

ORDINANCE NO 2009- 6

An ordinance calling a Joint Special Election with the Victoria Independent School District on May 9, 2009 for the purpose of filling the vacancy on the City Council of the City of Victoria for Super District 5; 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; declaring an emergency; and providing an effective date.

Article II, Section 3 of the Charter of the City of Victoria states that Councilmembers have three-year terms,¹ with the next regular Super District election scheduled to be held in May of 2010. City Councilmember Jim Wyatt has resigned, resulting in a need for a special election to be called within 120 days to fill the vacancy created by his resignation.

THEREFORE, 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 for the purpose of electing a Councilmember to City Council Super District 5 shall be held on May 9, 2009. This ordinance is approved earlier than the 70th day before the election; therefore, the candidate filing period for this district and position shall be from the ordering of this election until March 3, 2009 or otherwise as provided by State law.

2.

The City of Victoria and Victoria Independent School 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 described above for the City of Victoria and for the purpose of electing various positions regarding the other entities. 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.

3.

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.

4.

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.

5.

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.

6.

Kathy Salyer is appointed Presiding Judge of the Early Voting Ballot Board for canvassing the early voting ballots for this election.

8.

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

9.

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.

10.

If any portion of this ordinance or the application thereof to any person or circumstance shall be held unconstitutional by a

court of competent jurisdiction, the remaining provisions hereof shall nevertheless be valid, as if the portion or portions held unconstitutional had not been adopted.

11.

In order to meet the deadlines established by Texas election laws, and provide for the candidate filing period of this special election to roughly coincide with the candidate filing period for the general election, an emergency is declared, and the requirement of Article II, Section 9 of the Victoria City Charter that no ordinance shall be passed on the date of its first reading is hereby suspended, and this ordinance shall become effective immediately upon passage by this City Council.

PASSED, this the 17th day of February, 2009.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 17th day of February, 2009.



Will Armstrong

WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

Miles K. Risley

MILES K. RISLEY, City Attorney

ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Distribution: Legal Department
City Secretary

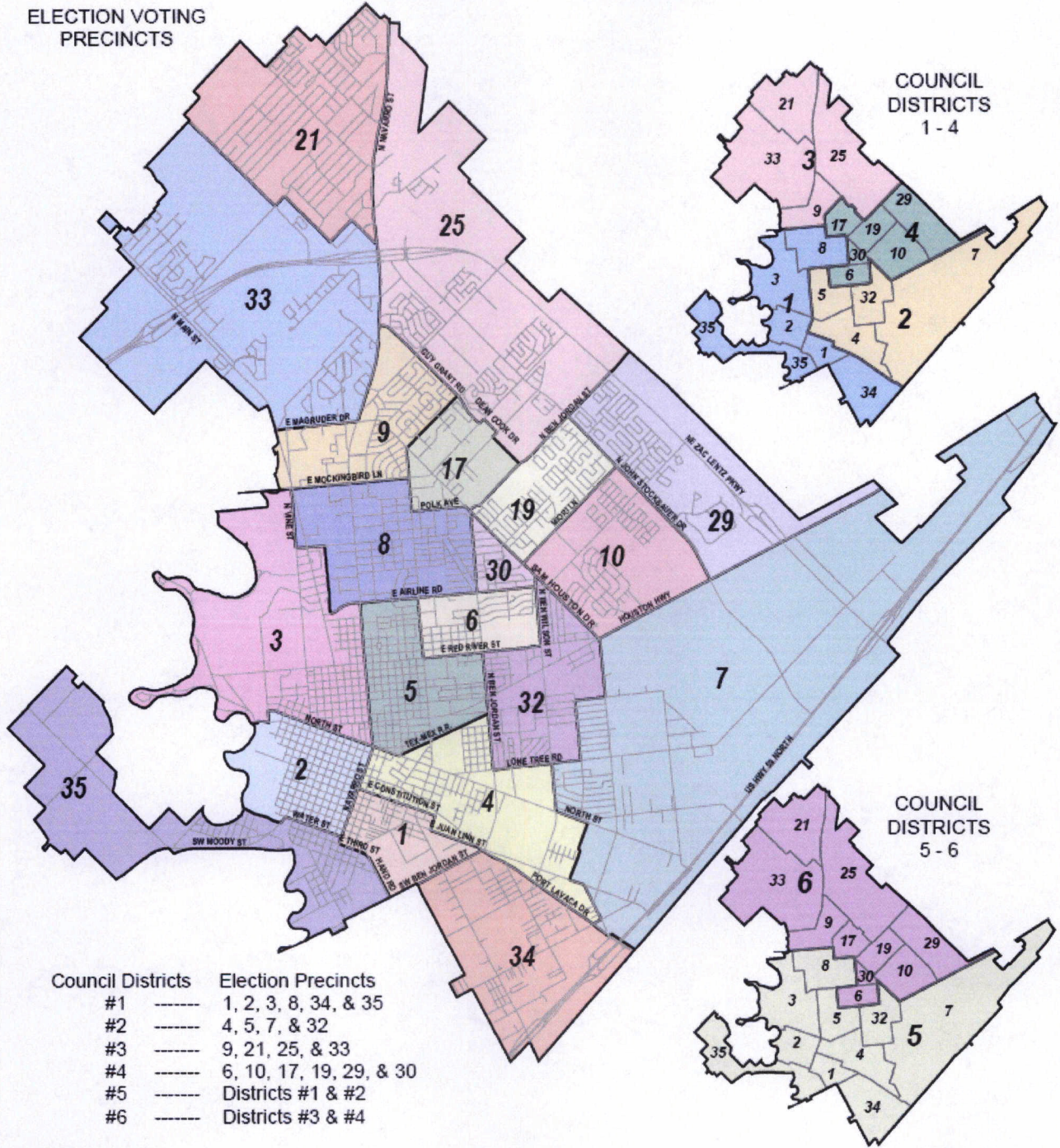
Copies Sent: **FEBRUARY 18, 2009**



CITY OF VICTORIA VICTORIA COUNTY, TEXAS

ELECTION VOTING
PRECINCTS

COUNCIL
DISTRICTS
1 - 4



Council Districts	Election Precincts
#1	1, 2, 3, 8, 34, & 35
#2	4, 5, 7, & 32
#3	9, 21, 25, & 33
#4	6, 10, 17, 19, 29, & 30
#5	Districts #1 & #2
#6	Districts #3 & #4

FOR UNOFFICIAL USE ONLY

**Election Voting Precincts and
City Council Districts**

700 MAIN CENTER, SUITE 201
 702 N. MAIN STREET
 VICTORIA, TEXAS 77901
 361-485-3300

CITY OF VICTORIA
 DEVELOPMENT SERVICES
 P.O. BOX 1758
 VICTORIA, TEXAS 77902-1758

PA35Project/Voting/Prc_Dist.mxd

Exhibit "A"

Election Judges and Alternates

Precinct	Polling Place	Presiding Judge	Alternate Judge
1	Hopkins Magnet School	Margaret Dean	Barbara Brooks
2	Courthouse	Karon Barton	James Wearden
3	Trinity Episcopal Church	Nancy Baass	Diana Garcia
4	Patti Welder Middle School	Nickolasa Alvarado	Aurora Zepeda
5	Juan Linn Magnet School	Philip Vahalik	Annie Vahalik
6	Crain Middle School	Joan Conaway	Wayne Conaway
7	O'Connor Magnet School	Boyd Deters	Susie Simmons
8	Shields Elementary School	Charles Kutchka	Martha Kutchka
9	Chandler Elementary School	George Elmer	John Salas, Jr.
10	Memorial High School, Senior Campus	Sandra Anderson	Lauda Gregory
17	Howell Middle School	Lydia Trevino	Walter McMullen, Jr
19	Smith Elementary School	Marene Delaney	Anna Kuehl
21	Vickers Elementary School	Evelyn Nicholson	Lou Vann Shaw
25	Rowland Elementary School	Carolyn Bullock	Berenda Donald
29	DeLeon Elementary School	Joseph Reyna	Dawn Dowden
30	Our Saviour's Lutheran Church	Alex Wesar	Juanita Schaefer
32	Victoria ISD Administration Building	Diana Perez	Fernando Perez
33	Holy Family Catholic Church	JoAnn Lau	Clifton Lau
34	Dudley Magnet School	Mary Tijerina	
35	FW Gross Montessori School	Peter Morales, Sr.	Margaret Cantu
	Early Voting Ballot Board	Kathy Salyer	Ronnie Koliba

Exhibit "B"

ORDER OF ELECTION

A Joint Special Election is now ordered to be held Saturday, May 9, 2009, for electing:

City Council Member, Super District 5

The deadline to file an application for a place on the ballot for the Joint General Election is 5:00 p.m., March 3, 2009.

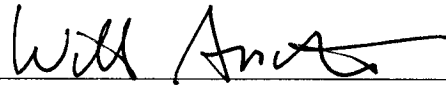
All early voting except early voting by mail, shall take place at the County Elections Administrators Office, 111 N. Glass Street, Victoria, Texas beginning April 27, 2009 and ending on May 5, 2009. Early voting will take place Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. with the exception of Friday, May 1, 2009 and Tuesday, May 5, 2009 when early voting will be conducted from 7:00 a.m. to 7:00 p.m. as required under Section 85.005 (d) of the Texas Election Code. Early voting will also be held on Saturday, May 2, 2009 from 9:00 a.m. to 5:00 p.m.

Applications for ballots by mail will be mailed to:

George Matthews
County Elections Administrator
111 N. Glass Street
Victoria, Texas 77901

The Elections Administrator must receive applications for ballots by mail no later than the close of business on May 1, 2009.

Issued this the seventeenth day of February 2009.



WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ORDEN DE ELECCION

Se pide para celebrar una Eleccion Especial Comun el sabado, 9 de mayo de 2009 para elegir:

Miembro del Consejo de la Ciudad, Distrito 5

El plazo para presentar una aplicacion para un lugar en la boleta para la Eleccion General Comun es el 3 de marzo de 2009 a las 5:00 p.m.

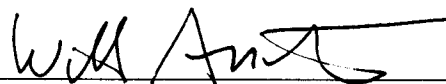
Toda la votacion adelantada excepto la votacion adelantada por correo, ocurrira en la Oficina del Administrador de Elecciones del condado de Victoria, 111 N. Glass Street, Victoria, Texas enpesando el 27 de abril de 2009 y terminando el 5 de mayo de 2009. La votacion adelantada en persona ocurrira de lunes a viernes entre las horas de 8:00 a.m. y 5:00 p.m. a excepcion de el viernes, 1 de mayo de 2009 y el martes, 5 de mayo de 2009, en que votacion adelantada en persona sera conducida entre las 7:00 a.m. y 7:00 p.m., como sea necesario bajo Seccion 85.005 (d) del Codigo de las Elecciones de Texas. Votacion adelantada en persona tambien ocurrira el sabado, 2 de mayo de 2009, entre las 9:00 a.m. y las 5:00 p.m.

Solicitudes para boletas que se votar adelantandas por correo seran enviadas a:

George Matthews
Administrador de Elecciones del Condado
111 N. Glass Street
Victoria, Texas 77901

El Administrador del Elecciones debe recibir las solicitudes para las boletas que se votaran adelantadas por correo para el cierre del negocio el 1 de mayo de 2009.

Emitida el decimoseptimo dia de Febrero de 2009.



WILL ARMSTRONG, Alcalde de la Ciudad de
Victoria, Texas

ORDENANZA NUM. 2009- 6

Una ordenanza llamando una Eleccion Conjunta Especial con el Distrito Escolar Independiente de la Ciudad de Victoria el 9 de mayo de 2009 para el proposito de llenar el lugar vacante en el Consejo de la Ciudad de Victoria de Super Distrito 5; establecer procedimientos para celebrar la eleccion; designar los precintos y los lugares de votacion para la eleccion; nombrar ciertos oficiales para realizar la eleccion; para el reparto de los gastos; proporcionar para severabilidad; declarar una emergencia; y proporcionar una fecha efectiva.

Articulo II, seccion 3 de el Estatuto de la Ciudad de Victoria declara que los Consejos tiene terminos de tres anos, con el proximo Super Distrito eleccion ordenada esta programada para ser celebrada en Mayo de 2010. Miembro del Consejo Jim Wyatt ha renunciado, resultando en la necesidad de una eleccion especial para ser llamada dentro de 120 dias para llenar la vacante creada por su dimision.

POR LO TANTO, ya sea ordenado POR EL CONSEJO DE LA CIUDAD DE VICTORIA, TEXAS

1.

De conformidad con las leyes del Estado de Texas y el Estatuto de la ciudad de Victoria, Texas, se ordena que una eleccion especial para el proposito de elegir un Miembro del Consejo de la Ciudad de Victoria Super Distrito 5 sera celebrada el 9 de mayo de 2009. Esta ordenanza sea aprobada antes de los 70 dias de la eleccion; por lo tanto, el periodo de presentacion para los candidatos para este distrito y posicion sera de los pedidos de esta eleccion hasta el 3 de marzo de 2009 o lo dispuesto por la ley del Estado.

2.

La ciudad de Victoria y el Distrito Escolar Independiente de la Ciudad de Victoria debera participar conjuntamente en esta eleccion en virtud de un acuerdo concertado entre estas entidades en elCodigo Electoral de Texas § 271.002 con los fines descritos anteriormente para la Ciudad de Victoria y con el proposito de elegir diferentes posiciones sobre las otras entidades. Todos los gastos de esta eleccion seran prorratados entre las subdivisiones politicas llamadas aqui en la forma en que siempre por un comun acuerdo electoral a ser ejecutado por ellos, y el Gerente de la Ciudad esta autorizado para ejecutar dicho acuerdo electoral, en un formulario para ser aprobados por el Procurador de la ciudad.

3.

Esta eleccion se llevara acabo y celebrada en los precintos y lugares de votacion respectivas designados en **Exposicion "A"** y **Exposicion "B"**, y las personas alistadas en la **Exposicion "B"** se nombran funcionarios a realizar esta eleccion en los respectivos precintos electorales y los lugares de votacion enumerados en la **Exposición "B"** que se encuentran entre los limites territoriales de la ciudad de Victoria, Texas.

4.

El Administrador de Eleccions del condado de Victoria, George Matthews, queda nombrado administrador y empleado de la votacion anticipada para esta eleccion. El Administrador de Eleccions del Condando de Victoria realizara la eleccion, manejara los detalles administrativos, y proporcionara los rendimientos de la eleccion para que se haga un escrutinio por el Consejo de la Ciudad, todo de conformidad con el Estatuto de la Ciudad y la Constitucion y las leyes del Estado de Texas.

5.

El uso de un sistema de grabacion electronica directa de votacion para el dia de la eleccion y la votacion adelantada en persona, queda autorizado. El uso de boletas de escanear opticamente para votacion anticipada por correo es aun mas autorizado.

6.

Kathy Salyer es nombrada Juez Presidente de la Junta de Votacion para hacer un escrutinio de las boletas de la votacion anticipada por correo de esta eleccion.

7.

El Alcalde queda autorizado y dirigido a emitir una Orden de Eleccion y un Anuncio de Eleccion, que sera publicado y colocado, todo de conformidad con la ley estatal.

8.

Con la aprobacion y firma de esta ordenanza, el Alcalde de la Ciudad de Victoria oficialmente confirma su accion que todas materias recitadas en esta ordenanza que pueden, por ley, quedar dentro de su jurisdiccion.

9.

Si alguna porcion de esta ordenanza o la aplicacion de cualquier persona o circunstancia sera considerada ivalida o inconstitucional por un Tribunal de jurisdiccion competente, las restantes disposiciones del presente, sin embargo son validas, el mismo que si la porcion or porciones consideras invalidas o inconstitucional no habian sido aprobadas.

10.

Con el fin de cumplir los plazos establecidos por las leyes electorales de Texas, y prever el periodo de presentacion para el candidato de esta eleccion especial a coinciden aproximadamente con el periodo de presentacion para los candidates para la eleccion general, se declara una emergencia, y el requisito del Articulo II, Seccion 9 de el Estatuto de la Ciudad de Victoria que ninguna ordenanza sera aprobada en la fecha de su primera lectura, queda suspendido, y esta ordenanza entrara en vigencia inmediatamente al paso por el Consejo de la Ciudad de Victoria.

Pasado, este el 17 dia de Febrero, 2009.

AYES: 7

HABLA: 0

ABSTENCIONES: 0

APROBADO Y ADOPTADO, este el 17 dia de Febrero, 2009.

Will ARMSTRONG, Alcalde de la Ciudad de
Victoria, Texas

DECLARAR:

APROBADA DE FORMA LEGAL:

SCARLET SWOBODA,
Secretaria De la Ciudad

MILES K. RISLEY, Procurador de la Ciudad

Distribucion: Departamento Juridico
Secretaria De la Ciudad

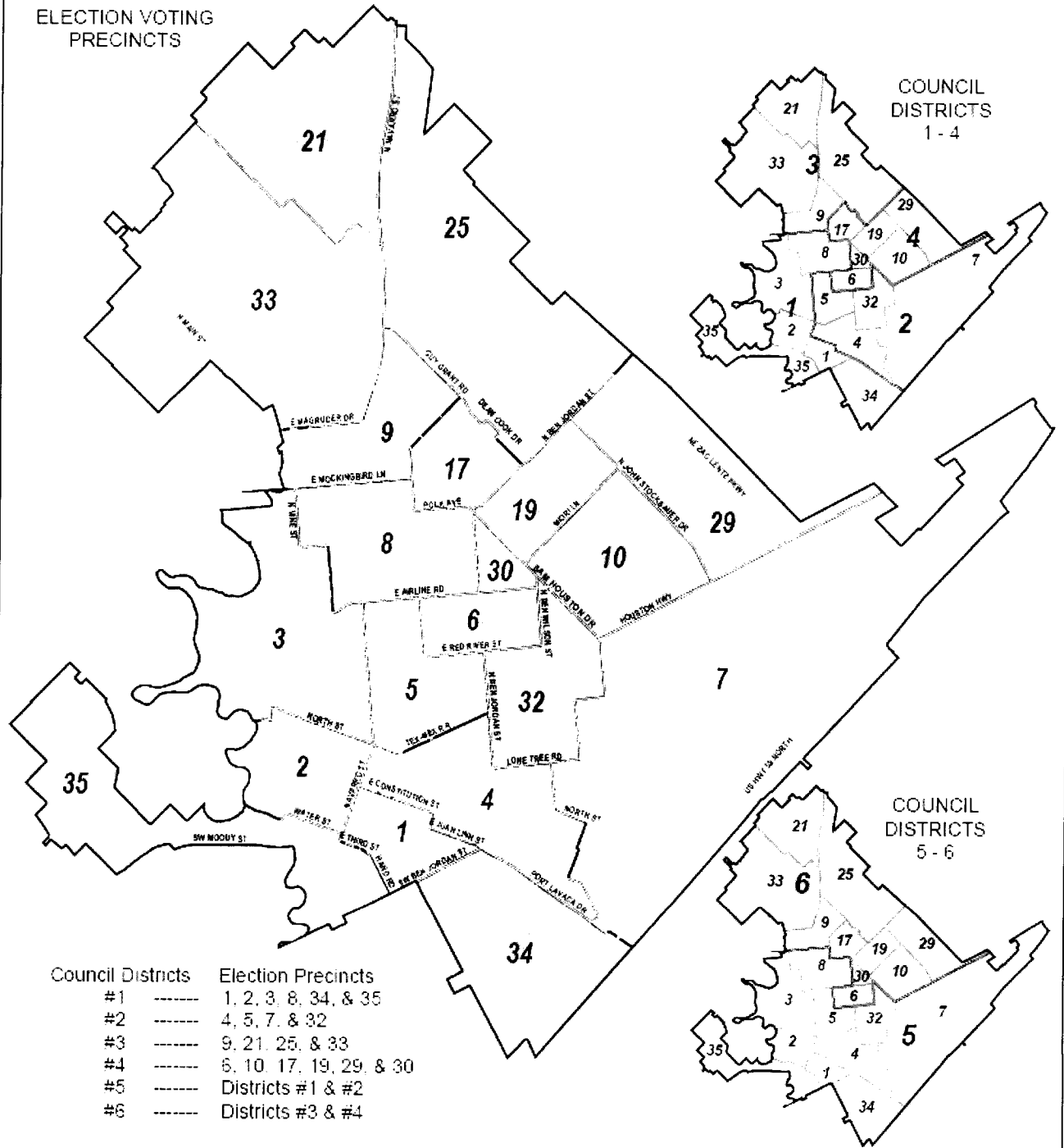
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City Council Districts



CITY CENTER SUITE 20
722 N. MAIN STREET
VICTORIA, TEXAS 77901
361-485-3300

CITY OF VICTORIA
DEVELOPMENT SERVICES
P.O. BOX 1128
VICTORIA, TEXAS 77902-1128

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Exposition "A"

Election Judges and Alternates

Precinto	Lugar de Votacion	Juez Presidente	Juez Suplente
1	Hopkins Magnet School	Margaret Dean	Barbara Brooks
2	Courthouse	Karon Barton	James Wearden
3	Trinity Episcopal Church	Nancy Baass	Diana Garcia
4	Patti Welder Middle School	Nickolasa Alvarado	Aurora Zepeda
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Exposicion "B"