

ORDINANCE NO. 42-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 7, 2006, TO ALLOW THE VOTERS TO CONSIDER AMENDING SECTIONS OF THE CHARTER OF THE CITY OF ABILENE TO COMPLY WITH STATE LAW; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTION.

WHEREAS, the City of Abilene is a home rule municipality that operates under the charter form government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the Charter has not been amended since 1997 and some sections are in conflict with state law provisions; and

WHEREAS, the City is authorized pursuant to Texas Local Government Code Chapter 9 to call an election to seek voter approval to amend the Charter; and

WHEREAS, the City of Abilene, Texas, is authorized by law to hold such election on November 7, 2006 in conjunction with the state and county elections; now, therefore,

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

**PART 1:** That an election is, and the same is hereby ordered to be held within the jurisdiction of the City of Abilene, Texas, on the 7th day of November, 2006, pursuant to the laws of the State of Texas, the Charter of the City of Abilene, Texas, and a contract between the City and Taylor County for election services. Such election shall be held for the purpose of considering amendments to the City Charter of the City of Abilene to comply with state law.

**PART 2:** That the election shall provide for voting for or against the following propositions:

**1. Amend Section 9, Vacancies of the Charter of the City of Abilene to read as follows:**

**All vacancies of the council must be filled by election, pursuant to Article XI, Section 11, of the Texas Constitution.** Candidates elected to fill such unexpired terms shall have the same qualifications as those officers whose unexpired terms they fill. If required to be filled hereunder, each such vacancy shall be filled by an election called **and held** for such purpose, within **120** days from the inception of such vacancy.

The ballot will read:

Shall Section 9 of the City Charter of the City of Abilene be amended to read that all vacancies on the council shall be filled by election to comply with state law?      YES    or    NO

**2. Amend Section 24, Annual Elections of the Charter of the City of Abilene to read as follows:**

The regular election of council to places on the council occupied by council whose terms are expiring and the regular election of the mayor, if his term is expiring, shall be held on such date as prescribed by the election laws of the State of Texas. In such election each qualified voter shall vote for not more than one candidate for each council place to be filled, and for not more than one candidate for mayor. Said elections shall be ordered by the Council, and in case of its failure to order same, the mayor shall make such order. In case of the inability of the council and mayor to act, the elections may be called by the city secretary, and in case of his inability to act, by the county judge of Taylor County, Texas, and in case of his inability to act, by the governor of the State of Texas. The city secretary shall give notice of such election by causing said notice to be published at least thirty (30) days prior to the day of such election.

The ballot will read:

Shall Section 24 of the City Charter of the City of Abilene be amended to read that all elections shall be held on the date as prescribed by the election laws of the State of Texas to comply with state law? YES or NO

**3. Amend Section 27. Canvassing elections and declaring results of the Charter of the City of Abilene to read as follows:**

Returns of every municipal election shall be delivered forthwith by the election judges to the city secretary. The council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election on such date as prescribed by the election laws of the State of Texas. The returns of every municipal election shall be recorded in the minutes of the council by election precinct totals. The qualified person receiving a majority of the votes cast for any office shall thereupon be declared elected by said council. The decision of the council, as to qualifications of candidates, shall be conclusive and final for all purposes.

The ballot will read:

Shall Section 27 of the City Charter of the City of Abilene be amended to read that election returns shall be canvassed on the date as prescribed by the election laws of the State of Texas to comply with state law? YES or NO

**4. Amend Section 28. Runoff elections of the Charter of the City of Abilene to read as follows:**

If no candidate receives a majority of all the votes cast for an office, the council shall immediately upon declaring the official results of the election, order a run-off election for each office to which no one was elected. Such run-off election shall be held on such date as prescribed by the election laws of the State of Texas, and in such run-off election the two (2) candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for each such office in the run-off election shall be elected to such office.

The ballot will read:

○ Shall Section 28 of the City Charter of the City of Abilene be amended to read that runoff elections shall be held on the date as prescribed by the election laws of the State of Texas to comply with state law? YES or NO

**5. Amend Section 122. Public meetings of the Charter of the City of Abilene to read as follows:**

**All meetings of the council and boards or commissions appointed by the council shall be held in accordance with the laws of the State of Texas, commonly referred to as the Texas Open Meetings Act.**

Minutes of all such open meetings shall be kept and such minutes shall constitute public records.

The ballot will read:

○ Shall Section 122 of the City Charter of the City of Abilene be amended to read that all meetings of the council and boards and commissions appointed by the council shall be held in accordance with the laws of the State of Texas, commonly referred to as the Texas Open Meetings Act to comply with state law? YES or NO

**PART 2:** A substantial copy of the proposed amendments shall be published as required by Local Government Code § 9.004. Notice of the election shall comply with Local Government Code § 9.004. The Mayor shall make proclamation of said City's election and give notice thereof including polling precincts and times and places of early voting as set forth in the Proclamation Notice of this election

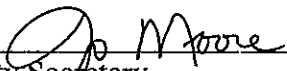
**PART 3:** This Ordinance shall take effect immediately from and after its date of final passage.

**PART 4.** That if the Charter Amendments shall receive a majority of "YES" votes, the amendments shall take effect pursuant to Local Government Code § 9.005.

PASSED ON FIRST READING THIS 24<sup>th</sup> day of August, 2006.


PASSED ON SECOND AND FINAL READING THIS 28<sup>th</sup> day of August, 2006.

ATTEST:

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\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
Mayor

APPROVED:

○  
  
\_\_\_\_\_  
City Attorney

**NOTICE OF SPECIAL ELECTION**

**ELECTION PROCLAMATION**

To the Registered Voters of the City of Abilene, Texas:

WHEREAS, the City Council of the City of Abilene, Texas, did on the 24 day of August, 2006, approve a Resolution ordering a November 7, 2006 Special Election to allow the voters to recommend whether or not the Council should adopt an ordinance to ban smoking in all public places and places of employment in the City of Abilene, and did approve the first reading of an Ordinance ordering a November 7, 2006 Special Election to allow the voters to consider amending sections of the Charter of the City of Abilene to comply with state law; said elections to be held in conjunction with the Taylor County General and State Gubernatorial Election, and;

WHEREAS, the City Council of the City of Abilene, Texas, did on the 28 day of August, 2006 approve a Resolution ordering a November 7, 2006 Special Election to allow the voters to consider a Disabled or Senior (sixty-five (65) years of age or older) Tax Freeze, and did approve the second and final reading of an Ordinance ordering a November 7, 2006 Special Election to allow the voters to consider amending sections of the Charter of the City of Abilene to comply with state law; said elections to be held in conjunction with the Taylor County General and State Gubernatorial Election, now, therefore;

I, NORM ARCHIBALD, MAYOR OF THE CITY OF ABILENE, TEXAS, do hereby proclaim said elections and give notice thereof of said elections to be held on November 7, 2006, from 7:00 a.m. to 7:00 p.m. at the locations below set out:

<u>PRECINCTS</u>	<u>LOCATION OF POLLING PLACES</u>
101	Johnston Elementary School 3602 North 12th
102	Church of Christ 3333 South 11th
103	Bonham Elementary School 4250 Potomac
104	Westminster Presbyterian 4515 South 14th
105	Baker Heights Church of Christ 5382 Texas Avenue

106	Dyess Elementary School 402 Delaware Rd.
201	First Baptist – City Lights Community Ministries Building 340 Hickory
202	Cobb Park Recreation Center 2302 State Street
203	Sears Park Recreation Center 2250 Ambler
204	Abilene Primitive Baptist Church 3565 Hickory
205	Elmcrest Baptist Church 517 N. Pioneer Dr.
301	Southwest Park Baptist Church 2901 S. 20th
302	Jackson Elementary School 2650 South 32 <sup>nd</sup>
303	Wyndrock Baptist Church 4340 Edgemont
304	Allie Ward Elementary School 3750 Paintbrush Dr.
305	New Beginnings United Pentecostal 5535 Buffalo Gap Rd.
306	Zion Lutheran Church 2801 Antilley Rd.
401	New Life Temple Assembly of God 2465 Old Anson Rd.
402 Jones Co. Prec. 6/7/8/14	Hillcrest Church of Christ 650 E. Ambler
403	University Church of Christ 733 EN 16th
404	Highland Church of Christ 425 Highland

405

Bowie Elementary School  
1733 South 20th

406

Thomas Elementary School  
1240 Lakeside Dr.

407

Lytle South Baptist Church  
1125 E. Industrial

I do hereby proclaim that the main place of early voting shall be at the Taylor County Plaza, 400 Oak Street, during the regular office hours of the Election Administrator, being between the hours of **8:00 a.m. and 5:00 p.m., on October 23, 2006 through October 27, 2006**, and between the hours of **7:00 a.m. and 7:00 p.m. on October 30<sup>th</sup> through November 3, 2006.**

I do hereby proclaim that additional early voting shall be at the Mall of Abilene, 4310 Buffalo Gap Road, Hastings, 4654 South 14<sup>th</sup>, United Supermarkets, North 10<sup>th</sup> & Judge Ely Boulevard, and Kmart, 4565 South 1<sup>st</sup> Street, between the hours of **10:00 a.m. and 7:00 p.m., on October 23<sup>rd</sup> through October 27, 2006**, and extended hours of **9:00 a.m. to 9:00 p.m. on October 30<sup>th</sup> through November 3, 2006.**

Week-end voting will be held at the Taylor County Plaza, 400 Oak Street, on **Saturday, October 28, 2006** between the hours of **7:00 a.m. to 7:00 p.m.** and **Sunday, October 29, 2006** between the hours of **12:00 p.m. to 5:00 p.m.** Week-end voting will also be held at all four branch locations on **Saturday, October 28, 2006** between the hours of **9:00 a.m. to 9:00 p.m.** and **Sunday, October 29, 2006** between the hours of **12:00 p.m. to 5:00 p.m.**

Mobile voting will be conducted during the early voting period, **October 23<sup>rd</sup> through November 3, 2006** at the following locations and during the hours to be determined by the Taylor County Elections Office.

<u>MOBILE VOTING VENUE</u>	<u>MOBILE VOTING LOCATION</u>
Abilene Adult Day Care	3518 South 7 <sup>th</sup>
Abilene Christian High School	2550 North Judge Ely
Abilene Christian University	1600 Campus Court
Abilene Christian Village	633 E.N. 19 <sup>th</sup> Street
Abilene Convalescent Center	2630 Old Anson Road
Abilene High School	2800 North 6 <sup>th</sup> Street
Abilene Regional Medical Center	6250 Hwy 83/84
Abilene State School	2100 Maple

Buffalo Gap Senior Citizens	1142 Williams St., Buffalo Gap, TX
Care Inn of Abilene	4934 South 7 <sup>th</sup> Street
Cobb Park Recreation Center	2302 State Street
Cooper High School	3639 Sayles Boulevard
Coronado Nursing Center	1751 North 15 <sup>th</sup> Street
Courtyard Park (formerly Abilene North Manor)	3309 Sherry Lane
Covenant Place Retirement Center	3234 Buffalo Gap Road
GV Daniels Recreation Center	541 North 8 <sup>th</sup> Street
Hardin Simmons University	2200 Hickory Street
Hendrick Medical Center	1242 North 19 <sup>th</sup> Street
Jim Ned High School	830 Garza, Tuscola, TX
Lawn Senior Citizens	6417 Hwy. 84, Lawn, TX
McMurry University	South 14 <sup>th</sup> & Sayles Boulevard
Merkel High School	2000 S. 7 <sup>th</sup> Street, Merkel, TX
Merkel Senior Citizens	111 Taylor, Merkel, TX
Mesa Springs Retirement	7171 Buffalo Gap Road
Potosi Community Center	3802 Potosi Rd., Potosi, TX
Rose Park Recreation Center	2601 South 7 <sup>th</sup> Street
Royal Estates	6565 Central Park Boulevard
University Place (formerly Sears Heritage)	1250 E.N. 10 <sup>th</sup> Street
Sears Methodist Retirement	3202 South Willis
Sears Park Recreation Center	2250 Ambler
South Park Recreation Center	1002 Cherry
Spring Season of Abilene	725 Medical Drive
Trent City Hall	101 North Main, Trent, TX

Trent High School

402 S. Elm, Trent, TX

Tuscola Senior Citizens

702 Graham, Tuscola, TX

Tye Community Center

103 Scott, Tye, TX

Wesley Court

2617 Antilley Road

Wisteria Place

3917 Wisteria Way

Wylie High School

4502 Antilley Road

The location to which ballot applications and ballots voted by mail are to be sent shall be the Taylor County Election Administrator's Office, P. O. Box 3318, Abilene, Texas, 79604. Applications for ballot by mail must be received no later than the close of business on **October 31, 2006**.

WITNESS MY HAND OFFICIALLY this 28 day of August A.D., 2006.

ATTEST:

  
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CITY SECRETARY

  
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MAYOR