



## ORDINANCE NO. 3215

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO

**WHEREAS**, the City Council of the City of Farmers Branch, Texas (the “City”), hereby finds and determines that it is necessary and advisable to call and hold an election in the City for the purpose of submitting certain propositions pertaining to the issuance of bonds for the purposes hereinafter set forth; and

**WHEREAS**, the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**Section 1.** Findings. The statements contained in the preamble of this Ordinance are true and correct and are hereby incorporated for all purposes.

**Section 2.** Election Ordered; Date; Proposition. (a) An election (the “Election”) shall be held in and throughout the City of Farmers Branch, Texas, on Saturday, May 11, 2013, which date being not less than seventy-one (71) nor more than ninety (90) days from the date of this Ordinance, is a uniform election date as defined in the Texas Election Code, as amended (the “Code”). At the Election the following proposition (the “Proposition”) shall be submitted:

#### PROPOSITION NO. 1

“Shall the City Council of the City of Farmers Branch, Texas, be authorized to issue general obligation bonds of the City in the amount of \$7,150,000 for the purpose of providing funds for permanent public improvements, to wit: designing, constructing and equipping an aquatics facility in the City, including any necessary site preparation; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?”

(b) All resident, qualified voters of the City shall be eligible to vote at the Election.

**Section 3. Conduct of Election.** (a) The Election shall be conducted in accordance with the Code under the jurisdiction of the Dallas County Elections Department (the "Elections Administrator") pursuant to an Election Services Contract (the "Contract") by and among Dallas County Elections Department ("DCED"), the City and other participating entities, if any, described in the Contract. The City Manager or the City Manager's designee is authorized to amend or supplement the Contract to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Elections Administrator.

(b) Election judges, alternate judges and clerks shall be paid, as determined by the Elections Administrator, for their service in the Election.

(c) E-slate, a Direct Record Electronic (DRE) System shall be used for early voting by personal appearance, and paper ballots, which are optically scanned, shall be used for early voting by mail. In the May 11, 2013 election, the Elections Administrator shall cause paper ballots, which are optically scanned, to be prepared in the form of the ballot prescribed below, being in both English and Spanish, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Farmers Branch, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. E-Slate, a Direct Record Electronic (DRE) System shall be provided and used at each polling location on Election Day.

(d) The holding of the Election shall be in compliance with the Code except as modified by other applicable provisions of law.

(e) The election officers shall make returns for the Election in the manner required by law, and the ballots that are properly marked in conformance with the provisions of the Code for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

**Section 4. Precincts.** The voting precincts for the Election are hereby designated to be those municipal voting precincts identified by their respective county precinct numbers as determined by the Elections Administrator. Such locations incorporated herein by reference for all purposes; provided, however, such times and locations may be changed if so directed by the Elections Administrator without further action of the City Council. The Elections Administrator is hereby authorized and directed to make such changes in polling locations as may be necessary for the proper conduct of the Election. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

**Section 5. Official Ballot.** The Proposition shall be set forth substantially in the following form, so as to permit the voters to vote "FOR" or "AGAINST" the Proposition, which shall be set forth on the ballots in substantially the following form:

**PROPOSITION NO. 1**

- |                          |         |   |
|--------------------------|---------|---|
| <input type="checkbox"/> | FOR     | THE ISSUANCE OF \$7,150,000 GENERAL OBLIGATION BONDS FOR DESIGN, CONSTRUCTION AND EQUIPPING OF AN |
| <input type="checkbox"/> | AGAINST | AQUATICS FACILITY, AND THE LEVYING OF A TAX IN  |

PAYMENT THEREOF.

**Section 6. Early Voting.** (a) The Elections Administrator is hereby appointed as Early Voting Clerk for the election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. The main early voting polling place is hereby designated to be the Farmers Branch City Hall, 13000 William Dodson Parkway, Farmers Branch, Texas 75234. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, 8th Floor, Elections Department, 2377 North Stemmons Freeway, Dallas, Texas 75207. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above, such location may be changed or additional early voting locations may be added by the Elections Administrator, without further action of the City Council, as is necessary for the proper conduct of the Election.

(b) In addition to the early voting polling locations located within the City, Farmers Branch voters may vote at all early voting polling locations as designated and maintained by Dallas County throughout the County.

(c) Early voting by personal appearance shall begin on Monday, April 29, 2013, and shall end at 7:00 p.m. on Tuesday, May 7, 2013, with the voting times to be as follows:

|  |                       |
|--|-----------------------|
| Monday, April 29 – Friday, May 3, 2013     | 8:00 a.m. – 5:00 p.m. |
| Saturday, May 4, 2013                      | 8:00 a.m. – 5:00 p.m. |
| Sunday, May 5, 2013                        | 1:00 p.m. – 6:00 p.m. |
| Monday, May 6, 2013 – Tuesday, May 7, 2013 | 7:00 a.m. – 7:00 p.m. |

**Section 7. Bilingual Requirements.** The election materials enumerated in the Code shall be printed in both English and Spanish for use at the polling places and for early voting for the Election and provisions shall be made for oral assistance to Spanish-speaking voters.

**Section 8. Notice of Election.** Notice of the Election shall be given by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at the City Hall on the bulletin board used for posting notices of the meetings of the City Council and at three (3) other public places within the City not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice on the same day in each of two (2) successive weeks in a newspaper of general circulation published within the City, the date of the first publication to be not less than fourteen (14) days nor more than thirty (30) days prior to the date set for the Election.

**Section 9. Necessary Actions.** The Mayor and the City Secretary of the City, in consultation with the City Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting

Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein

**Section 10.** Effective Date. This Ordinance shall take effect immediately upon adoption.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE on the **19<sup>th</sup>**  
day of **February, 2013**, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays at a regular meeting of the City  
Council of the City of Farmers Branch, Texas

\_\_\_\_\_  
WILLIAM P. GLANCY, Mayor

**ATTEST:**

\_\_\_\_\_  
ANGELA KELLY, City Secretary

[SEAL]

**APPROVED AS TO FORM:**  
PETE SMITH, City Attorney

By:\_\_\_\_\_

**EXHIBIT A**

**ELECTION DAY POLLING LOCATIONS FOR  
SATURDAY, MAY 11, 2013 BOND ELECTION**

(Polls shall be open from 7:00 a.m. to 7:00 p.m.)

| <b><u>LOCATION</u></b>           | <b><u>PRECINCT NO.</u></b> |
|----------------------------------|----------------------------|
| Farmers Branch City Hall         | ???                        |
| Farmers Branch Recreation Center | ???                        |
|                                  |                            |
|                                  |                            |
|                                  |                            |
|                                  |                            |
|                                  |                            |
|                                  |                            |