

ORDINANCE NUMBER 24-04

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS PROVIDING NOTICE AND ORDERING AN ELECTION AND ESTABLISHING PROCEDURES FOR SAID ELECTION TO BE HELD ON SATURDAY, MAY 4, 2024; AUTHORIZING THE MAYOR TO ENTER INTO A JOINT ELECTION AGREEMENT WITH MEDINA COUNTY TO CONDUCT THE ELECTION SHALL BE FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LYTLE, TEXAS A PROPOSITION TO APPROVE OR REJECT GIVING AUTHORIZATION TO THE CITY COUNCIL OF THE CITY TO SELL THE NATURAL GAS UTILITY DISTRIBUTION SYSTEM OWNED BY THE CITY; PROVIDING OTHER MATTERS RELATED TO THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lytle, Texas ("City") owns a Natural Gas Utility Distribution System ("System") that provides natural gas to the citizens of Lytle, Texas and other authorized users of the System; and

WHEREAS, Section 1502.055 of the Texas Government Code requires authorization by a majority vote of qualified voters of a municipality for a municipality to sell a utility system and that the election shall be held in the manner provided for bond elections in the municipality; and

WHEREAS, the City Council of the City of Lytle, Texas finds and determines that the calling of an election for the purpose of submitting a proposition to approve or reject giving the City Council authorization to sell the Natural Gas Utility Distribution System owned by the City is reasonable and in the interest of the City; and

WHEREAS, the City Council hereby calls for an election for the above stated purpose and sets forth the procedures and requirements for conducting said election in accordance with the laws of the State of Texas and further provides that the Government Code and Election Code of the State of Texas are applicable to said election, and in order to comply with said Codes, a Ordinance and order should be passed ordering said election.

WHEREAS, the City has made provision to contract with Medina County to conduct the City's election, pursuant to Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code (the "Contract for Election Services" or "contract"), and such contract provides for political subdivisions subject to the contract that hold election on the same day in all or part of the same territory to hold a joint election as authorized in Chapter 271, Tex. Elec. Code;

WHEREAS, the City Council of the City (the "Council") finds that it is in the public interest that the City enter into a joint election agreement and election services contract with Medina County in order to provide the most efficient and convenient voting opportunities for the City's General Election.

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

Section 1. That the recitals to this Ordinance are true and correct and are hereby incorporated into this Ordinance for all intents and purposes.

Section 2. The City Council of the City of Lytle, Texas hereby orders a Election to be held on May 4, 2024, such day being the first Saturday in May 2024 and a uniform election date, for the purpose of submitting to the qualified voters of the City of Lytle, a proposition to approve or reject giving the City Council authority to sell the Natural Gas Utility Distribution System owned by the City.

Section 3. The ballot for the Election shall conform to the requirements of the Texas Government Code and Election Code and on such ballot shall appear the following proposition, with a provision permitting voters to vote "For" or "Against" a proposition without voting "For" or "Against" all propositions on the ballot. Such proposition shall be expressed substantially as follows:

Proposition A.

Shall the City Council of the City of Lytle, Texas be authorized to sell the Natural Gas Utility Distribution System that is owned by the City of Lytle, Texas?

Section 4. All qualified voters of the City shall be entitled to vote in the Election.

Section 5. That the general municipal election (the "General Election") of the City of Lytle, Texas (the "City"), shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 4th day of May 2024, in the corporate limits of the City, as established with Medina County and in accordance with the election laws of the State of Texas, all such arrangements for which are authorized by the adoption of this Ordinance and the executed joint election agreement and election services contract with Medina County.

Section 6. That the present boundaries of the City constitute one (1) election precinct. The polling places for this election precinct shall be as designated by Medina County.

Election Day Voting Location and Times

Lytle Community Center
19031 Priest Dr.
Lytle, Texas 78052

May 4, 2024 from 7:00 AM —7:00 PM

Section 7. That the General Election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The Council, pursuant to Chapter 271 of the Texas Election Code, authorizes the City Administrator to enter into a joint election agreement with Medina County and other participating political subdivisions for this election. The Mayor or City Administrator is hereby authorized to perform all duties and take all actions as required by any election services contracts or joint election agreements related to the General Election.

Section 8. Medina County shall designate the Early Voting Location for early voting for the General Election and shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for early voting in person and voting by mail, who shall, upon approval of an application for ballot by mail related to the General Election, provide balloting materials to the voter in accordance with the election laws of the State of Texas.

Section 9. The Medina County Elections Administrator or designee shall process all applications for mail ballots in accordance with Title 7 of the Texas Election Code. Persons voting by mail will send their marked ballots to the office of the Medina County Elections Administrator. All requests for early voting ballots by mail that are received by the City will be sent by the entity on the day of the receipt to the office of the County Elections Administrator for processing.

Applications for ballot by mail (the "ABBM") shall be mailed or delivered by common or contract carrier within twenty-four (24) hours of receipt to:

Lupe C. Torres
Elections Administrator
1300 Ave. M, Room 108
Hondo, Texas 78861
lupe.torres@medinatx.org

Section 10. That the deadline to hand-deliver an ABBM is Friday, April 19, 2024. The last day for the early voting clerk to receive applications for a ballot to be voted by mail via mail (regardless of postmarked date), common or contract carrier, is Friday, April 19, 2024, in accordance with Section 84.007(c) of the Texas Election Code. If a voter submits an ABBM via fax or email, the Early Voting Clerk must receive an original or a copy with a wet signature via mail within four (4) business days of the submission of the fax or email, in accordance with Section 84.007(b-1) of the Texas Election Code.

Section 11. That the places at which Early Voting by personal appearance shall be conducted shall be designated by Medina County. During the lawful early voting period, the Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

Early Voting Dates and Times:

Monday, April 22, Tuesday, April 23, Wednesday, April 24, Thursday, April 25,
Friday, April 26, 2024, Monday, April 29, and Tuesday, April 30, 2024.

Early voting will take place from 8:00 AM — 5:00 PM.
Saturday, April 27, 2024, Early voting from 9:00 AM — 2:00 PM.

Early Voting Location

Lytle Community Center
19031 Priest Dr.
Lytle, Texas 78052

Section 12. That voting at the General Election, including early voting, shall be by the use of voting machines; and the ballots of the General Election shall conform to the election laws of the State of Texas, as amended. Medina County, via a joint election agreement or election services contract with the City shall 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 13. That the Devine News, is hereby found and declared to be a newspaper of general circulation in the City; that the City Secretary shall issue a notice of the General Election to be published one time in the Devine News not less than ten (10) days, but no more than thirty (30) days, prior to the date of the General Election; and, that in addition to posting in the Devine News, a notice of the General Election shall be posted on the bulletin board at the City Hall of the City not later than the twenty-first (21st) day before the date of the General Election and remain continuously posted until the end of the day on the date of the General Election.

Section 14. That the Mayor and the City Secretary are hereby authorized to execute and 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 General Election.

Section 15. That each and every provision, paragraph, sentence, and clause of this Ordinance has been separately considered and passed by the Council, and each 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 16. That the Council officially finds, determines, recites, and declares that sufficient written notice of the date, hour, place, and subject of the meeting of the Council during which it considered this Ordinance 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 Chapter 551 of the Texas Government Code; and, that said meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The Council further ratifies, approves, and confirms the contents and posting of such written notice.

DULY PASSED, APPROVED, AND ADOPTED this the 12th day of February, 2024.



Ruben Gonzalez, Mayor
City of Lytle, Texas

ATTEST:



Paola L. Rios, City Secretary
City of Lytle, Texas

