, 2009.

SECTION 17. A Writ of Election as required by the Texas Election Code will be delivered on or before October 19, 2009 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 18. 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.

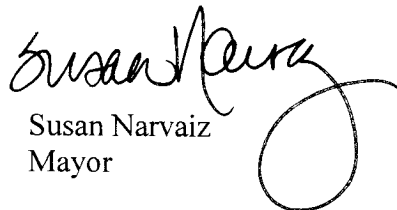
SECTION 19. The rate of compensation to be paid judges, clerks, and assistants to the Central Counting Station Presiding Judge will be compensated at the rate of \$10.00 per hour and Tabulation Supervisor will be compensated at the rate of \$10.00 per hour.

SECTION 20. The additional compensation to be paid judges who deliver returns of the election is established at \$25.00.

SECTION 21. 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 22. 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 three separate meetings, and that ordinances do not take effect until ten days after the date of its final passage are suspended, and this Ordinance will take effect upon publication of notice of its adoption in a newspaper of general circulation within the City.

PASSED, APPROVED AND ADOPTED on August 4, 2009.


Susan Narvaiz
Mayor

Attest:

Approved:



Sherry Mashburn

Sherry Mashburn
City Clerk

Michael Cosentino

Michael Cosentino
City Attorney

