

THE TEXAS MUNICIPAL LAWYER™

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SPANISH TRANSLATION OF ELECTION ITEMS ON AGENDAS & MINUTES

With election season upon us, it is inevitable that our thoughts turn to routine election procedures such as ordering the election, obtaining preclearance from the U.S. Department of Justice, posting notices, and other important election functions. One specific and very important election requirement that you may not be aware of is the requirement, under the Texas Election Code and the Voting Rights Act, for a city conducting an election to provide certain election related information to the public in English and any other applicable language(s) pertaining to the racial or language minority makeup of its citizens. This requirement applies to all election material that is subject to public viewing, (e.g. election order, ballots, instructions for voting, sample ballots, fact sheets, etc).

Recently, Cristina R. Blanton, an associate attorney at B&B, LLP who formerly served in the Elections Division of the Texas Secretary of State's Office, presented to the Texas Municipal Clerks Association in Irving, Texas on election related issues. One point Cristina stressed, to the surprise of many in the audience, is that the U.S. Department of Justice requires those portions of **city council agendas** containing election related issues to be translated in Spanish, or other minority languages applicable to the city. In addition, **the segment of the minutes** prepared from the city council meeting where an election issue is discussed must also be translated into the applicable minority language, in addition to providing it in English. Below are pointers to help you address these requirements:

- Have the same person who translated your ballot, election order/resolution, and other election material assist you with the translation of relevant items on agendas and minutes.
- Due to the cyclical nature of elections, you may

be able to re-use the translations from the agendas for the next election season, changing only the dates.

- Ask someone who speaks the language to review the material prior to posting.
- Contact our office if you need a referral for any assistance with translations.

Good luck and Happy Election Season!

LEGAL Q & A

Question: Is the City Manager of a home-rule city prohibited by the nepotism statute (Chapter 573, Texas Government Code) from hiring a relative of a City Council Member?

Answer: If the charter of the home-rule city delegates the full and final authority for appointing persons to staff positions without requiring approval of the City Council, the City Manager may hire an individual who is related to a City Council Member (but who is not related to the City Manager), without violating the nepotism statute. See Op. Tex. Att'y Gen. No. GA-595 (2008).

B&B FEATURED TEAM PROFILE

Roger Gordon heads our firm's litigation section and provides general legal counsel to Texas cities. Roger maintains a trial and appellate practice, and handles administrative hearings.



Prior to joining the Firm, Roger's litigation experience include personal injury law, open records litigation, and—most recently, environmental litigation involving the United States Navy. While earning his Juris Doctorate from Baylor Law School, Roger performed extensive research work for the Texas State Senate regarding the recent Redistricting efforts in Texas, including attending oral arguments for the *Vieth v. Jubelir* appeal at the U.S. Supreme Court. Roger also interned at the State Office of Administrative Hearings. Roger was the first two-time recipient of the Bracken Local Government Award in Baylor Law School history. Prior to attending law school, Roger received his degree in Management from Texas A&M University in College Station, where he was involved in student government.

FEATURED CLIENT

Dripping Springs is awarded \$500,000 Texas Parks and Wildlife Grant

The City of Dripping Springs' application for an Outdoor Recreation Grant of \$500,000 for park improvements at Harrison Ranch Park was approved by the Texas Parks and Wildlife Commission on January 22. Out of 26 statewide applications, Dripping Springs was chosen as one of only six communities across the State of Texas to receive acquisition and development funding.

The TPWD grant will allow Dripping Springs to transform the newly-acquired Harrison Ranch Park, which consists of 64 rolling acres, into an equestrian themed park with facilities for horse riding and other activities reflecting the area's cultural and historical significance. More than 6 acres of the Harrison Ranch Park property surrounding Little Barton Creek will be set aside for dedication as a wildlife preservation and conservation area. Other park developments will include an open air pavilion suited for equestrian events, a play ground, primitive tent campsites, a crushed granite pedestrian trail for walkers, hikers and runners, a path which will support bicycles and wheelchairs, open play area, equestrian trails, an 18-hole course for disk (Frisbee) golf, two regulation horseshoe and washer courts and designated picnic areas.

Deputy City Administrator Ginger Faught said the vision for the agricultural focus of the park originally came from Mayor Todd Purcell. "Mayor Purcell's own positive experiences with 4-H Club and other related affiliations as a youth in Dripping Springs made him want to keep that spirit alive for future generations to enjoy," Faught said.

Mayor Todd Purcell said his dream for the park would never have been realized without the assistance of Hays County, the Harrison Ranch Park Steering Committee, RVI Planning + Landscape Architecture, Grant Development Services and many volunteers and community organizations including the Boy Scouts, Lions Club, Dripping Springs Youth Sports Association, DSISD, Ag Boosters, 4-H Club, D Bar S and the local

VFW. Mayor Purcell added that the park really is a special gift to the region because the family-owned ranch had been preserved in such an environmentally responsible manner. "The Harrisons were excellent stewards of the land and have done much to maintain its natural state," Purcell said.

Looking eagerly ahead to the future and the park's completion, Mayor Todd Purcell stated, "With assistance from Texas Parks and Wildlife, Hays County and so many others, we will build a park of beauty and utility, one that will bring our residents together with much needed opportunities for recreation."

Congratulations to the City of Dripping Springs on the award of this TPWD Grant!



Harrison Ranch Park

