

RESOLUTION NO. 5-2004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; ORDERING A JOINT SPECIAL ELECTION TO BE HELD IN SAID CITY ON MAY 15, 2004 IN CONJUNCTION WITH THE JOINT REGULAR ELECTION OF THE CITY OF ABILENE, ABILENE INDEPENDENT SCHOOL DISTRICT, AND LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT ELECTION, PREVIOUSLY ORDERED; PROVIDING FOR THE SPECIAL ELECTION TO FILL THE UNEXPIRED TERMS OF MAYOR AND COUNCIL PLACE 1 AND FOR AN ABILENE INDEPENDENT SCHOOL DISTRICT BOND ELECTION FOR NEW CONSTRUCTION AND IMPROVEMENTS; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR BILINGUAL ELECTIONS FOR CITY ELECTIONS; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.**

**WHEREAS**, the City of Abilene, Texas has previously ordered its regular election on May 15, 2004 to fill the terms of Place 5 and Place 6 on the City Council; and

**WHEREAS**, the City has agreed to conduct a joint regular election with the Abilene Independent School District for the purpose of filling four (4) places on the School Board of Trustees on May 15, 2004; and,

**WHEREAS**, the City has agreed to further conduct a joint regular election with the Lytle Lake Water Control and Improvement District for the purpose of filling three (3) places on its Board of Directors, on May 15, 2004; and

**WHEREAS**, it is also necessary to hold a special election in the City of Abilene, Texas, to elect a person to fill the unexpired term of Mayor and Place 1 on the City Council of the City of Abilene, Texas; and

**WHEREAS**, it is also necessary to hold a special election in the Abilene Independent School District (AISD or School District) for the purpose of holding a bond election for new construction and improvements in the AISD; and

**WHEREAS**, the City of Abilene, Texas, and the School District are authorized by law to hold such special elections on May 15, 2004 in conjunction with their regularly scheduled election;

**NOW THEREFORE, BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AND THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT:**

**CITY ELECTION:**

**SECTION 1:** That an election be, and the same is hereby ordered to be held within the jurisdiction of the City of Abilene, Texas, on the 15<sup>th</sup> day of May 2004 pursuant to the laws of the State of Texas and 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 following purposes:

**To fill the unexpired terms of Mayor and Council Place 1 on the City Council of the City of Abilene, Texas.**

The election ordered hereby shall be conducted as an at-large election. 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, a run-off election is 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. The Mayor may be a resident of any part of the City. Council Place 1 shall be filled by a person residing North of the present mainline of the Texas and Pacific Railway Company in the City of Abilene

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

**SECTION 2:** The candidate elected to the City office stated above in Section 1 shall hold office as may be provided by the Charter of the City of Abilene, Texas, for a period ending with the regular election for Mayor to be held in May 2005 and for Place 1 to be held in May 2006. At such time, the candidate may run for re-election and if elected will serve for a term of 3 years. If not reelected, the candidate will serve until the successor has been duly elected and qualified.

**SECTION 3:** All requests by candidates 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 with the City Secretary of the City of Abilene, Texas, (Election Code Section 143.006) **beginning April 8, 2004 and ending April 14, 2004 at 5:00 p.m.** In addition to said application, all candidates shall make such other filings as may be required by law.

**SECTION 4:** That the Mayor shall make proclamation of said City election and give notice thereof, and a copy of this order shall be sufficient notice of said election. Notice of the time and places of holding said election 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 5:** That should any elections be ordered to be held within the jurisdiction of the City of Abilene, Texas, this resolution shall govern, unless or until this resolution is changed or amended by the City Council of Abilene, Texas. Said elections shall be held 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. All elections shall be conducted as an at-large election.

**SECTION 6:** That any elections called 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 of the State of Texas. 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.

**FOR SCHOOL DISTRICT ELECTION**

**SECTION 7:** That an election be, and the same is hereby ordered to be held within the jurisdiction of the Abilene Independent School District, Abilene, Texas, on the 15<sup>th</sup> day of May 2004 pursuant to the laws of the State of Texas, and a contract between the School District and Taylor County for election services. Such election shall be held for the following purposes:

Bond election for:

Proposition No. 1

The issuance of \$49,500,000 of bonds and levying the tax in payment thereof (renovate, improve, and equip sixteen elementary school buildings, three middle school buildings and two high school buildings).

Proposition No. 2

The issuance of \$27,000,000 of bonds and levying the tax in payment thereof (construct, improve and equip additional classrooms and replace windows in school buildings as needed, acquire technology infrastructure for all school campuses, improve renovate, and equip Shotwell Stadium, Ag Farm, Administration Building, Early Childhood Campuses, Houston SAC Campus, Woodson Campus, School Warehouse and Transportation building).

Proposition No. 3

The issuance of \$53,000,000 of bonds and levying the tax in payment thereof (construct and equip New High School Building).

**SECTION 8:** The Board of Trustees of the Abilene Independent School District shall give notice of said election. The President of the Board of Trustees is hereby authorized and instructed to give notices as are required by law.

**FOR THE JOINT ELECTION**

**SECTION 9:** Said election shall be held in the election precincts, and voting shall be conducted at the polling places shown below:

**PRECINCTS**

**LOCATION OF POLLING PLACES**

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 10:** That the City and School District hereby designate the system of marking or punching a ballot which is in such form that it may be counted by electronic voting system as the approved method for tabulating votes in all general, special, runoff and bond elections. Said system has been previously approved and utilized by both the Taylor County Commissioners and the City Council for conducting their elections.

**SECTION 11:** The City and School District 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 City Secretary and the Taylor County Elections 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, as provided by a contract approved for such purpose, and as provided by the Texas Election Code, Sections 31.091 through Sections 31.100.

**SECTION 12:** The Taylor County Plaza is hereby designated as the Central Counting Station for the automatic counting and tabulating of ballots.

**SECTION 13:** 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 14:** 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 \_\_\_\_ day of March, 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.

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

ATTEST:

LYTLE LAKE WATER CONTROL  
AND IMPROVEMENT DISTRICT

Lawrence E. Hill  
Secretary, Board of Directors

By: [Signature]  
President, Board of Directors

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## ELECTION PROCLAMATION

WHEREAS, the City Council of the City of Abilene, Texas, did on the 11 day of March, 2004, pass a Resolution ordering City Elections in the City of Abilene to fill the unexpired terms of Mayor and Council Place 1 on the City Council of the City of Abilene, Texas; now, therefore,

I, GRADY BARR, MAYOR OF THE CITY OF ABILENE, TEXAS, do hereby proclaim said elections and give notice thereof of said elections to be held on May 15, 2004, from 7:00 a.m. to 7:00 p.m. at the locations below set out:

### PRECINCTS

### LOCATION OF POLLING PLACES

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

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., beginning on April 28, 2004 and ending on May 11, 2004.


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

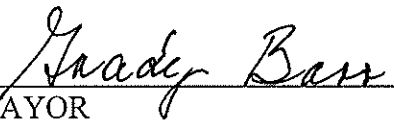
Saturday voting will be held at all three locations May 1, 2004, from 10:00 a.m. until 6:00 p.m.

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.

WITNESS MY HAND OFFICIALLY this 11 day of March, A.D., 2004.

ATTEST:

  
CITY SECRETARY

  
MAYOR