

**NOTICE IS HEREBY GIVEN THAT
THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
WILL MEET IN SPECIAL SESSION
MONDAY, APRIL 23, 2018, 5:00 P.M.
LAKEWAY CITY HALL, 1102 LOHMANS CROSSING, LAKEWAY, TEXAS 78734**

AGENDA

1. Establish Quorum and Call to Order.
2. **Ordinance:** Consider approving an ordinance calling a special election.
 - Briefing by City Attorney Alan Bojorquez.
 - Citizens participation.
 - Council discussion/action.
3. **Discuss and consider:** May General Election, June Special Election, and any related runoff elections, including legal and procedural issues.
 - Briefing by City Attorney Alan Bojorquez.
 - Citizens participation.
 - Council discussion/action.
4. Adjourn.

Signed this the 20th day of April, 2018.



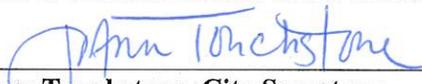
Steve Jones, City Manager

All items are subject to action by the City Council, Pursuant to Ordinance No. 2001-10-29-1, Article VI.

The City Council may adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code including, but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code including, but not limited to, Section 321.3022 (Sales Tax Information).

Certification: I certify that the above notice of meeting was posted on the City of Lakeway Official Bulletin Board on the 20th day of April, 2018 at 3:00 o'clock a.m./p.m. Council approved agendas and action minutes are available on line at <http://www.lakeway-tx.gov/>. The City of Lakeway Council meetings are available to all persons regardless of ability. If you require special assistance, please contact Jo Ann Touchstone, City Secretary, at 314-7516 at least 48 hours in advance of the meeting.





Jo Ann Touchstone, City Secretary

**CITY OF LAKEWAY
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, ORDERING A SPECIAL ELECTION ON THE 16TH OF JUNE, 2018 TO ELECT A NEW COUNCILMEMBER TO THE CITY COUNCIL OF LAKEWAY AND OTHER PROVISIONS INCIDENT AND RELATING TO THE ELECTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on February 16, 2018, a city council member of the City of Lakeway filed to run for Mayor in the May, 2018 City of Lakeway general election; and

WHEREAS, the council member was elected to serve a term of office of three (3) years; and

WHEREAS, the council member's unexpired term was more than twelve (12) months on the date the council member filed to run for Mayor; and

WHEREAS, pursuant to Texas Constitution Article XI, Section 11(a), the council member is subject to Section 65(b), Article XVI, of this Constitution, providing for automatic resignation upon announcing their candidacy or becoming a candidate in any General, Special or Primary Election(s) for any office of profit or trust under the laws of this State or the United States other than the office then held; and

WHEREAS, pursuant to Texas Constitution Article XI, Section 11(a), the council member automatically resigned on February 16, 2018, creating a vacancy on the City of Lakeway City Council; and

WHEREAS, pursuant to the Texas Constitution Article XI, Section 11(c), any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur; and

WHEREAS, on April 16, 2018, at a regularly scheduled City Council Meeting, the City Council of the City of Lakeway unanimously approved a resolution declaring the seat held by the council member vacant; and

WHEREAS, City Council of the City of Lakeway wishes to order a special election for the purpose of submitting to the voters the election of a new council member to the City of Lakeway; and

WHEREAS, the City Council of the City of Lakeway deems it desirable to proceed with the

ordering of a Special Election to be held on June 16, 2018; and

WHEREAS, the City Council of the City of Lakeway has entered into an agreement dated October 21, 2014 (“Election Agreement”) for joint election services with Travis County Elections Division which will provide voter availability to Travis County early voting locations and election day precincts providing accessibility to the County’s DRE (direct recording electronic) voting equipment and certified HAVA-compliant voting equipment which preserves the City’s compliance with Texas Election laws; and

WHEREAS, the said election is to be held more than forty-six (46) days from the date of adoption of this ordinance ordering the general election; and

WHEREAS, pursuant to Ch. 141 of the Texas Election Code, May 7, 2018 is the filing deadline for a special election to be held on June 16, 2018; and

WHEREAS, early voting for the June 16th special election would commence on June 4, 2018; and

WHEREAS, the City Council wishes to designate certain officials to conduct various aspects of election services for the City.

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

SECTION 1. A special election for the purpose of submitting to the voters the election of a new council member to the City of Lakeway City Council is hereby ordered to be held on June 16, 2018 in conformance with all applicable laws and as provided in this Ordinance.

SECTION 2. CONDUCT OF ELECTION.

(a) Early voting by personal appearance will be conducted in accordance with State of Texas election law administered by the Election Officer of Travis County Elections Division from the Travis County Central offices located at 5501 Airport Boulevard, Suite B100, Austin Texas 78751. Voters may vote at any established Travis County early voting mobile or permanent voting site on the dates and times of operation as conducted by the County. Lakeway area Election Precincts include but are not limited to:

Precinct 306, 319	Lakeway Heritage Center 963 Lohmans Crossing Rd, Lakeway, TX 78734
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Precinct 308, 316	Travis Co Parks Office 14624 Hamilton Pool Rd, Austin, TX 78738
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Precinct 320	Randall’s Lakeway 2301 RR 620 South, Lakeway, TX 78734
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Precinct 324	Bee Cave City Hall 4000 Galleria Pkwy, Bee Cave, TX 78738
Precinct 346	Serene Hills Elementary School 3301 Serene Hills Drive, Austin, TX 78738
Precinct 359	LTISD Educational Development Center 607 RR 620 North, Austin, TX 78738

The Travis County Election Officer assumes the responsibility for recruiting election personnel and training thereof. The Travis County Election Officer is appointed to serve as the City's Election Officer and Early Voting Clerk and shall coordinate, supervise, and conduct all aspects of administering voting for the City's joint and special elections.

(b) In accordance with the Election Agreement between Travis County and the City of Lakeway dated October 21, 2014, and in accordance with the Election laws of the State of Texas, election services for the voters of the City of Lakeway are to be administered under the terms of the agreement by the Election Officer of the Travis County Elections Division from their Travis County Central offices located at 5501 Airport Boulevard, Suite B100, Austin Texas, 78751.

SECTION 3. All resident electors of the City shall be entitled to cast a vote in the special election of the City.

SECTION 4. The City Secretary of the City of Lakeway will perform those election duties listed (1) through (8) below and any other election duties that may not be delegated to another governmental entity:

- (1) preparing, adopting, and publishing all required election orders, ordinances, notices and other documents, including bilingual materials, evidencing action by the City of Lakeway necessary for the conduct of an election;
- (2) administering the City's duties under state and local campaign finance laws including but not limited to compliance with hours of operation, preparing and providing candidate information and filing forms for prospective interested citizens; receive filings for office and conduct the City's drawing for places on the ballot;
- (3) preparing the text for the City's official ballot in English and Spanish, as required by law;
- (4) providing the Election Officer with a list of propositions showing the order and the exact manner in which the propositions are to appear on the official ballot;
- (5) assisting the County whenever possible when required;
- (6) conducting the official canvass of the City of Lakeway election;

(7) serving as the custodian of the City's election records; and

(8) filing the Participating Entity's annual voting system report to the Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

SECTION 5. At the special election, the voters of the City will vote for a new council member for the City Council of the City of Lakeway, Texas.

SECTION 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED this the ____ day of _____, 2018.

CITY OF LAKEWAY, TEXAS

Joe D. Bain, Jr., Mayor

ATTEST:

Jo Ann Touchstone, City Secretary

DRAFT

Draft 4-20-18

Lakeway: Special Election Calendar		
June 16, 2018		
	Action	By or With Whom Taken
	Home Rule City with council member terms of three years. Texas Constitution Article XI, Section 11 calls for special election to fill a council member vacancy.	
Current Date to Tuesday, May 1st	Timeframe for Calling Special Candidate Election AND Posting Notice of Special Election on website and/or newspaper. May 1st is the ABSOLUTE LAST DAY to call the election. We recommend calling it before then.	City Council / City Secretary
Tuesday, May 1st	LAST DAY TO DELIVER NOTICE OF SPECIAL ELECTION to the COUNTY CLERK and voter REGISTRAR in Travis County.	
Monday, May 7th	Deadline for candidates to file for election.	City Secretary
Friday, May 11th	Deadline for candidates to withdraw or be declared ineligible and be removed from the ballot by submitting Certificate of Withdrawal or notarized letter (withdrawal request must be received by 5 p.m. and City Secretary's office to remain open until 5 p.m. The statute does not state a time, but the Secretary of State considered 5:00 p.m. the deadline.	City Secretary
Thursday, May 17th	First Day for Filing DECLARATION OF write-in CANDIDACY. (30 days before deadline to declare write-in candidacy)	City Secretary
Saturday, May 19th	First Day to Publish Notice of Special Election (must publish before June 6).	
Wednesday, May 30th to Tuesday, June 12th (June 4th, Per Travis County election calendar)	Early voting period for Special Election. If voting will be conducted on Sat or Sun, June 2nd or 3rd, notice of schedule must be posted at least 72 hours before first hour of the weekend voting. (The city council must also designate 2 weekdays that early voting will be conducted for 12 hours.)	City Secretary
Wednesday, June 6th	Last Day to Publish Notice of the Special Election.	
Tuesday, June 12th	End of Early Voting.	
Saturday, June 16th	ELECTION DAY. Polls are open 7 a.m. to 7 p.m. Voting by sick or disabled voters at main early voting place, 7 a.m. to 7 p.m., where electronic voting systems are used at precinct polling place.	City Secretary
Saturday, June 16th	Recommended day to post notice OF COUNCIL MEETING to canvass the returns of general and special election if canvass will be on 3 rd day after election. Notice must be posted at least 72 hours before time of meeting.	City Secretary
Tuesday, June 19th	FIRST DAY to provide Official STATEMENT OF ELECTED officer and OATH OF OFFICE to candidates elected to office. These are now Secretary of State Forms 2201 and 2204. These are provided at this time for information. They must be signed after the canvass.	City Secretary
Tuesday, June 19th to Wednesday, June 27th	PERIOD FOR OFFICIAL CANVAS. Mayor sets exact day and hour. City secretary records results in election register as soon as practicable after canvass. [Canvass of general and special election may occur before 11 th day only if all FPCA ballots have been received and the EVVB has completed the count of provisional ballots.]	City Council / City Secretary
	After canvass, successful candidates/elected officials take OATH OF OFFICE and are issued CERTIFICATE OF ELECTION. A certificate of election may not be issued in a race if a recount is requested that involves the winning candidate in that race, until the recount is completed.	Mayor
Monday, July 9th to Saturday, August 11th	Possible period for runoff election (based on June 19th - June 27th Canvass).	