

RESOLUTION NO. 29-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 7, 2006, FOR A NON-BINDING REFERENDUM FOR VOTER CONSIDERATION OF BANNING SMOKING IN ALL PUBLIC PLACES IN THE CITY OF ABILENE TEXAS; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTION.

WHEREAS, the U. S. Surgeon General recently released a report focusing on the effects of secondhand smoke. Secondhand smoke is composed of sidestream smoke (the smoke released from the burning end of a cigarette) and exhaled mainstream smoke (the smoke exhaled by the smoker). Secondhand smoke has been designated as a known human carcinogen by the U. S. Environmental Protection Agency, the National Toxicology Program, and the International Agency for Research on Cancer, and an occupational carcinogen by the National Institute for Occupational Safety and Health; and

WHEREAS, said report found that scientific evidence indicates there is no risk-free level of exposure to secondhand smoke and that breathing even a little secondhand smoke can be harmful to your health; and,

WHEREAS, accordingly, the City Council recognizes that secondhand smoke poses a serious public health hazard, that nonsmokers need protection from secondhand smoke exposure and that therefore, regulation by the City Council of the burning of tobacco in public places and places of employment is imperative in order to protect the public health and welfare of the citizens of the City of Abilene;

WHEREAS, the City is authorized to hold a non-binding referendum to allow the voters of the City of Abilene to voice their opinion if they support the council enacting an ordinance banning smoking in all public places and places of employment; 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 RESOLVED 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 following purposes:

To provide for voting for or against the following proposition:

Do you support the City Council adopting an ordinance prohibiting smoking in all public places and places of employment?

For

Against

PART 2: The election called by this 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.

PART 3: Said election shall be held in the election precincts, and voting shall be conducted on November 7, 2006, between the hours of 7:00 a.m. and 7:00 p.m. at the City's regular polling places shown below:

PRECINCTS

LOCATION OF POLLING PLACES

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 Bldg. 340 Hickory

202 Cobb Park Recreation Center
2302 State Street

203 Sears Park Recreation Center
2250 Ambler Avenue

204 Abilene Primitive Baptist Church
3565 Hickory St.

205 Elmcrest Baptist Church
517 N. Pioneer Dr.

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 UPC
5535 Buffalo Gap Rd.

306 Zion Lutheran Church
2801 Antilley Rd.

401 New Life Temple
2465 Old Anson Rd.

402 Hillcrest Church of Christ
650 East Ambler
Jones Co. Prec. 6/7/8/14

403 University Church of Christ
733 EN 16th

404 Highland Church of Christ
425 Highland Avenue

405 Bowie Elementary School
1733 South 20th

406

Thomas Elementary School
1240 Lakeside Dr.

407

Lytle South Baptist Church
1125 East Industrial

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

The main place of early voting by personal appearance shall be at the Taylor County Plaza, 400 Oak Street, Abilene, Texas, during the regular office hours of the Election Administrator, 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, 2006 through November 3, 2006.

Early voting by personal appearance shall also be conducted at the following temporary branch polling places, on the dates and during the hours as specified below:

- **All Branch Locations:** October 23rd – October 27th 10:00 a.m. to 7:00 p.m.
 - **Extended Hours:** October 30th – November 3rd 9:00 a.m. to 9:00 p.m.
 - Mall of Abilene – 4310 Buffalo Gap Rd.
 - Hastings – 4654 S. 14th
 - United - N. 10th & Judge Ely Blvd.
 - K-Mart – 4565 South 1st

- **Week-end Voting:**

Saturday – October 28, 2006

Taylor County Plaza 7:00 a.m. to 7:00 p.m.
All Branch Locations: 9:00 a.m. to 9:00 p.m.

Sunday – October 29, 2006

Taylor County Plaza 12:00 p.m. to 5:00 p.m.
All Branch Locations 12:00 p.m. to 5:00 p.m.

- **Mobile Voting will be held at the locations listed below during the early voting period October 23rd through November 3, 2006 at the times as set by Taylor County:**

Abilene Adult Day Care 3518 South 7th, Abilene, TX

Abilene Christian High School 2550 North Judge Ely, Abilene, TX

Abilene Christian University	1600 Campus Court, Abilene, TX
Abilene Christian Village	633 EN 19 th St., Abilene, TX
Abilene Convalescent Center	2630 Old Anson Road, Abilene, TX
Abilene High School	2800 North 6 th St., Abilene, TX
Abilene Regional Medical Center	6250 Hwy 83/84, Abilene, TX
Abilene State School	2100 Maple, Abilene, TX
Buffalo Gap Senior Citizens	1142 Williams St., Buffalo Gap, TX
Care Inn of Abilene	4934 South 7 th St., Abilene, TX
Cobb Park Recreation Center	2302 State Street, Abilene, TX
Cooper High School	3639 Sayles Blvd., Abilene, TX
Coronado Nursing Center	1751 North 15 th , Abilene, TX
Courtyard Park (formerly Abilene North Manor)	3309 Sherry Lane, Abilene, TX
Covenant Place Retirement Center	3234 Buffalo Gap Road, Abilene, TX
GV Daniels Recreation Center	541 North 8 th St., Abilene, TX
Hardin Simmons University	2200 Hickory St., Abilene, TX
Hendrick Medical Center	1242 North 19 th St., Abilene, TX
Jim Ned High School	830 Garza, Tuscola, TX
Lawn Senior Citizens	6417 Hwy. 84, Lawn, Texas
McMurry University	South 14 th & Sayles, Abilene, TX
Merkel High School	2000 S. 7 th St., Merkel, TX
Merkel Senior Citizens	111 Taylor, Merkel, Texas
Mesa Springs Retirement	7171 Buffalo Gap Rd., Abilene, TX

Potosi Community Center	3802 Potosi Rd., Potosi, Texas
Rose Park Recreation Center	2601 South 7 th St., Abilene, TX
Royal Estates	6565 Central Park Blvd., Abilene, TX
University Place (formerly Sears Heritage)	1250 EN 10 th St., Abilene, TX
Sears Methodist Retirement	3202 South Willis, Abilene, TX
Sears Park Recreation Center	2250 Ambler, Abilene, TX
South Park Recreation Center	1002 Cherry, Abilene, TX
Spring Season of Abilene	725 Medical Drive, Abilene, TX
Trent City Hall	101 North Main, Trent, Texas
Trent High School	402 S. Elm, Trent, TX
Tuscola Senior Citizens	702 Graham, Tuscola, Texas
Tye Community Center	103 Scott, Tye, Texas
Wesley Court	2617 Antilley Rd., Abilene, TX
Wisteria Place	3917 Wisteria Way, Abilene, TX
Wylie High School	4502 Antilley Rd., Abilene, TX

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. Application for ballot by mail must be received no later than the close of business on October 31, 2006.

PART 4. That all resident, qualified electors of said City shall be entitled to vote at said election.

PART 5: That the City Council of the City of Abilene hereby designates that the direct recording electronic voting machines shall be used for voting at the foregoing election precincts and electronic counting devices and equipment shall be used for counting the ballots in this joint general election to be held on November 7, 2006, said system having been previously approved and utilized by the Taylor County Commissioners for conducting

their elections. The City Council further determines 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 the Taylor County Elections Administrator is designated to supervise the early voting.

PART 6. That notice of said election shall be given by posting a substantial copy of this Resolution at the City Hall and in each of the election precincts in said City, not less than fifteen (15) days prior to the date set for said election; and a substantial copy of this Resolution also shall be published on the same day in each of two successive weeks in a newspaper of general circulation published in said City, the date of the first publication to be not less than fourteen (14) day prior to the date set for said election.

PART 7. That the Mayor shall make proclamation of said City's election and give notice thereof, and a copy of this Resolution 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 to the date of such election.

PART 8. That said election shall be conducted in all respects in accordance with the Texas Election Code, and all resident qualified electors of the City shall be entitled to vote at said election. Pursuant to the federal Help America Vote Act and the Texas Election Code, each polling place shall be provided at least one voting system equipped for individuals with disabilities.


PART 9. That this 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 24th day of August, 2006.

ATTEST:

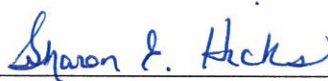


City Secretary



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 nd
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 30th 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 14th, United Supermarkets, North 10th & Judge Ely Boulevard, and Kmart, 4565 South 1st Street, between the hours of **10:00 a.m. and 7:00 p.m., on October 23rd through October 27, 2006**, and extended hours of **9:00 a.m. to 9:00 p.m. on October 30th 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 23rd 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 th
Abilene Christian High School	2550 North Judge Ely
Abilene Christian University	1600 Campus Court
Abilene Christian Village	633 E.N. 19 th Street
Abilene Convalescent Center	2630 Old Anson Road
Abilene High School	2800 North 6 th 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 th Street
Cobb Park Recreation Center	2302 State Street
Cooper High School	3639 Sayles Boulevard
Coronado Nursing Center	1751 North 15 th 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 th Street
Hardin Simmons University	2200 Hickory Street
Hendrick Medical Center	1242 North 19 th Street
Jim Ned High School	830 Garza, Tuscola, TX
Lawn Senior Citizens	6417 Hwy. 84, Lawn, TX
McMurry University	South 14 th & Sayles Boulevard
Merkel High School	2000 S. 7 th 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 th Street
Royal Estates	6565 Central Park Boulevard
University Place (formerly Sears Heritage)	1250 E.N. 10 th 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:



CITY SECRETARY



MAYOR