

## **ORDINANCE 2021-3815**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ORDERING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE 27<sup>TH</sup> DAY OF MARCH, 2021, FOR THE PURPOSE OF ELECTING A COUNCILPERSON-DISTRICT 6; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:**

**SECTION 1.** A special municipal election of the City of La Porte, Texas, for election of a member of the City Council as prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 27<sup>th</sup> day of March, 2021, in the city, for the purpose of electing a Councilperson-District 6. A runoff election will be held, if necessary, on May 1, 2021, that day being the May uniform election date, between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., all such arrangements for which are authorized by the adoption of this ordinance.

**SECTION 2.** The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling place for this election precinct shall be as follows:

City District/

City Election Precinct

6

Polling Location

LPISD's ITC Building, 9832 Spencer Highway, La Porte, 77571

**SECTION 3.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with the La Porte Independent School District (LPISD) for this election for the use of their facility. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) that may be authorized by the City Council.

**SECTION 4.** Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the special election herein called may be filed with the City Secretary beginning on January 12, 2021, and must be filed not later than 5:00 p.m. on January 25, 2021.

**SECTION 5.** The position of Councilperson-District 6 shall be elected and installed with the candidate that receives a majority vote of all the votes cast for said office and shall hold office for the remainder of the seat's three- (3-) year term, which concludes at the time of the holding of the May 2023 general municipal election, and any resulting runoff, for the election of members to the La Porte City Council.

**SECTION 6.** Each candidate for the office of Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of District 6 for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

**SECTION 7.** Lee Woodward, City Secretary, is appointed as the Early Voting Clerk, and Sharon Harris, Deputy City Secretary, is appointed as the Deputy Early Voting Clerk, for joint early voting in person and voting by mail, and the La Porte Independent School District Instructional Technology Center (ITC Building), 9832 Spencer Highway, La Porte, Texas, 77571, is hereby designated as the Main Early Voting Location for early voting for the election.

Applications for ballot by mail shall be mailed, faxed, emailed, or delivered by common or contract carrier to:

Lee Woodward, City Secretary  
City of La Porte  
604 West Fairmont Parkway  
La Porte, Texas 77571  
Phone: 281-470-5021 Fax: 281-842-3701 Email: CitySecretary@LaPorteTX.gov

who shall promptly provide them per the provisions of the Texas Election Code. The deadline to hand deliver an application for a ballot by mail (ABBM) is Friday, March 12, 2021. The last day for the early voting clerk to receive applications for a ballot to be voted by mail via mail, fax, common or contract carrier, or email, per the Election Code provisions of Sec. 84.007(c) is Tuesday, March 16, 2021. If a voter submits an application for ballot by mail via fax or email, the early voting clerk must receive an original or a copy with a wet signature via mail within four business days of the submission of the fax or email, in accordance with Election Code Sec. 84.007(c).

The place at which Early Voting by personal appearance shall be conducted is designated as the La Porte Independent School District Instructional Technology Center (ITC Building), 9832 Spencer Highway, La Porte, Texas, (main early voting polling place).

During the lawful early voting period, such Early Voting Clerk shall keep such location for early voting open for early voting from 8:00 a.m. - 5:00 p.m., beginning Monday, March 15, 2021, and continuing through Tuesday, March 23, 2021, with the exception of Tuesday, March 16, 2021, and Tuesday, March 23, 2021, in which case early voting hours shall be from 7:00 a.m. to 7:00 p.m.

**SECTION 8.** Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

**SECTION 9.** The City Secretary of the City of La Porte shall issue notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21<sup>st</sup>) day before election day and remain posted through election day.

**SECTION 10.** The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

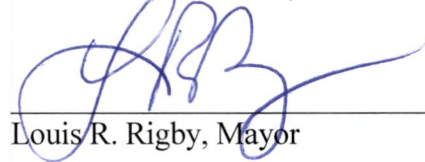
**SECTION 11.** Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**SECTION 12.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Texas open meetings law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**SECTION 13.** This ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED, this 11<sup>th</sup> day of January 2021.

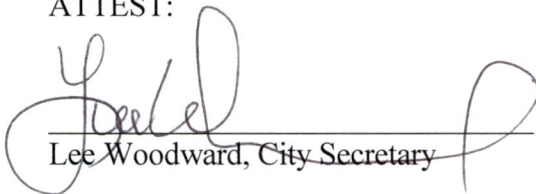
CITY OF LA PORTE, TEXAS



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Louis R. Rigby, Mayor

ATTEST:



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Lee Woodward, City Secretary

APPROVED AS TO FORM:



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Clark T. Askins, Assistant City Attorney

