

RESOLUTION 2070-2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE PURPOSE OF SUBMITTING TO ITS VOTERS ONE OR MORE NONBINDING REFERENDA REGARDING ALLOWING FIREWORKS WITHIN THE CITY OF DICKINSON.

WHEREAS, the City of Dickinson (the “City”) desires to hold a Special Election on Tuesday, November 5, 2024 for the purpose of submitting to its voters one or more nonbinding referenda regarding allowing fireworks within the City of Dickinson (the “Special Election”); and **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DICKINSON:

SECTION 1. THAT the captions and recitals to this RESOLUTION are true and correct and are hereby incorporated into this RESOLUTION for all intents and purposes.

SECTION 2. THAT a Special election (the “Special Election”) of the City of Dickinson, Texas (the “City”) is hereby ordered, with the General Election to be held between seven o’clock (7:00) a.m. and seven o’clock (7:00) p.m. on the 5th day of November 2024, in the corporate limits of the City, for the purpose of submitting to the voters of Dickinson one or more nonbinding referenda regarding allowing fireworks within the City of Dickinson in accordance with all applicable City Charter provisions and all election laws of the State of Texas, and as authorized by the adoption of this Resolution and the executed joint election agreement and election services contract with Galveston County contemplated herein. The ballot language for the Special Election shall read as follows:

“Shall Dickinson’s ordinance banning the sale, use, and possession of fireworks be repealed to allow the sale, use, and possession of fireworks as permitted under state law?”

“Vote to retain the ordinance.” or

“Vote to repeal the ordinance.”

SECTION 3. THAT the Special Election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Secretary, the Mayor, and the Mayor’s designee are hereby authorized to perform all duties and take all actions as required by any election services contracts or joint election agreements related to the Special Election.

SECTION 4. THAT Galveston County shall designate the Main 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. Applications for ballot by mail (the “ABBM”) shall be mailed, faxed, emailed, or delivered by common or contract carrier to the addresses or numbers identified in the joint election documentation.

SECTION 5. THAT 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), fax, common or contract carrier, or email, is Friday, October 25, 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 6. THAT the places at which Early Voting by personal appearance shall be conducted shall be designated by Galveston 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.

SECTION 7. THAT voting at the Special Election, including Early Voting, shall be by the use of voting machines; and the ballots of the Special Election shall conform to the election laws of the State of Texas, as amended. Galveston 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 8. THAT the Galveston Daily News, is hereby found and declared to be a newspaper of general circulation in the City (the “newspaper”); that the City Secretary shall issue notice of the Special Election to be published one time in the newspaper not less than ten (10) days, but no more than thirty (30) days, prior to the date of the Special Election; and, that in addition to posting in the newspaper, notice of the Special 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 the Special Election and remain continuously posted until the end of the day on the date of the General Election and the Special Election.

SECTION 9. 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 and the Special Election.

SECTION 10. THAT each and every provision, paragraph, sentence, and clause of this RESOLUTION 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 11. THAT the Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of the meeting of the Council during which it considered this Resolution 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 Resolution 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.

SECTION 12. THAT this Resolution shall be in effect immediately upon its passage and approval.

PASSED, APPROVED, AND ADOPTED this __19__ day of __August__ 2024.



SEAN SKIPWORTH
Mayor

ATTEST:

Claude Allen Oliver

CLAUDE A. OLIVER
City Secretary

APPROVED AS TO FORM:



NGHIEM V. DOAN
City Attorney