

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 80-2022**

A RESOLUTION ORDERING THAT A GENERAL ELECTION BE HELD ON MAY 6, 2023, FOR THE ELECTION OF TWO COUNCILMEMBERS FOR PLACE 1 AND PLACE 2; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE KERR COUNTY ELECTIONS OFFICER FOR THE HOLDING OF THE ELECTION; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, Section 2.03 of the City Charter establishes a two-year term of office for each Councilmember, which includes the Mayor, and until a successor is elected; and

WHEREAS, the terms of office for Councilmembers Place One and Place Two will expire in May 2023; and

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the "Code") specifies that Saturday, May 6, 2023, will serve as the general election date for the State of Texas and that a general election of a city may be held on such date; and

WHEREAS, the City Council of the City of Kerrville, Texas ("City Council") finds it to be in the public interest to call a general election to be held on May 6, 2023 for the election of persons to the offices of Councilmember Place One and Councilmember Place Two (the "Election"); and

WHEREAS, City Council is ordering the Election for the City of Kerrville, Texas, not later than 78 days before the election day pursuant to Section 3.005(c) of the Code; and

WHEREAS, City Council, pursuant to the Code, will contract with the Kerr County Elections Officer, who is the tax assessor-collector (the "Elections Officer"), to conduct all aspects of the Election; and

WHEREAS, the Council hereby finds and determines that the actions described above are in the best interests of the residents of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The facts and matters contained in the preamble above are found to be true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION TWO. City Council orders that a general election be held for the City of Kerrville, Texas, on Saturday, May 6, 2023, for the purpose of electing the following

officials of the City:

Councilmember, Place One
Councilmember, Place Two

SECTION THREE. City Council hereby approves the *Joint Election Agreement between the City and Kerr County* (the “Agreement”) and authorizes the Mayor to sign same, such Agreement as authorized by Section 31.092 of the Code. The Agreement is attached hereto as **Exhibit A**.

SECTION FOUR. Qualified persons may file for a place on the ballot by filing an application in the Office of the City Secretary during regular business hours from 8:00 AM to 5:00 PM each weekday beginning Wednesday, January 18, 2023, and continuing until 5:00 PM on Friday, February 17, 2023.

SECTION FIVE. The present boundaries of the City, constituting one election precinct, the polls shall be open for voting on **Election Day, Saturday May 6, 2023, from 7:00 AM until 7:00 PM** at the following polling place:

POLLING PLACE
Cailloux City Center for the Performing Arts (Municipal Auditorium)
910 Main Street
Kerrville, Texas 78028

SECTION SIX. All resident qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the Agreement, the Code, the Federal Voting Rights Act of 1965, as amended, the City Charter, and as may be required by law. All election materials and proceedings shall be printed in both English and Spanish. Kerr County will utilize its voting equipment for this election.

SECTION SEVEN. The Elections Officer is hereby appointed as Early Voting Clerk and the City Secretary shall serve as the Deputy Early Voting Clerk. Applications for ballot by mail must be received by mail no later than the close of business on Monday, April 17, 2023, at the following Mailing Address: Elections Officer, Attn: Early Voting Clerk, 700 Main Street, Kerrville, Texas, 78028.

SECTION EIGHT. The Elections Officer shall appoint the Election Judge and officers for the polling place and the Early Voting Ballot Board in accordance with the provisions of the Code and the Agreement. The City authorizes the Elections Officer to make changes, substitutions, or additions as to any voting official in accordance with the Code and the Agreement.

SECTION NINE. Early voting by personal appearance shall be conducted by

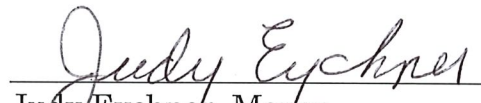
Elections Officer in accordance with the Agreement. In accordance with the Code, the Elections Officer may appoint one or more deputy early voting clerks. Early voting shall be conducted at the Cailloux City Center for the Performing Arts (Municipal Auditorium), 910 Main Street, Kerrville, Texas, 78028, April 24, 2023 through May 2, 2023, and in accordance with the Code, as follows:

- **Monday, April 24, 2023, through Wednesday, April 26, 2023:** 8:00 AM to 6:00 PM
- **Thursday, April 27, 2023:** 8:00 AM to 5:00 PM
- **Friday, April 28, 2023:** 8:00 AM to 6:00 PM
- **Monday, May 1, 2023, and Tuesday, May 2, 2023:** 8:00 AM to 6:00 PM

SECTION TEN. City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 16, 2023, in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas, where official notice of this election shall comply with state law, to include the Open Meetings Act.

SECTION ELEVEN. City Council hereby gives the City Secretary the authority to take any action(s) to ensure that the election is conducted in accordance with the Code and the Agreement. Should the City Secretary be required to take such action, she shall provide written notice of the action to Council as soon as possible.

PASSED AND APPROVED ON this the 13 day of December A.D., 2022.


Judy Eychner, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary

**CIUDAD DE KERRVILLE, TEXAS
RESOLUCIÓN NÚM. 80-2022**

UNA RESOLUCIÓN QUE ORDENA QUE SE CELEBRE UNA ELECCIÓN GENERAL EL 6 DE MAYO DE 2023, PARA LA ELECCIÓN DE DOS CONSEJEROS PARA EL LUGAR 1 Y EL LUGAR 2; PROPORCIONAR DETALLES RELACIONADOS CON LA CELEBRACIÓN DE DICHA ELECCIÓN; AUTORIZANDO AL ALCALDE A CELEBRAR UN ACUERDO CON EL OFICIAL DE ELECCIONES DEL CONDADO DE KERR PARA LA CELEBRACIÓN DE LAS ELECCIONES; Y PROPORCIONANDO OTROS ASUNTOS RELACIONADOS CON EL TEMA

POR CUANTO , la Sección 2.03 de los Estatutos de la Ciudad establece un mandato de dos años para cada Concejal, que incluye al Alcalde, y hasta que se elija un sucesor; y

POR CUANTO , los mandatos de los Concejales Lugar Uno y Lugar Dos vencerán en mayo de 2023; y

POR CUANTO , la Sección 41.001 del Código Electoral de Texas, según enmendado (el "Código") especifica que el sábado 6 de mayo de 2023 será la fecha de las elecciones generales para el Estado de Texas y que se pueden realizar las elecciones generales de una ciudad en tal fecha; y

POR CUANTO , el Concejo Municipal de la Ciudad de Kerrville, Texas ("Concejo Municipal") considera de interés público convocar una elección general que se llevará a cabo el 6 de mayo de 2023 para la elección de personas para los cargos de Concejal Place Uno y Concejal Lugar Dos (la "Elección"); y

POR CUANTO , el Concejo Municipal ordena la Elección para la Ciudad de Kerrville, Texas, a más tardar 78 días antes del día de la elección de conformidad con la Sección 3.005(c) del Código; y

POR CUANTO , el Concejo Municipal, de conformidad con el Código, contratará al Oficial de Elecciones del Condado de Kerr, quien es el recaudador de impuestos (el "Oficial de Elecciones"), para llevar a cabo todos los aspectos de la Elección; y

POR CUANTO , el Concejo encuentra y determina que las acciones descritas anteriormente son en el mejor interés de los residentes de la Ciudad ;

AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE KERRVILLE, CONDADO DE KERR, TEXAS, RESUELVE:

SECCIÓN PRIMERA . Los hechos y asuntos contenidos en el preámbulo anterior se consideran verdaderos y correctos y se incorporan al presente y forman parte

del mismo para todos los fines.

SECCIÓN SEGUNDA . El Concejo Municipal ordena que se celebren elecciones generales para la Ciudad de Kerrville, Texas, el sábado 6 de mayo de 2023, con el fin de elegir a los siguientes funcionarios de la Ciudad:

Concejal, Lugar Uno
Concejal, lugar dos

SECCIÓN TRES . El Concejo Municipal por la presente aprueba el *Acuerdo de Elección Conjunta entre la Ciudad y el Condado de Kerr* (el “Acuerdo”) y autoriza al Alcalde a firmar el mismo, tal Acuerdo como lo autoriza la Sección 31.092 del Código. El Acuerdo se adjunta al presente como **Anexo A** .

SECCIÓN CUARTA . Las personas calificadas pueden solicitar un lugar en la boleta presentando una solicitud en la Oficina del Secretario de la Ciudad durante el horario comercial habitual de 8:00 a. m. a 5:00 p. m. todos los días de la semana a partir del miércoles 18 de enero de 2023 y hasta las 5:00 p. m. 00 horas del viernes 17 de febrero de 2023.

SECCIÓN QUINTA . Dentro de los límites actuales de la Ciudad, constituyendo un precinto electoral, las urnas estarán abiertas para votar el **día de las elecciones, sábado 6 de mayo de 2023, de 7:00 a. m. a 7:00 p. m.** en el siguiente lugar de votación:

COLEGIO ELECTORAL

Centro de Artes Escénicas de la Ciudad de Cailloux (Auditorio Municipal)
910 calle principal
Kerrville, Texas 78028

SECCIÓN SEXTA . A todos los electores calificados residentes de la Ciudad se les permitirá votar en dicha elección. Esta elección se llevará a cabo y se llevará a cabo de conformidad con el Acuerdo, el Código, la Ley Federal de Derechos Electorales de 1965 y sus enmiendas, los Estatutos de la Ciudad y según lo exija la ley . Todos los materiales y procedimientos electorales se imprimirán tanto en inglés como en español. El condado de Kerr utilizará su equipo de votación para esta elección.

SECCIÓN SÉPTIMA . Por la presente, se designa al Oficial de Elecciones como Secretario de Votación Anticipada y el Secretario de la Ciudad actuará como Secretario Adjunto de Votación Anticipada. Las solicitudes de boletas por correo deben recibirse por correo a más tardar al cierre de operaciones el lunes 17 de abril de 2023, en la siguiente dirección postal: Oficial de elecciones, Attn: Early Voting Clerk, 700 Main Street, Kerrville, Texas, 78028.

SECCIÓN OCTAVA . El Encargado de Elecciones designará al Juez de

Elecciones ya los funcionarios del colegio electoral y de la Junta de Boletas de Votación Anticipada de conformidad con las disposiciones del Código y el Acuerdo. La Ciudad autoriza al Oficial de Elecciones a hacer cambios, sustituciones o adiciones a cualquier oficial de votación de acuerdo con el Código y el Acuerdo.

SECCIÓN NOVENA . El Oficial de Elecciones llevará a cabo la votación anticipada en persona de conformidad con el Acuerdo . De acuerdo con el Código, el Oficial de Elecciones puede nombrar uno o más secretarios adjuntos de votación anticipada. La votación anticipada se llevará a cabo en el Cailloux City Center for the Performing Arts (Auditorio Municipal), 910 Main Street, Kerrville, Texas, 78028 , del 24 de abril de 2023 al 2 de mayo de 2023, y de conformidad con el Código, de la siguiente manera:

- **Del lunes 24 de abril de 2023 al miércoles 26 de abril de 2023** : de 8:00 a. m. a 6:00 P . M.
- **jueves, 27 de abril de 2023** : 8:00 a. m . a 5:00 P . M.
- **viernes, 28 de abril de 2023** : 8:00 a. m. a 6:00 p. m.
- **Lunes 1 de mayo de 2023 y martes 2 de mayo de 2023** : 8:00 a. m. a 6:00 p. m.

SECCIÓN DÉCIMA . El Concejo Municipal llevará a cabo el escrutinio oficial de la elección en una reunión especial el martes 16 de mayo de 2023, en las Cámaras del Concejo, Ayuntamiento, 701 Main Street, Kerrville, Texas, donde el aviso oficial de esta elección deberá cumplir con la ley estatal, para incluir la Ley de Reuniones Abiertas.

SECCIÓN DÉCIMA PRIMERA . Por la presente, el Concejo Municipal otorga al Secretario de la Ciudad la autoridad para tomar cualquier acción para garantizar que la elección se lleve a cabo de acuerdo con el Código y el Acuerdo. Si se requiere que la Secretaria de la Ciudad tome tal acción, deberá proporcionar una notificación por escrito de la acción al Concejo tan pronto como sea posible.

PASÓ Y APROBÓ EN ESTE EL _____ **día de** _____ **d.C., 2022 .**

Judy Eychner, alcaldesa

APROBADO EN CUANTO A LA FORMA: DOY FE:

Michael C. Hayes, abogado de la ciudad

Shelley McElhannon, secretaria de la ciudad

**THE STATE OF TEXAS
COUNTY OF KERR**

**JOINT ELECTION AGREEMENT
BETWEEN
CITY OF KERRVILLE AND KERR COUNTY**

THIS AGREEMENT is made and entered into by and between Bob Reeves, Tax Assessor/Collector (or designated employee), on behalf of Kerr County, Texas, and duly constituted and acting as County Elections Officer; and the City of Kerrville, hereinafter referred to as “CITY OF KERRVILLE”; and by authority of Section 31.092, Vernon’s Texas Civil Statutes, Election Code for conducting and supervision of the election for the CITY OF KERRVILLE in conjunction with the election.

Bob Reeves, Tax Assessor/Collector (or designated employee) shall order all supplies for the election and distribute those supplies to the election personnel. Election forms and all records of the election shall be combined for use in this election on the Tally Equipment.

THIS AGREEMENT is entered into in consideration of the mutual covenants and agreement hereinafter set out. IT IS AGREED AS FOLLOWS:

I. DUTIES AND SERVICES OF KERR COUNTY

Bob Reeves, Tax Assessor/Collector (or designated employee), agrees to coordinate, supervise, and handle all aspects in administering the CITY OF KERRVILLE election in accordance with the provisions of the Texas Election Code and as outlined in this Agreement. Said election is scheduled to occur on May 6, 2023, to include early election dates and times required by state law. Should the City reschedule the election pursuant to state law, order, or otherwise, this Agreement shall remain valid for the rescheduled date, to include early voting, unless terminated by Bob Reeves, Tax Assessor/Collector (or designated employee).

Bob Reeves, Tax Assessor/Collector (or designated employee), in connection with the holding and supervision of said election, shall assume the following responsibilities:

- a. Shall be responsible for notifying each election judge and alternate judge of his or her appointment and for determining the number of clerks and other election workers authorized to work at each voting location. Arrange for the notification, including writ of election, and compensation of all presiding judges and alternate judges.
- b. Election judges shall be responsible for picking up election supplies and materials at the time and place determined by Bob Reeves, Tax Assessor/Collector (or designated employee). This responsibility will be set forth in the election judges’ letter notifying the judge of his/her appointment.
- c. Procure, prepare, proof, and distribute ballots.
- d. Procure, prepare, and distribute election judges’ kits.

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- e. Arrange for the use and compensation of polling locations.
- f. Use Optical scanning Verity Scan (Version Number 2.02) and DAU Verity Touch w/Access (Version Number 2.0.3) for counting of ballots as certified by the Secretary of State to comply with election laws (to include the Help America Vote Act or “HAVA”) for early voting and election day.
- g. Assemble the list of registered voters to be used in conducting the election in conformity with the election precincts established for the election.
- h. Publish the legal notice of the date, time and place of the testing of the electronic tabulation equipment and conduct such testing.
- i. Supervise the handling and disposition of election returns, voted ballots, etc., and tabulate unofficial returns and assist in preparing the tabulation for the official canvass.
- j. Bob Reeves, Tax Assessor/Collector (or designated employee), will prepare the unofficial tabulation report after all precincts have been counted, and will provide a copy of the report to the CITY OF KERRVILLE as soon as possible after all returns have been tabulated, but in no event later than 2:00 p.m. on the 10th day following the election. CITY OF KERRVILLE will be responsible for the official canvass of its General Election.
- k. All early voting ballots (those cast by mail and those cast by personal appearance) will be prepared for counting by an Early Voting Ballot Board.
- l. Handle all aspects of Early Voting including those voting by mail.
- m. Prepare the results of the election for CITY OF KERRVILLE to conduct its own canvass of the election as prescribed by law.
- n. Provide at no cost for the storage of all election records as provided by law
- o. As the general custodian of election records, shall conduct a criminal background check for relevant election officials, staff, and temporary workers upon hiring.
- p. Will ensure that Hart Intercivic certifies that a criminal background check on all employees, including temporary employees that may program, test, perform maintenance, transport equipment, or perform technical support on the voting system equipment for KERR COUNTY has been performed. The Company has determined there are no findings that would prevent the employees from performing their assigned duties.

II. DUTIES AND SERVICES OF CITY OF KERRVILLE

CITY OF KERRVILLE in connection with the holding and supervision of said election shall assume the following responsibilities and shall directly bear any cost for the same:

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- a. Shall receive from their candidates all documents filed under Title 15 of the Texas Election Code relating to campaign contributions and expenditures.
- b. Preparation of election orders, resolutions, notices, and other pertinent documents for adoption or execution by the appropriate office or body and post or publish in the required time frame.
- c. Prepare and send out “Notice of Drawing” for a place on the Ballot to all eligible candidates.
- d. Election Officers with a list provided by Bob Reeves, Tax Assessor/Collector (or designated employee), shall be appointed and approved through the governing body of the CITY OF KERRVILLE. The Election Officers are as follows: Election Day Judge, Election Day Alternate Judge, Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Early Voting Ballot Board Judge.
- e. Shall appoint and approve through the governing body of the CITY OF KERRVILLE appoint Bob Reeves as the Early Voting Clerk.
- f. Polling Location shall be appointed and approved through the governing body of the CITY OF KERRVILLE.
- g. Deliver to Bob Reeves, Tax Assessor/Collector or designated employee, as soon as possible, a list showing the official wording for the election titles that is to be printed on the ballot with the exact form, orders, wording, and spelling that is to be used.
- h. Pay any additional costs incurred by Bob Reeves, Tax Assessor/Collector or designated employee, if a recount for the election is required, or the election is contested in any manner.
- i. Shall issue “Certificates of Election” to candidates elected after the Official Canvass.
- j. CITY OF KERRVILLE will be responsible for the official canvass of its election.

III. PAYMENT FOR SERVICES

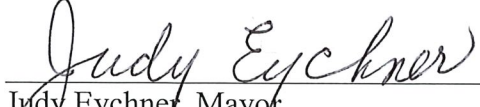
- a. CITY OF KERRVILLE shall pay to Kerr County the actual expenses directly attributable to the Contract including ten percent (10%) of the budget cost for Election Service Contract Fee pursuant to the Texas Election Code, Section 31.100 and the administrative fee of \$50.00 per election. (See attached Estimated Cost Sheet.)
- b. After the date of election and completion of all duties required, the Tax Assessor/Collector (or designated employee), shall then compute the final statement for all expenses including ten percent (10%) of the budget cost for Election Service Contract Fee, the \$50.00 Administration Fee, and mail payment for the election services to CITY OF KERRVILLE. CITY OF KERRVILLE shall be responsible for paying this amount within thirty (30) days from the Final Cost Report.

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- c. If Election is cancelled a \$75.00 administration fee is due from the CITY OF KERRVILLE.

IN WITNESS WHERE OF, the parties hereto have made and entered into this agreement this _____ day of _____, _____.

Bob Reeves, Tax Assessor/Collector
Or Designated Employee
Kerr County, Texas



Judy Eychner, Mayor
CITY OF KERRVILLE