

RESOLUTION NO. 4-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT, AND THE BOARD OF DIRECTORS OF THE LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT; ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT AND WATER DISTRICT ON MAY 15, 2004; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES 5 AND 6 ON THE CITY COUNCIL OF THE CITY OF ABILENE AND IN PLACES 1, 2, 3 and 7 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT AND THREE PERSONS TO SERVE ON THE BOARD OF DIRECTORS OF THE LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

WHEREAS, it is now necessary to hold a general election in the City of Abilene, Texas, to elect persons to fill the position of Places 5 and 6 on the City Council of the City of Abilene, Texas; and,

WHEREAS, it is necessary to hold an election within the Abilene Independent School District to fill the positions of Places 1, 2, 3 and 7 on the Board of Trustees of the Abilene Independent School District; and,

WHEREAS, it is necessary to hold an election within the Lytle Lake Water Control and Improvement District ("**Lytle Lake WCID**" or "**Lytle District**") to fill the positions of three (3) Directors on the Board of Directors; and,

WHEREAS, both the City of Abilene, Texas, and the Abilene Independent School District are required by law to hold such elections on the same date, to wit: May 15, 2004; and,

WHEREAS, the Lytle Lake WCID is authorized to hold such elections on May 15, 2004; and,

WHEREAS, political subdivisions are authorized by Section 271.002 of the Election Code of the State of Texas to hold joint elections; and,

WHEREAS, the City Council of the City of Abilene, Texas, the Board of Trustees of the Abilene Independent School District and the Board of Directors of the Lytle Lake WCID deem it to be in the best interest of their respective subdivisions and in the interest of the voters who reside within their respective jurisdictions to hold such elections jointly; now, therefore,

BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT AND THE BOARD OF DIRECTORS OF THE LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT:

SECTION 1: That joint elections be, and the same are hereby ordered to be held within the jurisdictions of the City of Abilene, Texas, the Abilene Independent School District and the Lytle Lake WCID on the 15th day of May, 2004, pursuant to the laws of the State of Texas and the Charter of the City of Abilene, Texas. Such elections shall be held for the following purposes:

Lytle Lake Water Control and Improvement District Elections

To fill the positions of three (3) Directors on the Board of Directors of the Lytle Lake Water Control and Improvement District

The election shall be conducted as an at-large election and any person owning taxable land within the boundaries of the Lytle Lake WCID, and who otherwise satisfies the qualifications for holding a public office contained in the Texas Election Code and Texas Water Code, shall be eligible for office. The three (3) persons receiving the most votes shall be elected to the position of director.

School Elections

To fill the positions of Places 1, 2, 3 and 7 on the Board of Trustees of the Abilene Independent School District.

The elections ordered hereby shall be conducted as at-large elections. The candidate receiving a plurality of the votes cast for his respective office shall be declared elected. If any candidate shall not receive a plurality of the votes cast for his place or office, run-off elections are hereby ordered for such office as may be provided by applicable laws for the State of Texas for June 19, 2004. Should the state provide for an alternate or different method of handling tie votes, state law shall be followed.

City Elections

a. To fill the positions of Council Places 5 and 6 the City Council of the City of Abilene, Texas.

The elections ordered hereby shall be conducted as at-large elections. The candidate receiving a majority of the votes cast for his respective office shall be declared elected. If any candidate shall not receive a majority of the votes cast for his place or office, run-off elections are hereby ordered for such office as may be provided by applicable laws of the State of Texas for June 19, 2004. All provisions of this resolution, including polling places, election officials, process, and procedures, shall be applicable to any run-off elections that are held. Candidates for all offices shown above shall be voted for and elected separately. Council Place 5 shall be filled by a person residing North of such mainline of the Texas and Pacific Railway Company in the City of Abilene, and Council Place 6 shall be filled by a person residing South of such mainline of the Texas and Pacific Railway Company in the City of Abilene.

Votes cast in such elections shall be tallied and tally sheets, polling lists and other election forms and records shall be maintained and kept as required by law.

SECTION 2: Candidates elected to the city offices stated hereinabove in Section 1 shall hold office as may be provided by the Charter of the City of Abilene, Texas, those elected to the School Board positions as may be provided by the laws of the State of Texas, as the case may be, and those elected to Lytle Lake Water Control and Improvement District shall hold office as provided by the District's bylaws as the case may be.

SECTION 3: All requests by candidates for the joint general elections to have their names placed upon the respective ballots shall be in writing on the official forms as prescribed by the Secretary of State and Section 31.002 of the Election Code. Such application shall be filed not later than 5:00 p.m. on the sixty-second (62nd) day before election day. An application may not be filed earlier than the thirtieth (30th) day before the date of the filing deadline. Applications shall be filed with the Secretary of the Board of Trustees at the Superintendent's office, if for a school office (Education Code, Section 11.055); and with the City Secretary of the City of Abilene, Texas, if for a city office (Election Code Section 143.006). Applications for Director of the Lytle Lake WCID shall be filed at the District's office, 410 Hickory Street, Abilene, Texas 79601, or as otherwise directed by the Texas Election Code or by the Texas Water Code as applicable to elections conducted by water control and improvement districts operating under Chapters 49 and 51 of the Texas Water Code. In addition to said application, all candidates shall make such other filings as may be required by law.

SECTION 4: The elections called by this joint resolution shall be held in accordance with the requirements for bilingual elections as set forth in the Voting Rights Act amendments for 1975 (42 USC 1973aa-1a) and in Section 272.001 of the Election Code. All election forms and material shall be printed in both English and Spanish, and bilingual oral assistance shall be made available within the requirements of the law.

Section 5: Said elections shall be held in the election precincts, and voting shall be conducted at the polling places shown below:

<u>PRECINCTS</u>	<u>LOCATION OF POLLING PLACES</u>
101	Johnston Elementary School 3602 North 12th
102	Church of Christ 3309 South 11th
103	Bonham Elementary School 4250 Potomac
104	Westminster Presbyterian 4515 South 14th
105-108	Baker Heights Church of Christ 5382 Texas Avenue
106-107	Dyess Elementary School 402 Delaware Rd.
201	First Baptist Church University Place, 301 Hickory
202	Cobb Park Recreation Center 2300 State Street
203	Sears Park Recreation Center 2250 Ambler
204	Abilene Primitive Baptist Church 3565 Hickory
205	Elmcrest Baptist Church 517 N. Pioneer
301	Southwest Park Baptist Church 2901 S. 20th
302	Jackson Elementary School 2650 South 32nd

303	Wyndrock Baptist Church 4340 Edgemont
304	Allie Ward Elementary School 3750 Paint Brush
305	New Beginnings United Pentecostal 5535 Buffalo Gap Rd.
306	Wylie United Methodist Church 3130 Antilley Rd.
401	New Life Temple Assembly of God 2465 Old Anson Rd.
402 Jones C. 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

City and School precincts shall consist of those County precincts shown above, or portions thereof, which lie within their respective jurisdictions.

Early voting at the Taylor County Plaza, 400 Oak Street, shall be during the regular office hours of the Election Administrator, between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 28, 2004 and ending May 11, 2004.

Early voting at the Mall of Abilene, 4310 Buffalo Gap Road, and Kmart, 4565 South 1st Street, shall be between the hours of 10:00 a.m. and 6:00 p.m., beginning on April 28, 2004 and ending on May 11, 2004.

Saturday voting will be held at all three locations May 1, 2004, from 10:00 a.m. until 6:00 p.m.

SECTION 5.A FOR THE LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT ONLY

The area included within the boundaries of the Lytle District shall constitute the sole Precinct of the District. Voting by registered voters residing within the District shall be conducted jointly with the City and the School District at the polling place for Precinct 406, Thomas Elementary School, 1240 Lakeside Dr. in the City of Abilene, Texas, such voting to take place between the hours of 7:00 a.m. and 7:00 p.m. on May 15, 2004. Early voting shall take place **only** at the Taylor

County Plaza, 400 Oak Street, during the regular office hours of the Election Administrator, between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m., beginning on April 28, 2004 and ending May 11, 2004, and also on Saturday, May 1, 2004, from 10:00 o'clock a.m. until 6:00 o'clock p.m. The mailing address to which valid applications and ballots to be voted by mail may be sent is P.O. Box 3318, Abilene, Texas 79604.

SECTION 6: Election expenses incurred, as the result of the above referenced elections shall be apportioned as follows:

- a. The expenses and costs of voting forms, ballots, lists and other materials which each political subdivision furnishes for its election shall be paid for by such political subdivision; provided, however, that should it be possible to share other expenses, then and in such cases such expenses shall be shared equally between the City and School.
- b. All costs for election officials, precinct workers and clerks shall be shared equally between the City and School.
- c. All costs attributable to janitorial services incurred at the polling places shall be shared equally between the City and School..
- d. The County Elections Office shall contract with the Lytle District separately for its costs.

SECTION 7: That the City Council of the City of Abilene, the Board of Trustees of the Abilene Independent School District and the Lytle Lake Water Control And Improvement District hereby designate the system of marking or punching a ballot which is in such form that it may be counted by the electronic voting system as the approved method for tabulating votes in this general election to be held on May 15, 2004, and any possible run-off election, said system having been previously approved and utilized by the Taylor County Commissioners for conducting their elections. The City Council, the School Board of Trustees and the Lytle District Board of Directors further determine that all early ballots voted in person and by mail shall be voted by ballots to be counted by the electronic voting system. The Taylor County Plaza is hereby designated as the Central Counting Station for the automatic counting and tabulating of ballots. The City Secretary and the Taylor County Election Administrator are hereby designated as Early Voting Clerks for the City and School, respectively, and the Taylor County Elections Administrator is designated to supervise the early voting. The Taylor County Election Administrator is hereby designated as Early Voting Clerk for the Lytle District.

SECTION 8: That the Mayor shall make proclamation of said City elections and give notice thereof, and a copy of this order shall be sufficient notice of said elections. Notice of the time and places of holding said elections shall be given by publication of such notice in a newspaper of general circulation published in the City of Abilene at least thirty (30) days prior to the day of such election. The Mayor is further authorized to give notice of a run-off election if such election is necessary.

SECTION 9: The Board of Trustees of the Abilene Independent School District shall give notice of said election and any run-off that is necessary. The President of the Board of Trustees is hereby authorized and instructed to give notices as are required by law.

SECTION 10. The Board of Directors of the Lytle Lake Water Control and Improvement District shall give notice of said election and any run-off that is necessary. The President of the Board is hereby authorized and instructed to give notices as are required by law.

SECTION 11: That should any elections be ordered to be held by the City Council of Abilene, this Resolution setting precincts shall govern and remain in full force and effect until it is changes or amended.

SECTION 12: That this joint resolution shall take effect immediately from and after its passage, as indicated below.

ADOPTED by the City Council of the City of Abilene, Texas, this 11 day of March,
A.D. 2004.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

SECTION 13: That this joint resolution shall take effect immediately from and after its passage, as indicated below.

ADOPTED by the Board of Trustees of the Abilene Independent School District, this 9 day of February, A.D. 2004.

ATTEST:


SECRETARY, BOARD OF TRUSTEES


PRESIDENT, BOARD OF TRUSTEES

SECTION 14: This Joint Resolution shall take effect immediately from and after its passage, as indicated below.

ADOPTED by the Board of Directors of the Lytle Lake Water Control and Improvement District this 22nd day of March, A.D. 2004.

ATTEST:

Lawrence E. Rice
Secretary, Board of Directors

LYTLE LAKE WATER CONTROL
AND IMPROVEMENT DISTRICT

By: [Signature]
President, Board of Directors

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