

**REGULAR MEETING OF CITY COUNCIL  
AUGUST 4, 2020 – 6:30 P.M.**

<b>PRESENT:</b>	Karen Felker	Acting Mayor
	James Marrs II	Council Member
	Charles Loftis	Council Member
	Milton Ooley	Council Member

<b>ABSENT:</b>	Marvin Dickson	Council Member
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<b>STAFF:</b>	Eddie Edwards	City Manager
	Garrett Spradling	Assistant City Manager
	Stella E. Sauls	City Secretary
	Bruce Roberts	Chief, Police Department
	Jason Anderson	Director, Public Works
	Winston P. Sauls	Assistant Director, Public Works

<b>VISITORS:</b>	Katie Lingor	Arlie Washer
	Kyle Cox	

**NEWS MEDIA:**

**QUESTIONS AND COMMENTS FROM CITIZENS:** Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing City policy; however, City Council members may request City staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

No comments heard.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting and work session of July 21, 2020 and the joint meeting of July 28, 2020, motion was made by Council Member Marrs, seconded by Council Member Loftis, to approve the minutes of the regular meeting and work session of July 21, 2020 and the joint meeting of July 28, 2020. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**PAYMENT OF EXPENDITURES APPROVED:** Following review of the expenditures for the last half of July 2020, motion was made by Council Member Marrs, seconded by Council Members Loftis, to approve payment of the expenditures for the last half of July 2020. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION R-022-20 EXTENDING THE EXPIRATION DATE FOR TEXAS GAS**

**ADOPTED:** City Manager Eddie Edwards explained that this resolution is to extend the current Texas Gas Franchise Agreement 90 days while working through issues. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to adopt Resolution R-022-20 extending the expiration date of the 2005 Texas Gas Franchise by ninety (90) days. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-022-20 reads as follows:

**RESOLUTION R-022-20**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, EXTENDING THE 2005 TEXAS GAS FRANCHISE FOR NINTEY (90) DAYS; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; DECLARING AN EFFECTIVE DATE; AND REPEALING ANY PRIOR RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION**

**WHEREAS**, on August 16, 2005 the City of Borger City Council granted a Franchise to Texas Gas Service Company; and,

**WHEREAS**, the 2005 Franchise had a term expiring fifteen (15) years from and after the date said Franchise became effective; and,

**WHEREAS**, Texas Gas Service Company (TGS) and the City of Borger (City) are actively negotiating a new Franchise, but said negotiations will not be completed prior to the expiration of the 2005 Franchise; and,

**WHEREAS**, TGS and City each desire to extend the expiration date of the 2005 Franchise by ninety (90) days to allow sufficient time to fully negotiate and adopt a new Franchise.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS HEREBY RESOLVES THAT:**

**Section 1.** The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

**Section 2.** The City Council extends the expiration date of the 2005 Texas Gas Franchise appended to this Resolution as "Attachment 1" by ninety (90) days.

**Section 3.** That to the extent any resolution previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

**Section 4.** That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 5.** That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provision of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

**Section 6.** That this Resolution shall become effective from and after its passage.

**Section 7.** As a courtesy, the City Secretary or other appropriate city official shall notify TGS of this Resolution by sending a copy of the Resolution to **Ms. Stephanie Houle, Managing Attorney, ONE Gas, Texas Gas Service, 1301 S. MoPac, Suite 400, Austin, Texas 78746** and shall send a copy of this Resolution to **Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, P.O. Box 302799, 4400 Medical Parkway, Austin, Texas 78756.**

**PASSED, APPROVED, AND ADOPTED,** on this the 4<sup>th</sup> day of August, 2020, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**AGREEMENT FOR PROFESSIONAL SERVICES FOR THE DOWNTOWN UTILITY IMPROVEMENT PROJECT PHASE II:** City Manager Eddie Edwards explained that this is Phase II in the Downtown Utility Improvement Project. Mr. Edwards stated that this Professional Services Agreement provides for the scope of engineering and design services to replace the City's utilities in the east alley of the 400 block of Main Street. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Marrs, to approve the Professional Services Agreement between Parkhill Smith and Cooper and the City of Borger for the Downtown Utility Improvements Project Phase II. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**RESOLUTION R-023-20 SELECTING AN ENGINEERING FIRM TO PROVIDE ENGINEERING SERVICES ADOPTED:** City Manager Eddie Edwards explained to the Council that per the grant guidelines and requirements, entities applying for grant funds must obtain an Engineer and/or Architect to assist with the grant process. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Loftis, to adopt Resolution R-023-20 selecting Parkhill Smith and Cooper as the engineer for the 2020 Texas Capital Fund Downtown Revitalization Grant. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

Resolution R-023-20 reads as follows:

**RESOLUTION R-023-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, SELECTING PARKHILL SMITH AND COOPER TO PROVIDE ENGINEERING SERVICES RELATED TO THE CITY OF BORGER'S GRANT APPLICATION FOR THE TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION PROGRAM**

**WHEREAS**, the City of Borger is applying for grant assistance under the Texas Capital Fund Downtown Revitalization Program operated by the Texas Department of Agriculture; and,

**WHEREAS**, the City of Borger has completed the Request for Proposals process required under the Professional Services Procurement Act, and has ranked those firms submitting proposals based upon qualifications and ability to perform; and,

**WHEREAS**, the City of Borger believes that Parkhill Smith and Cooper is the most qualified of those proposing firms to perform the desired services; and,

**WHEREAS** the City of Borger is desirous to use the services of Parkhill Smith and Cooper to serve as project engineer for the Downtown Revitalization Application, and, if funded, further negotiations for project engineering will occur under this agreement; and,

**WHEREAS**, the City of Borger and Parkhill Smith and Cooper will enter into a contractual agreement for engineering services for the development of a Texas Capital Fund Downtown Revitalization Application and, if funded, further negotiations for project engineering will occur under this agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, THAT:**

1. that the City of Borger has selected Parkhill Smith and Cooper to provide engineering services for the City's participation in the Downtown Revitalization Program and hereby authorizes the Mayor to execute any and all documents to effectuate said engineering services contract.

**PASSED, APPROVED, AND ADOPTED**, on this the 4<sup>th</sup> day of August, 2020, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**RESOLUTION R-024-20 AMENDING FY 2019-2020 BUDGET FOR THE BORGER ECONOMIC DEVELOPMENT CORPORATION ADOPTED:** Executive Director Katie Lingor explained to the Council that the Board of Directors of the B.E.D.C. approved the budget amendments at a Special Meeting on July 28, 2020. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to adopt Resolution R-024-20 approving the Amended FY 2019-2020 Amended Budget for the Borger Economic Development Corporation. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

Resolution R-024-20 reads as follows:

**RESOLUTION R-024-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, APPROVING THE AMENDED ANNUAL BUDGET FOR THE BORGER ECONOMIC DEVELOPMENT CORPORATION FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AUTHORIZING SPECIFIC BUDGET ADJUSTMENT AUTHORITY TO THE EXECUTIVE DIRECTOR WITH APPROVAL OF THE BORGER ECONOMIC DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS**

**WHEREAS**, the City Council has previously adopted Resolution R-013-19 approving the Borger Economic Development Corporation's (BEDC) proposed Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020; and,

**WHEREAS**, unforeseen circumstances such as a change in personnel, the sale of real property, and the BEDC's economic response to the COVID-19 pandemic has made it necessary to amend the FY 2019-2020 Budget; and,

**WHEREAS**, the proposed amended Budget was approved at a specially called board meeting the BEDC's Board of Directors on July 28, 2020.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:**

**SECTION 1.**

**That**, the appropriations as amended for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020, for the support of the BEDC, be fixed and determined for said terms in accordance with the revenues and expenditures shown in the proposed amended Fiscal Year 2019-2020 Budget, a copy of which is appended hereto as Exhibit A.

**SECTION 2.**

**That**, the amended Budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the BEDC's Budget for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020.

**SECTION 3.**

**That**, the BEDC's expenditures during the Fiscal Year beginning October 1, 2019 and ending September 30, 2020, shall be made in accordance with the amended Budget approved by this Resolution unless otherwise authorized by a duly adopted resolution of the City Council of the City of Borger, Texas.

**SECTION 4.**

**That**, specific authority is given to the BEDC's Executive Director with approval by the BEDC's Board of Directors to make the following adjustments to the BEDC's Budget for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020:

1. Transfer of expenditure appropriations budgeted from one account classification to another

account classification as long as the total amount of expenditures remains the same.

2. Transfer of revenue appropriations budgeted from one account classification to another account classification as long as the total amount of revenues remains the same.

**PASSED, APPROVED, AND ADOPTED**, on this the 4<sup>th</sup> day of August 2020, at a regular meeting of the City Council of the City of Borger, Texas, which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**RESOLUTION R-025-20 BORGER ECONOMIC DEVELOPMENT CORPORATION'S COVID-19 RECOVERY AND MARKETING PROGRAM ADOPTED:**

Executive Director Katie Lingor explained to the Council the criteria needed for small business owners to apply for grants of up to \$2,500 each in exchange for promoting Borger, Inc. in their place of business. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Ooley, to adopt Resolution R-025-20 approving the Borger Economic Development Corporations COVID-19 Recovery and Marketing Program. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-025-20 reads as follows:

**RESOLUTION R-025-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, APPROVING THE BORGER ECONOMIC DEVELOPMENT CORPORATION'S ("BEDC") COVID-19 RECOVERY AND MARKETING PROGRAM**

**WHEREAS**, the BEDC is a development corporation under Section 4A of the Development Corporation Act (the "Act"); and,

**WHEREAS**, In May of 1998, the citizens of Borger voted in favor of a number of propositions including Proposition #6, which included the authorization to use sales and use tax for improvements together with maintenance and operations related to commercial and business entities such as a store, restaurant, concession, and other retail facility; and,

**WHEREAS**, the BEDC Board has considered and recommended the approval of the COVID-19 Recovery and Marketing Program to address immediate economic injuries sustained by local businesses during COVID-19 mandatory closures and other executive orders from local, State, and Federal governments and provide expanded marketing for the BEDC.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, THAT:**

1. The City Council has reviewed and approved the creation of the BEDC's COVID-19 Recovery and Marketing Program as presented in Exhibit "A."

**PASSED, APPROVED, AND ADOPTED**, on this the 4<sup>th</sup> day of August, 2020, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**“NO-NEW REVENUE” AND “VOTER-APPROVAL” TAX RATES ACCEPTED:** City Manager Eddie Edwards explained to the Council the differences in the new tax rates. As per the Hutchinson County Tax Assessor-Collector the No-New Revenue tax rate for FY 2020-2021 is 0.847629 and the Voter-Approval tax rate for FY 2020-2021 is 0.894171. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to receive the calculated “No-New Revenue” and “Voter-Approved” tax rates. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**TEXAS COMMUNITIES GROUP PROPERTY BIDS ACCEPTED:** Assistant City Manager Garrett Spradling explained to the Council that five (5) entity owned properties have been purchased through Texas Communities Group, they are as follows:

- a. R4621 (1029 Meredith) \$10.00 – City of Borger
- b. R12893 (702 Platt) \$61.00 – Glorinda Carias (Benbrook, TX)
- c. R12894 (704 Platt) #59.00 – Miguel Carias (Benbrook, TX)
- d. R12908 (706 Platt) \$62.00 – Miguel Carias (Benbrook, TX)
- e. R16640 (303 W. Grand) \$10.00 – City of Borger

Following discussion motion was made by Council Members Loftis, seconded by Council Member Marrs, to accept all winning bids from the Texas Communities Group online bidding process for five (5) properties located in the City of Borger and to authorize the Acting Mayor to sign and execute the Tax Deed for each property on behalf of the City. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**REVISED ORDER OF ELECTION, RESOLUTION R-021-20 ORDERING REGULAR GENERAL CITY ELECTION, REVISED NOTICE OF ELECTION AND JOINT ELECTION ORDER FOR OFFICERS TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 3, 2020 GENERAL ELECTION CONDUCTED BY THE HUTCHINSON COUNTY CLERK APPROVED:** City Secretary Stella E. Sauls submitted the following items for consideration by the Council:

- a. Revised Order of Election for Municipalities.  
(*Revisado Orde De Elección Para Municipios*).

- b. Revised Notice of Election to be conducted on November 3, 2020. *(A Nota de Elección para ser realoizada el 3 de Noviembre 2020).*
- c. Resolution R-021-20 ordering a Regular General City Election to be held on the 3<sup>rd</sup> day of November 2020, providing details for the holding of an election for two (2) members of the Borger City Council.  
*(Resolución R-021-20 que ordena una Elección General Regular de la Ciudad para ser aguantado el día 3 de Noviembre 202, proporcionando detalles para el propiedad dos (2) miembros del Ayuntamiento de Borger).*
- d. City of Borger Joint Election Order between the City of Borger and Hutchinson County Clerk.  
*(Orden Electoral Conjunta entre la Ciudad de Borger y el Secretario del Condado de Hutchinson).*
- e. Contract between City of Borger and Hutchinson County Clerk.

Following discussion, motion was made by Council Member Marrs, seconded by Council Member Ooley, to approve the following:

- a. Revised Order of Election for Municipalities.  
*(Revisado Orde De Elección Para Municipios).*
- b. Revised Notice of Election to be conducted on November 3, 2020.  
*(A Nota de Elección para ser realoizada el 3 de Noviembre 2020).*
- c. Resolution R-021-20 ordering a Regular General City Election to be held on the 3<sup>rd</sup> day of November 2020, providing details for the holding of an election for two (2) members of the Borger City Council.  
*(Resolución R-021-20 que ordena una Elección General Regular de la Ciudad para ser aguantado el día 3 de Noviembre 202, proporcionando detalles para el propiedad dos (2) miembros del Ayuntamiento de Borger).*
- d. City of Borger Joint Election Order between the City of Borger and Hutchinson County Clerk.  
*(Orden Electoral Conjunta entre la Ciudad de Borger y el Secretario del Condado de Hutchinson).*

No Action taken on:

- e. Contract between City of Borger and Hutchinson County Clerk.

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution reads as follows:



**RESOLUTION R-021-20**

**AN AMENDED RESOLUTION OF THE CITY OF BORGER, TEXAS, CALLING A GENERAL CITY ELECTION TO BE HELD ON THE 3<sup>RD</sup> DAY OF NOVEMBER 2020, FOR THE PURPOSE OF ELECTING TWO (2) COUNCIL MEMBERS, FOR THREE YEAR TERMS EACH; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING EXECUTION OF JOINT ELECTION AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Borger, Texas, a Municipal Officers' election is to be held on the first Tuesday of November 2020; and

**WHEREAS**, it is necessary that the City Council of the City of Borger order an election to be held on the 3<sup>rd</sup> day of November 2020, 7:00 a.m. to 7:00 p.m., for the purpose of electing Council members for Place 1 and Place 2 at large; and

**WHEREAS**, the election shall be held as a Joint Election administered by the Hutchinson County Clerk in accordance with the provisions of the Texas Election Code, the Charter of the City of Borger, and a Joint Election Agreement; and

**WHEREAS**, the City of Borger accepts Hutchinson County Clerk's use of the ES&S Voting System, which have been certified by the Secretary of State in accordance with the Texas Election Code and approved by the United States Department of Justice.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, THAT:**

**SECTION 1.** That in accordance with the general laws and Constitution of the State of Texas, a general election is hereby called and ordered for the first Tuesday in November 2020, the same being the 3<sup>rd</sup> day of said month ("Election Day"), to be held between the hours of 7:00 a.m. – 7:00 p.m.

**SECTION 2.** The purpose of the general election ordered by this Resolution is so that all qualified voters residing within the corporate limits of the City of Borger, Texas, may vote for the purpose of electing two (2) full term Council Members one (1) in Place 1 and one (1) in Place 2.

**SECTION 3.** The City Council hereby designates the following election day polling locations for the voters for the Hutchinson County Election Precincts located wholly within the City of Borger, Texas, and said designated polling places shall be as follows:

Precinct 11	Faith Covenant Church, 1501 S. Florida
Precinct 14	Fairlanes Baptist Church, 3000 Fairlanes Blvd.
Precinct 23	St. Andrews Methodist Church, 100 Amaryllis
Precinct 33	Service Drilling Southwest, 901 S. Opal
Precinct 42	Borger School Administration Building, 200 E. 9 <sup>th</sup> St.

The listed Hutchinson County polling places shall be open between the hours of 7:00 a.m. and 7:00 p.m. the date of the election. The election will be conducted in accordance with the Joint Election Contract by and between the City and Hutchinson County, and the Texas Election Code.

**SECTION 4.** That applications for early voting ballot by mail shall be mailed to:

Jan Barnes  
Hutchinson County Clerk  
P.O. Box 1186  
500 Main St.  
Stinnett, TX 79083

Applications for early voting ballot by mail must be received no later than the close of business of Friday, October 23, 2020.

**SECTION 5.** The City shall contract with the Hutchinson County Clerk to coordinate, supervise, and handle all aspects of administering the election ordered by this Resolution. Early voting shall be conducted in accordance with the Code and with the contract between the City of Borger and the Hutchinson County Clerk.

**SECTION 6.** That early voting by personal appearance by any qualified City of Borger resident may be conducted at the Hutchinson County polling places as follows:

**Early voting begins October 13 thru October 30, 2020 from 8:00 a.m. – 6:00 p.m.**

Hutchinson County Annex, 1400 Veta St., Borger, TX 79007

Fritch Library Community Room, 205 N. Cornell, Fritch, TX 79036

Hutchinson County Courthouse, 500 Main St., Stinnett, TX 79083

**SECTION 7.** All voting, including early voting by personal appearance and by mailed ballots, may be accomplished by using paper ballots approved by the County Election Officer. The City hereby appoints the County Clerk as the custodian of voted ballots.

**SECTION 8.** That in accordance with Section 123.001 of the Texas Election Code, the ES&S voting system approved by the Secretary of State are hereby adopted for the election on November 3, 2020.

**SECTION 9.** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election notices, preparation of ballot wording and candidate order to the County Clerk.

**SECTION 10.** That the Acting Mayor is hereby authorized to execute a Joint Election Agreement for the conducting of a joint election to be held on the 3<sup>rd</sup> day of November 2020, and to approve any amendments thereto.

**SECTION 11.** That pursuant to the Joint Election Agreement, the Hutchinson County Clerk shall serve as Election Administrator for the November 2020 election. Pursuant to the agreement with Hutchinson County Clerk, the County Clerk will be responsible for appointing the election judges, any alternate election judges, any clerks, or other election workers, and or paying the costs of election judges and clerks.

**SECTION 12.** That in compliance with Section 271.006 of the Texas Election Code, Jan Barnes, Hutchinson County Clerk, will be appointed as Early Voting Clerk. Other deputy early voting clerks will be appointed as needed to process early voting by mail and to conduct early voting by personal appearance at the branch locations.

**SECTION 13.** That an Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.000 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract and the Presiding Judge and Alternate Presiding Judge of the Early Voting Ballot Board shall be the election officials appointed by the County Clerk.

**SECTION 14.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution, which shall remain in full force and effect.

**SECTION 15.** That this resolution shall become effective immediately from and after its passage and is accordingly so resolved.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Borger, Texas, on this the 4<sup>th</sup> day of August 2020.

**RESOLUCIÓN R-021-20**

**UNA RESOLUCIÓN DE LA CIUDAD DE BORGER, TEXAS, POR LA QUE SE ORDENA UNA ELECCIÓN GENERAL DE LA CIUDAD QUE SE REALIZARÁ EL 3ER DÍA DE NOVIEMBRE DE 2020, CON EL FIN DE ELECCIÓN DE DOS (2) MIEMBROS DEL CONSEJO, POR TÉRMINOS DE TRES AÑOS CADA UNO; DESIGNACIÓN DE LUGARES DE PUNTOS; ORDENAR NOTIFICACIONES DE ELECCIÓN A DAR; AUTORIZAR LA EJECUCIÓN DEL CONTRATO DE ELECCIÓN**

**CONSIDERANDO**, que, de acuerdo con las leyes generales y la Constitución del Estado de Texas y la Carta de la Ciudad de Borger, Texas, se celebrará una elección de Oficiales Municipales el primer martes de noviembre de 2020; y

**POR CUANTO**, es necesario que el Concejo Municipal de la Ciudad de Borger ordene una elección que se llevará a cabo el día 3 de noviembre de 2020, de 7:00 a.m. a 7:00 p.m., con el propósito de elegir a los miembros del Consejo para el Lugar 1 y el Lugar 2 en general; y

**CONSIDERANDO**, que la elección se llevará a cabo como una Elección Conjunta administrada por el Secretario del Condado de Hutchinson de acuerdo con las disposiciones del Código Electoral de Texas, la Carta de la Ciudad de Borger y un Contrato de Elección Conjunta; y

**POR CUANTO**, la Ciudad de Borger acepta el uso del Sistema de Votación ES&S por parte del Secretario del Condado de Hutchinson, que ha sido certificado por el Secretario de Estado de acuerdo con el Código Electoral de Texas y aprobado por el Departamento de Justicia de los Estados Unidos.

**AHORA, POR LO TANTO, SE RESUELVE POR EL CONSEJO DE LA CIUDAD DE BORGER, TEXAS, QUE:**

**SECCIÓN 1.** Que de acuerdo con las leyes generales y la Constitución del Estado de Texas, se convoca y ordena una elección general para el primer martes de noviembre de 2020, siendo el mismo el tercer día de dicho mes ("Día de las Elecciones"), que se llevará a cabo entre las horas de 7:00 a.m. - 7:00 p.m.

**SECCIÓN 2.** El propósito de las elecciones generales ordenadas por esta Resolución es que todos los votantes calificados que residen dentro de los límites corporativos de la Ciudad de Borger, Texas, puedan votar con el propósito de elegir dos (2) Miembros del Consejo de término completo uno (1) en el Lugar 1 y uno (1) en el Lugar 2.

**SECCIÓN 3.** Por la presente, el Concejo Municipal designa los siguientes lugares de votación del día de las elecciones para los votantes para los recintos electorales del condado de Hutchinson ubicados enteramente dentro de la ciudad de Borger, Texas, y dichos lugares de votación designados serán los siguientes:

Precinto 11	Faith Covenant Church, 1501 S. Florida
Precinto 14	Iglesia Bautista Fairlanes, 3000 Fairlanes Blvd.
Precinto 23	St. Andrews Iglesia Metodista, 100 Amaryllis

Precinto 33      Servicio De Perforación Suroeste, 901 S. Ópal  
Precinto 42      200 Edificio de Administración Escolar Borger, E. 9th St.

Los lugares de votación enumerados en el Condado de Hutchinson estarán abiertos entre las 7:00 a.m. y las 7:00 p.m. de la fecha de la elección. La elección se llevará a cabo de acuerdo con el Contrato de Elección Conjunta por y entre la Ciudad y el Condado de Hutchinson, y el Código Electoral de Texas.

**SECCIÓN 4.** Las solicitudes de boleta de votación anticipada por correo se enviarán por correo a:

Jan Barnes  
Secretario del Condado de Hutchinson  
P. O. Box 1186  
500 Main St.  
Stinnett, TX 79083

Las solicitudes para la boleta de votación anticipada por correo deben recibirse a más tardar al cierre de los negocios del viernes 23 de octubre de 2020.

**SECCIÓN 5.** La Ciudad deberá contratar con el Secretario del Condado de Hutchinson para coordinar, supervisar y manejar todos los aspectos de la administración de la elección ordenada por esta Resolución. La votación anticipada se llevará a cabo de acuerdo con el Código y con el contrato entre la Ciudad de Borger y el Secretario del Condado de Hutchinson.

**SECCIÓN 6.** Esa votación anticipada por aparición personal por cualquier residente calificado de la Ciudad de Borger puede llevarse a cabo en los lugares de votación del Condado de Hutchinson de la siguiente manera:

La votación anticipada comienza del 13 de octubre al 30 de octubre de 2020 de 8:00 a.m. a 6:00 p.m.

Anexo del condado de Hutchinson, 1400 Veta St., Borger, TX 79007

Fritch Library Community Room, 205 N. Cornell, Fritch, TX 79036

Tribunal del Condado de Hutchinson, 500 Main St., Stinnett, TX 79083

**SECCIÓN 7.** Toda votación, incluida la votación temprana por aparición personal y por boletas enviadas por correo, puede lograrse utilizando boletas de papel aprobadas por el Oficial de Elecciones del Condado. Por la presente, la Ciudad designa al Secretario del Condado como custodio de las boletas votadas.

**SECCIÓN 8.** Que de acuerdo con la Sección 123.001 del Código Electoral de Texas, el sistema de votación de ES&S aprobado por el Secretario de Estado se adopta para la elección el 3 de noviembre de 2020.

**SECCIÓN 9.** El Secretario de la Ciudad está autorizado e instruido para proporcionar y proporcionar todos los avisos de elección necesarios, la preparación de la redacción de la boleta electoral y la orden de candidato al Secretario del Condado.

**SECCIÓN 10.** Que el alcalde interino está autorizado a ejecutar un contrato electoral conjunto para la realización de una elección conjunta que se celebrará el día 3 de noviembre de 2020, y aprobar cualquier enmienda al mismo.

**SECCIÓN 11.** Que de conformidad con el Contrato de Elección Conjunta, el Secretario del Condado de Hutchinson servirá como Administrador de Elecciones para las elecciones de noviembre de 2020. De conformidad con el contrato con el Secretario del Condado de Hutchinson, el Secretario del Condado será responsable de nombrar

a los jueces electorales, cualquier jueces electorales alternativos, cualquier secretario y otros trabajadores electorales, y o pagar los costos de los jueces y secretarios electorales.

**SECCIÓN 12.** Que en cumplimiento con la Sección 271.006 del Código Electoral de Texas, Jan Barnes, Secretario del Condado de Hutchinson, será nombrado como Secretario de Votación Anticipada. Otros empleados adjuntos de votación anticipada serán nombrados según sea necesario para procesar la votación anticipada por correo y para llevar a cabo la votación anticipada por aparición personal en las sucursales.

**SECCIÓN 13.** Que se creará una Junta de Votación Anticipada para procesar los resultados de la votación anticipada de acuerdo con la Sección 87.000 del Código Electoral de Texas. La Junta de Boletas de Votación Anticipada estará compuesta por miembros designados de la manera establecida en el Contrato de Elección Conjunta y el Juez Presidente y el Juez Presidente Alterno de la Junta de Boletas de Votación Anticipada serán los funcionarios electorales designados por el Secretario del Condado.

**SECCIÓN 14.** Que en caso de que cualquier palabra, oración, párrafo, subdivisión, cláusula, frase o sección de esta resolución sea declarada nula o inconstitucional, lo mismo no afectará la validez de las partes restantes de dicha resolución, que permanecerán en pleno vigor y efecto.

**SECCIÓN 15.** Que la presente resolución entre en vigor inmediatamente a partir de su aprobación y después de ella y que, por consiguiente, se resuelva así.

**APROBADO, APROBADO Y ADOPTADO** por el Concejo Municipal de la Ciudad de Borger, Texas, el 4 de agosto de 2020.

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**ORDINANCE O-006-20 CALLING A VENUE PROJECT ELECTION APPROVED:** City Manager Eddie Edwards explained that this ordinance amends Ordinance O-004-20 approved on February 4, 2020 to provide financial support for the renovations to the Aluminum Dome. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to adopt Ordinance O-006-20 restating and amending Ordinance O-004-20 calling a Venue Tax Election. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Caption of Ordinance reads as follows:

**ORDINANCE NO. O-006-20**

**AN AMENDED AND RESTATED ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS CALLING A VENUE PROJECT ELECTION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 334, AS AMENDED, TEXAS LOCAL GOVERNMENT CODE AND OTHER APPLICABLE LAW; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE**

\*\*\*\*\*

**MEETING ADJOURNED:** There being no further business, motion was made by Council Member Marris, seconded by Council Member Loftis, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

\_\_\_\_\_  
Acting Mayor

**ATTEST:**

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City Secretary