

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2020- 12

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS, CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON, TUESDAY, NOVEMBER 3, 2020; APPROVING A JOINT ELECTION AGREEMENT AND CONTRACT WITH COLLIN COUNTY; DESIGNATING A POLLING PLACE; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; PROVIDING FOR NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code (the “Code”) specifies that the first Tuesday after the first Monday in November shall be a “Uniform Election Date” and Governor Greg Abbott provided for elections that had been scheduled for May 2, 2020 to be moved to said November Uniform Election Date due to concerns over the spread of COVID-19 and related pandemic; and

WHEREAS, on the 26th day of March, 2020, the Town Council adopted Ordinance No. 2020-05 moving the May 2, 2020 to said November Uniform Election Date; and

WHEREAS, state law and the home-rule charter of the Town of Fairview require that a general election be held; and

WHEREAS, all of the Town of Fairview and its voting precincts are located within only the County of Collin; and

WHEREAS, by this Ordinance, it is the intention of the Town Council to adopt all requirements of an Election Order and Notice of Election in accordance with state law, and to authorize a contract with Collin County for joint election services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS THAT:

SECTION 1

GENERAL ELECTION CALLED: A general election shall be held in the Town of Fairview, Texas on Tuesday, November 3, 2020, at which the following offices shall be elected:

COUNCIL MEMBER SEAT 2
COUNCIL MEMBER SEAT 4
COUNCIL MEMBER SEAT 6

SECTION 2

TERM OF OFFICE: In accordance with the Town Charter, the candidate for each office receiving the majority of the votes for such office shall be elected to a portion of a two (2) year term beginning when such candidate has been duly elected and qualified and ending May 2022, or until a successor is duly elected and qualified.

SECTION 3

JOINT ELECTION AGREEMENT AND CONTRACT APPROVED: The Joint Election Agreement and Contract between Collin County and Fairview (the “Contract”) is hereby approved and the Town Manager or her designee is authorized to execute the Contract. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

SECTION 4

ELECTION DAY POLLING PLACE: The Election Day polling place for the general election shall be in Fairview Town Hall located at 372 Town Place in Fairview, Texas and the Lovejoy ISD Administration Building located at 259 Country Club Road in Fairview, Texas between the hours of 7:00 a.m. and 7:00 p.m. on November 3, 2020.

SECTION 5

APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE: The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Collin County as indicated in the Contract and authorized by Chapter 271 of the Code.

SECTION 6

GOVERNING LAW: In all respects, said election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act and the Code, each polling place shall be provided at least one voting system equipped for individuals with disabilities. Sufficient voting equipment to accommodate the voters shall be provided for early voting and at each of the polling places on Election Day.

SECTION 7

EARLY VOTING

- A. Early voting by personal appearance. Bruce Sherbet, the Collin County Elections Administrator (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall be conducted at the early voting locations and on the days and during the hours set forth in an agreement with Collin County. On at least two

weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.

- B. Early voting by mail. The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to Bruce Sherbet, Collin County Elections Administrator, 2010 Redbud Blvd, Suite 102, McKinney, TX 75069, Attn: Early Voting Clerk, not earlier than October 13, 2020 and not later than close of business on October 30, 2020. Early voting ballots shall be mailed to the Elections Administrator at the same address. The Town Secretary is directed to forward applications and ballots she may receive to the Elections Administrator as provided by Contract.
- C. Early Voting Ballot Board. Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. Bruce Sherbet, Collin County Elections Administrator, is hereby appointed the presiding judge of such Board. The Presiding Judge shall appoint at least two other members of the Board.

SECTION 8

PUBLICATION AND POSTING OF NOTICE OF ELECTION: This Ordinance shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code). A copy of the Ordinance and the Contract shall be posted on the bulletin board used for posting notices of the meetings of the Town Council at least twenty-one (21) days before the election. Notice shall be published in the newspaper in accordance with state law.

SECTION 9

NECESSARY ACTIONS: The Mayor and Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Contract in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 10

RUNOFF ELECTION: Should a runoff election be required following the canvass of the November 3, 2020 election, the Council hereby orders that a runoff election be held Tuesday, December 8, 2020. The polling place on Election Day for the runoff election shall be the same polling places as those of the original election and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

SECTION 11

SAVINGS, SEVERABILITY, AND REPEALING CLAUSES: All ordinances of the Town in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any section, subsection, sentence, clause, or phrase of this ordinance, or its application to a particular

set of persons or circumstances, is declared invalid or adjudged unconstitutional by a court of competent jurisdiction, it does not affect the remaining portions of this ordinance, as the various portions and provisions of this ordinance are severable. The Town Council declares that it would have passed each and every part of this ordinance notwithstanding the omission of any part that is declared invalid or unconstitutional.

SECTION 12

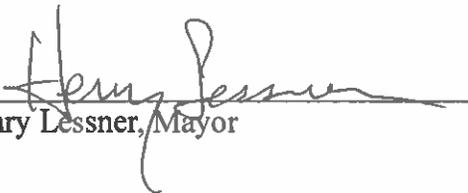
EFFECTIVE DATE: This Ordinance shall be effective upon its adoption.

PASSED, APPROVED AND EFFECTIVE on this 4th day of August 2020.

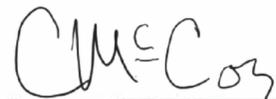
ATTEST:

APPROVED:


Tenitrus Bethel, Town Secretary


Henry Lessner, Mayor

APPROVED AS TO FORM:


Clark McCoy, Town Attorney



TOWN OF FAIRVIEW

ORDINANCE 2020-13

AN ORDINANCE ACCEPTING A PETITION SUPPORTING A LOCAL OPTION ELECTION TO LEGALIZE THE SALE OF ALCOHOLIC BEVERAGES; ORDERING A LOCAL OPTION ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 REGARDING LEGALIZING THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; PROVIDING SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 1, 2019, in accordance with Section 501.023(a) of the Texas Election Code, the Town Secretary received a written application for a petition from 10 or more qualified voters of the Town of Fairview and proof of publication in a newspaper of general circulation in the Town of Fairview pertaining to the circulation of a local option election petition to legalize “the legal sale of all alcoholic beverages including mixed beverages” in the Town of Fairview; and

WHEREAS, in accordance with Section 501.026 of the Texas Election Code, the Town Secretary reviewed the application, the affidavit of publication, and the proposed petition, and concluded that they met the requirements of state law; and

WHEREAS, on November 6, 2019, in accordance with Section 501.030 of the Texas Election Code, the Town Secretary issued to the applicants a petition to legalize “the legal sale of all alcoholic beverages including mixed beverages”; and

WHEREAS, on November 8, 2019 (which was not later than the fifth day after the date the petition was issued), in accordance with Section 501.023(b) of the Texas Election Code, the Town Secretary notified the Secretary of State and the Texas Alcoholic Beverage Commission that a petition had been issued to legalize “the legal sale of all alcoholic beverages including mixed beverages”; and

WHEREAS, on January 6, 2020 (which was not later than the 60th day after the date the petition was issued), in accordance with Section 501.032 of the Texas Election Code, the Town Secretary received a signed petition from the applicants; and

WHEREAS, in accordance with Section 501.031 of the Texas Election Code, the Town Secretary verified that the petition was signed by at least one thousand eight hundred seventy-three (1,873) signers who are qualified voters of the Town of Fairview (which equals at least 35 percent of the registered voters in the Town of Fairview who voted in the most recent

gubernatorial election) and, therefore, is sufficient to require the ordering of a local option election to legalize “the legal sale of all alcoholic beverages including mixed beverages”; and

WHEREAS, Tuesday, November 3, 2020, is the next uniform election date;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THAT:

Section 1. Recitals Incorporated.

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Acceptance of Petition.

In accordance with Section 501.33 of the Texas Election Code, the Town Council accepted the petition as presented by the Town Secretary, and determines it is sufficient to require the ordering of a local option election to legalize “the legal sale of all alcoholic beverages including mixed beverages” in the Town of Fairview.

Section 3. Entry Into Minutes.

In accordance with Section 501.033 of the Texas Election Code, the Town Council directed the Town Secretary to enter into its minutes the date of presentation of the petition to the Town Council, the names of the signers (as contained in the petition, attached as an exhibit to the minutes), and the Town Council’s determination that the petition is sufficient.

Section 4. Order of a Local Option Election

In accordance with Section 501.032 of the Texas Election Code, the Town Council hereby orders that a local option election be held on the issue set out in the petition, to wit: to legalize “the legal sale of all alcoholic beverages including mixed beverages” in the Town of Fairview (“Local Option Election”). The Local Option Election is ordered to be held by the Town of Fairview at the various polling places as designated by the Collin County Election Administrator, on the date of November 3, 2020. This Local Option Election will be conducted jointly with Collin County and will be administered for the Town by the Collin County Elections Administrator. At the Local Option Election, the qualified voters of the Town will decide whether or not to legalize “the legal sale of all alcoholic beverages including mixed beverages” in the Town of Fairview.

Section 5. Election Agreement

The Joint Election Agreement and Contract between Collin County and Fairview (the “Contract”) is hereby approved and the Town Manager or her designee is authorized to execute

the Contract. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

Section 6. Canvass of Returns and Declaration of Result

The votes for the Local Option Election shall be counted and the report submitted to the Fairview Town Council within 24 hours after the time the polls close. On completing the canvass of election returns, the Town Council shall make an order declaring the result and cause the Town Secretary to record the order as provided by law.

Section 7. Certification of Result

Not later than the third day after the result of the Local Option Election has been declared, the Town Secretary shall certify the result to the Secretary of State and the Texas Alcoholic Beverage Commission.

Section 8. Issue to Appear on Local Option Election Ballot

The ballot for the Local Option Election shall permit voting for or against the following issue by the voter indicating "Yes" or "No":

The legal sale of all alcoholic beverages including mixed beverages.
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Section 9. Election Day Polling Place

The Election Day polling place for the general election shall be in Fairview Town Hall located at 372 Town Place in Fairview, Texas and the Lovejoy ISD Administration Building located at 259 Country Club Road in Fairview, Texas between the hours of 7:00 a.m. and 7:00 p.m. on November 3, 2020.

Section 10. Appointment of Election Judge and Alternate Election Judge

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Collin County as indicated in the Contract and authorized by Chapter 271 of the Code.

Section 11. Governing Law

In all respects, said election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act and the Code, each polling place shall be provided at least one voting system equipped for individuals with disabilities. Sufficient voting equipment to

accommodate the voters shall be provided for early voting and at each of the polling places on Election Day.

Section 12. Early Voting

- A. Early voting by personal appearance. Bruce Sherbet, the Collin County Elections Administrator (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall be conducted at the early voting locations and on the days and during the hours set forth in an agreement with Collin County. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.
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- C. Early Voting Ballot Board. Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. Bruce Sherbet, Collin County Elections Administrator, is hereby appointed the presiding judge of such Board. The Presiding Judge shall appoint at least two other members of the Board.

Section 13. Publication and Posting of Notice of Election

This Ordinance shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code). A copy of the Ordinance and the Contract shall be posted on the bulletin board used for posting notices of the meetings of the Town Council at least twenty-one (21) days before the election. Notice shall be published in the newspaper in accordance with state law.

Section 14. Necessary Actions

The Mayor and Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the

Code and the Contract in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Runoff Election

Should a runoff election be required following the canvass of the November 3, 2020 election, the Council hereby orders that a runoff election be held Tuesday, December 8, 2020. The polling place on Election Day for the runoff election shall be the same polling places as those of the original election and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

Section 16. Effective Date

This Ordinance shall be effective upon its adoption.

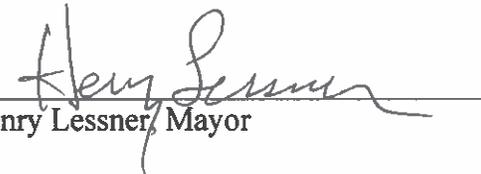
PASSED, APPROVED AND EFFECTIVE on this 4th day of August 2020.

ATTEST:

APPROVED:



Tenitrus Bethel, Town Secretary



Henry Lessner, Mayor

APPROVED AS TO FORM:



Clark McCoy, Town Attorney

