

**ORDINANCE NO. 1118**

**AN ORDINANCE CALLING A GENERAL ELECTION A TO BE HELD JOINTLY WITH NUECES COUNTY ON NOVEMBER 7, 2023 IN THE CITY OF ROBSTOWN, TEXAS FOR THE PURPOSE TO ELECT THE MAYOR, COUNCIL MEMBERS PLACES 1 THROUGH 6 AND ELECT ONE-UTILITY BOARD OF TRUSTEE, POSTION NO. FOUR; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

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**WHEREAS**, the terms for the Mayor, City Council Places One, Two, Three, Four, Five and Six are set to expire in November 2023 and there is a need to call for a General Election to fill the vacancies in accordance with the City Charter and Election Code; and

**WHEREAS**, the Texas Constitution, the *Texas Election Code* (the "Code"), and the City Charter are applicable to said General Election (hereinafter referred to as the "election"), and in order to comply with applicable laws, an ordinance is required to call the elections and establish procedures consistent with the Constitution, the Code, and the Charter; and

**WHEREAS**, the City has made provision to contract with Nueces 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*;

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

**SECTION 1.** It is hereby ordered, pursuant to Section 3.005(a) of the Texas Election Code, that a Regular General Election be held on the 7<sup>th</sup> day of November, 2023, a uniform election date, in the City of Robstown Texas ("City") which date is not less than thirty (30) days from the date of the adoption of this ordinance (the "Ordinance"), for the purpose of election the following officers which shall be elected by the qualified voters of the City of Robstown:

**POSITIONS:**

- MAYOR (TWO-YEAR TERM)**
- CITY COUNCIL PLACE #1 (TWO-YEAR TERM)**
- CITY COUNCIL PLACE #2 (TWO-YEAR TERM)**
- CITY COUNCIL PLACE #3 (TWO-YEAR TERM)**
- CITY COUNCIL PLACE #4 (TWO-YEAR TERM)**

**CITY COUNCIL PLACE #5 (TWO-YEAR TERM)  
CITY COUNCIL PLACE #6 (TWO-YEAR TERM)  
UTILITY BOARD OF TRUSTEE POSITION NO. 4 (FOUR-YEAR TERM)**

**SECTION 2.** That qualified persons desiring to be candidates in the aforementioned places shall file for election as such candidates with the City Secretary beginning at 8:00 a.m. on the 24<sup>th</sup> day of July 2023 and not later than 5:00 p.m. on the 21<sup>st</sup> day of August 2023.

**SECTION 3.** The City Council of the City of Robstown authorizes the Mayor and Council to sign the order calling the General Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with the Nueces County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c).

**SECTION 4.** The Nueces County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Contract for Election Services, the City Charter, and the law governing the holding of general and special elections; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

**SECTION 4.** Early voting, both by personal appearance and by mail, will be conducted by the Nueces County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the designated by the Nueces County Election Officer. Early voting shall commence on October 23, 2023, and ending on November 3, 2023, and early voting polls shall remain open for the time specified by the *Tex. Elec. Code*.

**SECTION 5.** Applications for ballot by mail shall be mailed to Nueces County Clerk, Elections Division, Kara Sands, P.O. Box 2627, Corpus Christi, Texas 78403. Applications for ballots by mail must be received by the Elections Administrator no later than the close of business on October 27, 2023.

**SECTION 6.** Kara Sands, Nueces County Clerk, Elections Division, is designated as the election officer to conduct the General Election of November 7, 2023, and Early Voting for the General Election. She shall appoint a sufficient number of clerks to assist in the proper conduct of the election and other persons to serve with her as Early Voting Ballot Board.

**SECTION 7.** City Council has adopted an Ordinance calling for this General Election and the City has met its legal requirements for calling an election. The Mayor and the City Secretary of the City, in consultation with Special Legal Counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the General Election, whether or not expressly authorized

herein. The City will enter into a contract with Nueces County Elections Administrator outlining dates and locations for early voting and locations for November 7, 2023, election day.

**SECTION 8.** That the returns of said election be made in accordance with the State Election Code and shall be canvassed by the City Council at a special City Council Meeting at a time to be set by Mayor in accordance with the Election Code of the State of Texas.

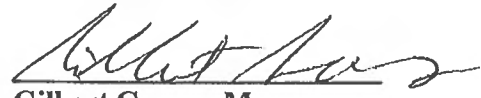
**SECTION 9. Severability.** That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

**SECTION 10. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**That the foregoing ordinance was read for the First and Final reading on this the 21<sup>st</sup> day of August 2023 with the following votes:**

Mayor	Gilbert Gomez	Mayor	<u>“Aye”</u>
Mayor Pro Tem	Mary Ann Y. Saenz	Place No. 1	<u>“Aye”</u>
Council Members:	Nelda Sanchez	Place No. 2	<u>“Aye”</u>
	Cordelia Bosquez	Place No. 3	<u>“Aye”</u>
	Jimmy Morales	Place No. 4	<u>“Aye”</u>
	Joe Carrion	Place No. 5	<u>“Aye”</u>
	Lorraine Morales	Place No. 6	<u>“Aye”</u>

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
ROBSTOWN, TEXAS THIS 21<sup>ST</sup> DAY OF AUGUST 2023.**

  
**Gilbert Gomez, Mayor**

**ATTEST:**

  
**Beatriz Charo, City Secretary**

**APPROVED AS TO FORM:**

  
**Frank Garza, City Attorney - Special Counsel**