

**ORDINANCE NO 2006- 2**

**An ordinance calling a Joint Special Election with the Victoria Independent School District and the Victoria County Junior College District, on May 13, 2006, for electing City Council members for City Council Districts 1, 2, 3, and 4, and a referendum on an ordinance banning smoking in all public buildings; establishing procedures for holding the election; designating the precincts and polling places for the election; appointing certain officers to conduct the election; providing for the sharing of expenses; providing for severability; and providing an effective date.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

In accordance with the laws of the State of Texas and the Charter of the City of Victoria, Texas, it is ordered that a special election in and throughout the City of Victoria, Texas shall be held May 13, 2006, which is not less than 62 days after the date of this ordinance, for the purposes of:

- a. electing City Council members for City Council Districts 1, 2, 3 and 4, and
- b. submitting to the qualified voters of the City a referendum on an ordinance banning smoking in all public buildings.

2.

The City of Victoria, the Victoria Independent School District and the Victoria County Junior College District shall jointly participate in this election pursuant to an agreement to be entered into between these entities under Texas Election Code § 271.002 for the purposes declared by each of the respective entities.

3.

A proposition to be submitted to the voters shall be set forth on the ballot in such manner as will permit the voters to vote "FOR" or "AGAINST" this proposition in the manner prescribed by Tex. Election Code § 52.073. The entirety of this proposition is attached as Exhibit "C". The proposition to be set forth on the ballot is as follows:

**The adoption of an ordinance prohibiting smoking in all public buildings. The caption of this proposed ordinance is stated as follows:**

**An ordinance adding Section 10-30 to the Victoria City Code to prohibit smoking in all public buildings; providing for severability; providing for savings and codification; repealing conflicting parts of prior ordinances and retaining the right to adopt, re-adopt, amend, and repeal this ordinance; providing for a penalty and publication; and declaring an effective date.**

4.

This election shall be conducted and held at the precincts and the respective polling places designated on Exhibit "A" and Exhibit "B", and the persons listed on the attached Exhibit "B" are hereby appointed officers to conduct this election at the respective election precincts and polling places listed in the attached Exhibit "B" that are located in the territorial limits of the City of Victoria, Texas.

5.

The Victoria County Elections Administrator, George Matthews, is hereby appointed administrator and early voting clerk for this election. The Victoria County Elections Administrator will conduct the election, handle the administrative details, and provide the returns of the city election for canvassing by the City Council, all in accordance with the City Charter and the Constitution and laws of the State of Texas.

6.

The use of a direct recording entry voting system for election day and early voting in person is hereby authorized. The use of optically scanned paper ballots for early voting by mail is further authorized.

7.

Gary C. Prai is appointed Presiding Judge of the Early Voting Ballot Board for canvassing the early voting ballots for this election.

8.

All expenses of this joint election shall be prorated among the political subdivisions named herein in the manner to be provided by a Joint Election Agreement to be executed by them, and the City Manager is authorized to execute said election agreement, in a form to be approved by the City Attorney.

9.

The Mayor is hereby authorized and directed to issue an Order of Election and a Notice of Election, which shall be published and posted in accordance with state law.

10.

By approving and signing this ordinance, the Mayor of the City of Victoria officially confirms as his action all matters recited in this ordinance which may, by law, come within his jurisdiction.

11.

If any portion of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, the remaining provisions hereof shall nevertheless be valid, the same as if the portion or portions held invalid or unconstitutional had not been adopted.

12.

The provisions of this ordinance shall become effective immediately upon final passage and approval by the City Council of the City of Victoria.

PASSED FIRST READING, this the 17th day of January, 2006.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

PASSED SECOND READING, this the 7th day of February, 2006.

AYES: 6  
NAYS: 1  
ABSTENTIONS: 0

PASSED THIRD READING, this the 7th day of February, 2006.


AYES: 6  
NAYS: 1  
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 7th day of February, 2006.

ATTEST:

  
SCARLET SWOBODA, City Secretary  
Distribution: Legal Department



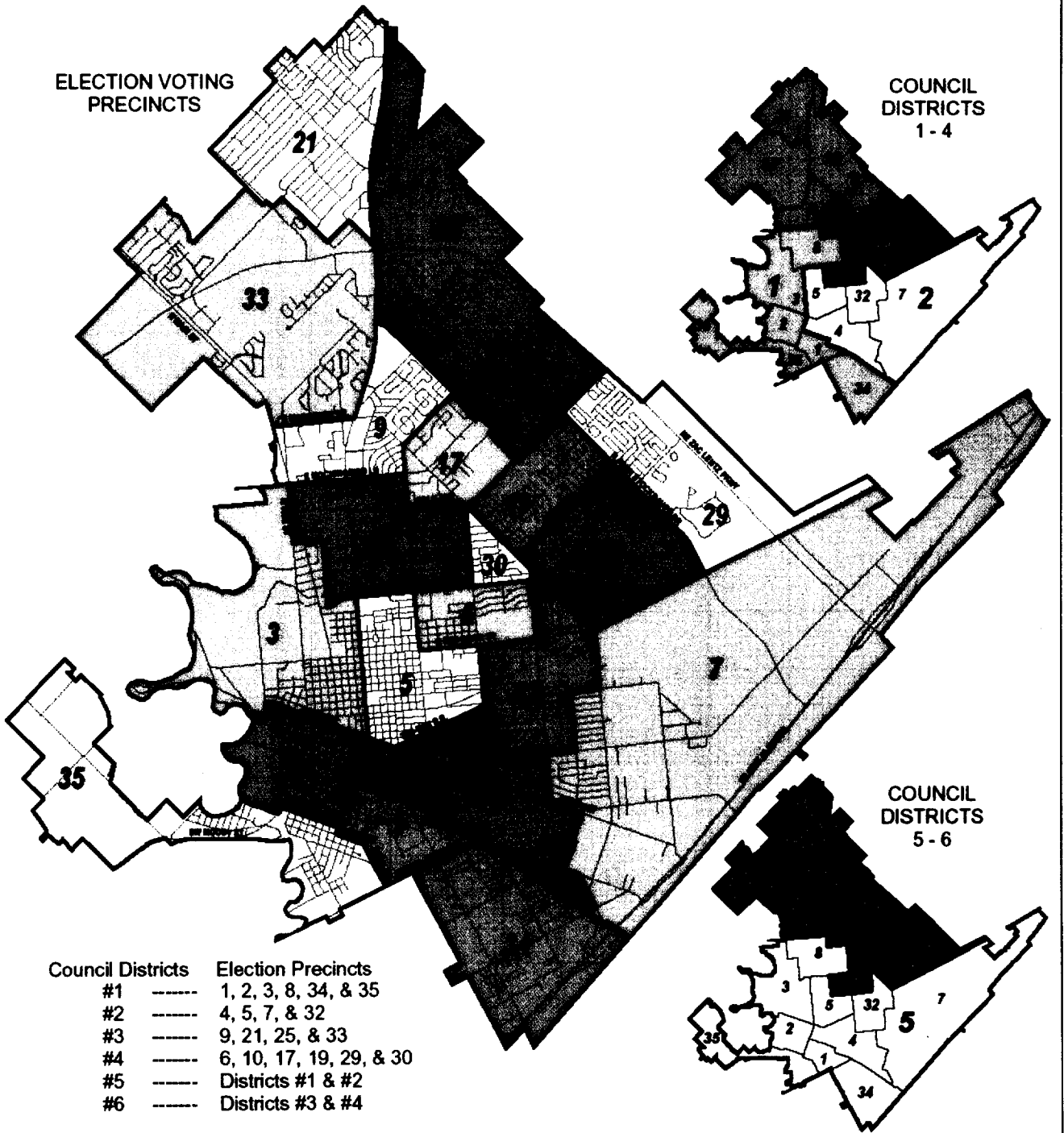
  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

APPROVED AS TO LEGAL FORM

  
DAVID A. SMITH, City Attorney  
Copies Sent: February 8, 2006

# CITY OF VICTORIA

## CITY OF VICTORIA VICTORIA COUNTY, TEXAS



FOR UNOFFICIAL USE ONLY

### Election Voting Precincts and City Council Districts

DATA SOURCE: Victoria City Planning Department

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700 MAIN CENTER, SUITE 201  
702 N. MAIN STREET  
VICTORIA, TEXAS 77801  
361-485-3300

CITY OF VICTORIA  
PLANNING DEPARTMENT  
P.O. BOX 1788  
VICTORIA, TEXAS 77802-1788

**ELECTION JUDGES AND ALTERNATES**

<b>Polling Place</b>	<b>Precinct</b>	<b>Polling Place Address (all in Victoria, Texas)</b>	<b>Polling Place Zip</b>	<b>Judges First Name</b>	<b>Judges Last Name</b>	<b>Judge Type</b>
Hopkins Academy	1	110 Hopkins Road	77901	Margaret	Dean	Presiding
Hopkins Academy	1	110 Hopkins Road	77901-	Barbara	Brooks	Alternate
Victoria County Courthouse	2	115 N. Bridge	77901-	Karon	Barton	Presiding
Victoria County Courthouse	2	115 N. Bridge	77901-	James	Wearden	Alternate
Trinity Episcopal Church	3	1501 N. Glass	77901-	Nancy	Baass	Presiding
Patti Welder Middle School	4	1604 E. North St.	77901-	Nickolasa	Alvarado	Presiding
Patti Welder Middle School	4	1604 E. North St.	77901-	Aurora	Zepeda	Alternate
Juan Linn Magnet School	5	601 Colorado	77901-	Philip	Vahalik	Presiding
Juan Linn Magnet School	5	601 Colorado	77901-	Annie	Vahalik	Alternate
Crain Middle School	6	2706 N. Azalea	77901-	Beverly	Bright	Presiding
Crain Middle School	6	2706 N. Azalea	77901-	Joan	Conaway	Alternate
O'Connor Magnet School	7	3402 Bobolink St.	77901-	Boyd	Deters	Presiding
O'Connor Magnet School	7	3402 Bobolink St.	77901-	Susie	Simmons	Alternate
Shields Magnet School	8	3400 Bluebonnet	77901-	Clara	Pilsner	Presiding
Shields Magnet School	8	3400 Bluebonnet	77901-	Rose	Kloesel	Alternate
Chandler Elementary School	9	5105 Guy Grant Rd	77901-	George	Elmer	Presiding
Memorial High School, Senior Campus	10	1110 Sam Houston Drive	77901-	Mary Ann	Kinion	Presiding
Memorial High School, Senior Campus	10	1110 Sam Houston Drive	77901-	Lauda	Gregory	Alternate
Howell Middle School	17	2502 Fannin Drive	77904-	Edyth	Peschel	Presiding
Howell Middle School	17	2502 Fannin Drive	77904-	Sara	Tomko	Alternate
Smith Elementary School	19	2901 Erwin	77901-	Marene	Delaney	Presiding
Smith Elementary School	19	2901 Erwin	77901-	Anna	Kuehl	Alternate
Vickers Elementary School	21	708 Glasgow	77904-	Evelyn	Nicholson	Presiding
Vickers Elementary School	21	708 Glasgow	77904-	Lou Vann	Shaw	Alternate
Rowland Elementary School	25	2706 Leary Lane	77901-	Carolyn	Bullock	Presiding
Rowland Elementary School	25	2706 Leary Lane	77901-	Berenda	Donald	Alternate
DeLeon Elementary School	29	1002 Santa Barbara	77904-	Janice	Mayfield	Presiding
DeLeon Elementary School	29	1002 Santa Barbara	77904-	Dawn	Dowden	Alternate
Our Saviour's Lutheran Church	30	4102 N. Ben Jordan	77904-	Patricia	Spurlin	Presiding
Our Saviour's Lutheran Church	30	4102 N. Ben Jordan	77904-	Delphine	Krause	Alternate
V.I.S.D. Administration Building	32	102 Profit Drive	77901-	Diana	Perez	Presiding
V.I.S.D. Administration Building	32	102 Profit Drive	77901-	Fernando	Perez	Alternate
Holy Family Catholic Church	33	704 Mallette Drive	77904-	JoAnn	Lau	Presiding
Holy Family Catholic Church	33	704 Mallette Drive	77904-	Clifton	Lau	Alternate
Dudley Magnet School	34	3307 Callis Street	77901-	Mary	Buitron	Presiding
Dudley Magnet School	34	3307 Callis Street	77901-	Earnestine	Hill	Alternate
F.W. Gross Montessori School	35	1208 S. Navarro	77901-	Pete	Moralez, Sr	Presiding
F.W. Gross Montessori School	35	1208 S. Navarro	77901-	Margaret	Cantu	Alternate

Exhibit "B"

## Ordinance

**An ordinance adding Section 10-30 to the Victoria City Code to prohibit smoking in all public buildings; providing for severability; providing for savings and codification; repealing conflicting parts of prior ordinances and retaining the right to adopt, re-adopt, amend, and repeal this ordinance; providing for a penalty and publication; and declaring an effective date.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The Victoria City Code is amended to add Section 10-30, which will read as follows:

**10-30. Smoking prohibited in all public buildings.**

a. It shall be unlawful for any person to perform the following acts in any public building in the City of Victoria or within 12 feet of any entrance to any public building:

- (1) smoke,
- (2) carry a lighted cigarette, cigar, or tobacco-containing pipe, or
- (3) light a cigarette, cigar or tobacco-containing pipe.

b. It shall be unlawful for any owner of any food establishment that serves food for on-premise consumption to allow the operation of that food establishment unless one or more of the following signs have been posted at a location clearly visible to a person entering the food establishment:

- (1) a "No Smoking" sign, or
- (2) the international "No Smoking" symbol (depiction of a burning cigarette enclosed in a red circle with a red bar across it).

c. It shall be unlawful for any owner or operator of any public building to place or allow to be placed any of the following items in any public building or within 12 feet from an entrance to any public building:

- (1) ashtrays,
- (2) smoking paraphernalia, or
- (3) signs that indicate that smoking is permitted.

d. In this ordinance, a "public building" is defined to mean any building other than a building used as a private residence. If portions of a building are used as a private residence and another portion of the building is used for business purposes or commercial activities, then "public building" as used herein shall apply to the portions of the building used for business purposes or commercial purposes, but not the portion used solely as a residence.

2.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable. This ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. Parts of conflicting ordinances are repealed to the extents of such conflict. The City Council may adopt, re-adopt, amend or repeal this ordinance at any time. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined any sum not to exceed \$500 as provided in Section 1-8 of the City Code. The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, Section 10 of the City Charter. This ordinance shall become effective 30 days after approval by the voters of the City of Victoria.

**Exhibit "C"**