

**ORDINANCE NO. 696**

***'CALLING A NOVEMBER 8, 2016 SPECIAL REFERENDUM ELECTION'***

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 FOR A REFERENDUM REGARDING ORDINANCE NO. 680 "NO DEER FEEDING ORDINANCE"; ESTABLISHING THE ELECTION PROCEDURE AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Granite Shoals, Texas passed Ordinance No. 680 on July 12, 2016; and

**WHEREAS**, on August 9, 2016 a petition was filed with the City Secretary requesting that said Ordinance No. 680 (the "Referred Ordinance") be submitted to the referendum process as provided for in Section VI of the City Charter; and

**WHEREAS**, the City Secretary has certified the petition to the City Council; and

**WHEREAS**, the Referred Ordinance is suspended by operation of the Granite Shoals City Charter until such time as it is repealed by the City Council or submitted to a vote of the qualified voters of the City; and

**WHEREAS**, the City Council has decided to submit the Referred Ordinance to a vote of the qualified voters of the City; and

**WHEREAS**, the City of Granite Shoals, Texas (hereinafter the "City") has made provision to contract with Burnet County to conduct the City's special election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract", jointly with the County and any other political subdivisions that hold elections on the same day in all or part of the same territory, as authorized in *Chapter 271, Tex. Elec. Code*.

**NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS**

**SECTION 1.** A special municipal election shall be held in the City on November 8, 2016, to submit to the voters of the city a referendum initiated by petition relating to the prohibition against feeding deer in the city limits. The ballot shall be prepared to vote "for" or "against" the following proposition:

Shall the City Code be amended to include Ordinance No. 680, "No Deer Feeding Ordinance," the effect of which would be: (1) to prohibit the feeding of deer in the city limits, which is an essential component of the city's comprehensive deer management program; (2) to adopt a city policy that enforcement of deer-feeding regulations should occur first through education, then through warnings, then through the imposition of civil penalties, and then

through the initiation of criminal proceedings only if all of the previous methods prove ineffective; and (3) to provide due process protections for persons accused of violating the ordinance?

— YES

— NO

**SECTION 2.** If the proposition provided in Section 1 is approved by the majority of voters voting at the election, then Ordinance No. 680 “No Deer Feeding Ordinance” will be implemented as originally approved by the City Council.

**SECTION 3.** The City Secretary shall publish the Referred Ordinance at least twice in the official newspaper of the City within fifteen (15) days of the election in accordance with Section 6.16 of the *City Charter*.

**SECTION 4.** Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Burnet County Elections Administrator for use on the voting devices and ballots used by Burnet County.

**SECTION 5.** The Burnet County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of special elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

**SECTION 6.** Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Election Administrator who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Elections Administrator. Early voting shall commence on Monday, October 24, 2016 and continue through Friday, November 4, 2016. Early voting extended hours shall be held as established by the Burnet County Elections Administrator.

**SECTION 7.** The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The return for precincts in Burnet County will be provided by precinct and the Burnet County Elections Administrator shall tabulate and provide the election returns for the election.

**SECTION 8.** The City Secretary, or designee, is instructed to aid the Burnet County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Burnet County and the City, the Burnet County Elections Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Burnet County Elections Administrator shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

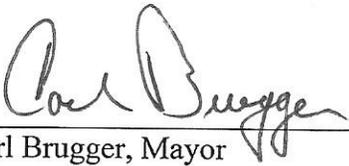
**SECTION 9.** The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm the election judges and alternate judges that are appointed by Burnet County for the election.

**SECTION 10.** Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at City Hall, and on the City's internet website, and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election twice, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in the official newspaper of the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

**SECTION 11.** The election shall be held and conducted by the Burnet County Elections Administrator in compliance with state law and the Election Agreement. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

**SECTION 12.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED this the 15th day of August, 2016.

  
\_\_\_\_\_  
Carl Brugger, Mayor

ATTEST:

  
\_\_\_\_\_  
Elaine Simpson, City Secretary