

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE 2, AND MAYOR, AS ELECTED; PROVIDING THAT THE MAY 7, 2016 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Balcones Heights, Texas on January 25, 2016, adopted a Resolution Ordering an Election for the May General Election, attached hereto as Exhibit 'A', ordering a general election to be held on May 7, 2016, for the purpose of electing three officials of the City, to wit: City Councilmember Place 4, City Councilmember Place 5, and Mayor; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City's general election have expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election code, has certified to the City Council that Linda Pohl is unopposed for election to the office of Councilmember Place 1, Miguel C. Valverde is unopposed for election to the office of Councilmember Place 2 and Suzanne de Leon is unopposed for election to the office of Mayor; and

WHEREAS, the City Council hereby finds and determines that the candidates whose names were to appear on the ballot in said election are unopposed, there are no declared write-in candidates, and no propositions to appear on the ballot for said election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices for a term of two years, and shall be issued a certificate of election following the date on which the general election for Councilmembers was to have been held:

Linda Pohl, Place 1
Miguel C. Valverde, Place 2
Suzanne de Leon, Mayor

Section 3. Pursuant to Section 2.053(b), Texas Election code, the regular municipal election for Councilmember Place 1, Councilmember Place 2, and Mayor called and ordered on January 21, 2016, for May 7, 2016, shall not be held and is hereby canceled.

Section 4. The City Secretary is hereby directed to post a copy of this Ordinance on Election Day, same being May 7, 2016, at all polling places that would have been used in such election.

Section 5. Term of office for the unopposed Councilmembers and Mayor shall commence no earlier than on May 13, 2016, after the Oath of Office has been administered and executed per Sec. 22.006, Local Government Code.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7. The Code of the City of Balcones Heights, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 8. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

Section 9. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

Section 10. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED in Balcones Heights, Texas this the 28th day of March, 2016.



Suzanne de Leon
M a y o r

ATTEST:



DELIA FLORES, TRMC
City Secretary

EXHIBIT 'A'

Resolution Calling for Election

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

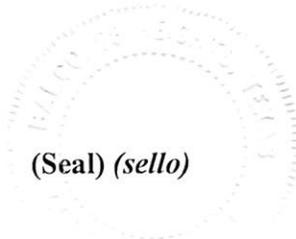
To: Presiding Officer of Governing Body
Al: *Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on *May 7, 2016*

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el *7 de Mayo 2016*

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

| Office(s) Cargo(s) | Candidate(s) Candidato(s) |
|--|---------------------------|
| <i>Mayor / Alcalde</i> | <i>Suzanne de Leon</i> |
| <i>Councilmember / miembro del consejo</i> | <i>Linda Pohl</i> |
| <i>Councilmember / miembro del consejo</i> | <i>Miguel C. Valverde</i> |
| <i>Delia Flores</i> | |
| Signature (Firma) | |
| <i>DELIA FLORES</i> | |
| Printed name (Nombre en letra de molde) | |
| <i>City Secretary</i> | |
| Title (Puesto) | |
| <i>5-26-2016</i> | |
| Date of signing (Fecha de firma) | (Seal) (sello) |



See reverse side for instructions
(Instrucciones en el reverso)

Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;
This means:
 - In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
 - In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*
Esto significa:
 - *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
 - *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: *Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.*

RESOLUTION NO. 2016-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS ORDERING A GENERAL ELECTION TO BE HELD JOINTLY WITH BEXAR COUNTY ON MAY 7, 2016 FOR THE ELECTION OF MAYOR, COUNCIL MEMBER PLACE ONE AND COUNCILMEMBER PLACE TWO EACH TO SERVE A TWO YEAR TERM; DESIGNATING THE MAIN EARLY VOTING PLACE FOR SUCH ELECTION; PROVIDING FOR AN ORDER AND NOTICE OF SUCH GENERAL ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING MACHINES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the laws of the State of Texas provide that a General Election shall be held annually for the election of City Officers, and

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said elections, and in order to comply with said Code, a resolution and order should be passed ordering said elections.

WHEREAS, the election will be held jointly with Bexar County on May 7, 2016 pursuant to Section 271.002(a) of the Texas Election Code.

WHEREAS, Bexar County and entities desire that a joint election be held in order to provide a convenient, simple, and cost-saving election to the voters in their respective jurisdictions; and

WHEREAS, the City desires to enter into an agreement setting out respective duties and responsibilities for the May 7, 2016 election;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, BEXAR COUNTY, TEXAS THAT:

SECTION 1. It is hereby ordered, pursuant to Section 3.005(a) of the Texas Election Code, that a Regular General Election be held in the City of Balcones Heights, Texas on the first Saturday on the 7th day of May, 2016, at which election the following officers shall be elected by the qualified voters of the City of Balcones Heights:

POSITIONS:

- MAYOR (TWO-YEAR TERM)**
- CITY COUNCIL MEMBER, PLACE 1 (TWO-YEAR TERM)**
- CITY COUNCIL MEMBER, PLACE 2 (TWO-YEAR TERM)**

SECTION 2. That at said election each of the foregoing named positions shall be voted upon separately and that the candidate receiving the highest number of votes for each said position shall be elected to such office.

SECTION 3. That qualified persons desiring to be candidates in the aforementioned places shall file for election as such candidates with the City Secretary beginning at 8:00 a.m. on the 20th day of January, 2016 and not later than 5:00 p.m. on the 19TH day of February, 2016.

SECTION 4. Voting on Election Day and during early voting shall be done on Election Systems & Software, Inc. (ES&S) iVotronic™ Touch Screen Voting Unit with ballot tabulation performed by Bexar County Elections Administrator. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

SECTION 5. The polling place designated for Balcones Heights voting precincts 2111 and 2146 for voting in the May 7, 2016 General Election shall be the Balcones Heights Justice Center located at 3300 Hillcrest Drive, Balcones Heights, Texas and such polling place shall be open on said Election Day from 7:00 a.m. to 7:00 p.m.

SECTION 6. The polling place designated for Balcones Heights voting precincts 2111 and 2146 for Early Voting for the May 7, 2016 General Election shall be the Wonderland of Americas formerly known as Crossroads Mall located at 4522 Fredericksburg Rd., Balcones Heights, Texas. Early Voting will be conducted Monday, April 25th – Friday, April 29th, 2016 from 8:00 a.m. to 6:00 p.m., and Saturday, April 30th, 2016 from 8:00 a.m. – 8:00 p.m. Extended hours for Early Voting will be conducted on Monday and Tuesday, May 2nd and 3rd from 8:00 a.m. to 8:00 p.m.

SECTION 7. Applications for ballot by mail shall be mailed to Bexar Elections Administrator, Jacquelyn F. Callanen, 1103 S. Frio St., Suite 100, San Antonio, Texas 78207. Applications for ballots by mail must be received by the Elections Administrator no later than the close of business on April 26, 2016.

SECTION 8. Jacqueline F. Callanen, Bexar County Elections Administrator, is designated as the election officer to conduct the General Election of May 7, 2016 and Early Voting for the General Election. She shall appoint a sufficient number of clerks to assist in the proper conduct of the election and other persons to serve with her as Early Voting Ballot Board.

SECTION 9. That notice of the May 7, 2016 General Election of the City of Balcones Heights shall be posted and published in accordance with the Election Code of the State of Texas.

SECTION 10. The Mayor is authorized to enter into a contract with Bexar County Elections Administrator to conduct the election ordered herein and committing to pay the fee charged by the Bexar County Elections Administrator for such services. The Mayor is furthermore authorized to enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.

SECTION 11. That the returns of said election be made in accordance with the State Election Code and shall be canvassed by the City Council at a special City Council Meeting at a time to be set by Mayor in accordance with the Election Code of the State of Texas.

SECTION 12. Severability. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 13. That this Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 25th day of January, 2016.


Suzanne de Leon
MAYOR

ATTEST:

Delia Flores, TRMC
City Secretary

