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Post Office Box 9010

Addison, Texas 75001-9010

5300 Belt Line Road

(972) 450-7000

FAX (972) 450-7043

AGENDA

MEETING OF THE CITY COUNCIL

FEBRUARY 1, 2005

7:30 P.M.

COUNCIL CHAMBERS

5300 BELT LINE ROAD

REGULAR SESSION

Item #R1 - Consideration of and action regarding adoption of a Resolution filling a vacancy (by appointment) in the position of City Council Member of the Town of Addison until the May 7, 2005 general Town election, and take appropriate action.

Attachments:

1. Proposed Resolution
-

Item #R2 - Consideration of and action regarding adoption of a Resolution ordering and calling a special election for May 7, 2005 for the purpose of electing one (1) person to fill the unexpired term remaining in the position of Council Member, the unexpired term resulting from the resignation of a member of the City Council.

Attachments:

1. Proposed Resolution
-

Adjourn Meeting

Posted 5:00 p.m.
Friday, January 28, 2005
Carmen Moran
City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS FILLING THE EXISTING SINGLE VACANCY IN THE OFFICE OF COUNCIL MEMBER OF THE CITY COUNCIL BY NAMING AND APPOINTING A PERSON TO FILL THE VACANCY; PROVIDING THAT THE PERSON APPOINTED TO FILL THE VACANCY SHALL SERVE UNTIL THE NEXT GENERAL TOWN ELECTION TO BE HELD ON MAY 7, 2005; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a single vacancy in the office of Council Member of the City Council of the Town of Addison, Texas (the "City") was heretofore created and currently exists as a result of the submission of a written resignation from such office and the acceptance of such resignation by the City Council, as set forth in Resolution No. _____ of the City adopted on _____, 2005, a date prior to the date of adoption of this Resolution; and

WHEREAS, the term of the said vacated office will not expire until the general election for the election of members of the City Council to be held in May, 2006; and

WHEREAS, Section 2.02 of the City Charter provides in part that a single vacancy in the City Council shall be filled by a majority vote of the remaining members of the Council within 30 days of the vacancy at a meeting subsequent to the date on which the vacancy occurs, and that the person selected may not be one of the remaining members of the Council; and

WHEREAS, Section 2.02 further provides that, once chosen, the person selected shall serve until the next general Town election to be held to fill the unexpired term or regular term, as the case may be; and

WHEREAS, the City Council desires to fill the single vacancy in accordance with the City Charter, applicable State law, and as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. There being a single vacancy in the office of Council Member of the City Council of the Town of Addison, the Council does hereby name and appoint _____ to fill the vacancy. _____ shall serve as a member of the City Council until the next general Town election to be held on May 7, 2005, and until a person is elected to fill the unexpired term of the said office at a special election to be held on the same date and is duly qualified.

Section 3. This Resolution shall be effective immediately from and after its date and time of adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this _____ day of _____, 2005.

R. Scott Wheeler, Mayor

ATTEST:

By: _____
Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: _____
Kenneth C. Dippel, City Attorney

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2005, FOR THE PURPOSE OF ELECTING ONE (1) COUNCIL MEMBER TO SERVE AN UNEXPIRED ONE (1) YEAR TERM OF OFFICE; DESIGNATING POLLING PLACES WITHIN THE TOWN; APPOINTING A PRESIDING ELECTION JUDGE AND AN ALTERNATE PRESIDING ELECTION JUDGE; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DALLAS COUNTY; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE. PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. _____ of the Town of Addison, Texas ("City"), the City Council accepted the written resignation from the office of Council Member of a former member of the City Council, thereby creating a single vacancy on the Council; and

WHEREAS, the term of the said office of Council Member will not expire until the general election for the election of members of the City Council to be held in May, 2006; and

WHEREAS, in accordance with Section 2.05 of the City Charter, the City Council filled the vacancy in the said office by a vote of the remaining members of the Council, as set forth in Resolution No. _____; and

WHEREAS, Section 2.05 of the Charter further provides that the person selected to fill the vacancy serves until the next general Town election shall be held to fill the unexpired term or regular term, as the case may be; and

WHEREAS, the next general Town election is to be held on May 7, 2005; and

WHEREAS, Section 8.01 of the City Charter provides in part that the City Council may, by Resolution, order a special election, fix the time and place for holding the election, and provide all means for holding the special election; and

WHEREAS, Section 201.052 of the Texas Election Code, generally provides that, except as otherwise provided by the Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring after the 30th day after the date the election is ordered, and May 7, 2005 is that date; and

WHEREAS, the City Council has determined that the City shall conduct its general municipal election to be held on the first Saturday in May, 2005 in conjunction with Dallas

County, and the Council desires to conduct the special election ordered herein in the same manner; and

WHEREAS, in accordance with the City Charter and State law, the Town Council desires to order and call an election to be held in conjunction with the general election of officers for the City on May 7, 2005 for the purpose of electing one (1) Council Member to serve the said unexpired term of office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Election Date; Purpose of Election; Officer and Term of Office. A special election shall be held in and throughout the City on Saturday, May 7, 2005, for the purpose of electing the following officer:

One (1) Council Member for a one (1) year unexpired term, to expire in May, 2006

Section 3. Eligibility for Candidacy. In accordance with the City's Charter, no person shall be eligible for the office of Council Member unless that person is a qualified voter of the City, shall have resided in the City for at least one year prior to the election, and shall never have been convicted of a felony offense or any offense involving moral turpitude.

Section 4. Application for a Place on the Ballot; Order of Names on Ballot. In accordance with Section 201.054, Texas Election Code (the "Code"), a candidate's application for a place on the special election ballot may not be filed before the adoption of this Resolution ordering the special election, and such application must be filed not later than 5:00 p.m. on April 6, 2005 (the same being the 31st day before May 7, 2005). Each such application shall be on a form as prescribed by Section 141.031 of the Code and other applicable law. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Runoff Election. If two or more candidates for the office tie for the number of votes required to be elected, there shall be a runoff election held on June 18, 2005. The runoff election shall be held in accordance with the Code.

Section 6. Election Precinct; Polling Place; Election Hours. The corporate limits of the City shall constitute a single election precinct for the election. The polling places for the special election shall be the Addison Fire Department building, 4798 Airport Parkway, Addison, Texas, and the Addison Fire Station II, 3950 Beltway Drive, Addison, Texas. In accordance with and pursuant to the requirements of the Code, said polling places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 7. Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. The election shall be held as a joint election with Dallas County, and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation.

Section 8. Method of Voting. The City Secretary is hereby authorized to contract with Dallas County for the conduct of the joint election, and Dallas County shall be responsible for an optical scanning voting system. Dallas County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for one (1) Council Member for an unexpired one (1) year term. No elector shall vote for more than one (1) candidate for the unexpired one (1) year term.

Section 9. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident, qualified electors of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Code shall be printed in both English and Spanish for use at the polling place and for early voting for the election.

Section 10. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at Town Hall, 5300 Belt Line Road, Addison, Texas on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or if none, then in a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election. In addition thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit, which complies with the requirements of the Election Code.

Section 11. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Texas Election Code. Bruce R. Sherbet, Dallas County Elections Administrator, is hereby appointed the Deputy Early Voting Clerk. Early voting by personal appearance will be conducted beginning Wednesday, April 20, 2005, and continue through Tuesday, May 3, 2005. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

DALLAS COUNTY RECORDS BUILDING
Office of the Elections Department, Eighth Floor
2377 N. Stemmons Freeway, Dallas, TX 75207

or at any of the following branch locations:

[INSERT BRANCH LOCATIONS]

All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8th Floor, Health and Human Service Building, 2377 N. Stemmons Frwy., Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code. The Town of Addison hereby waives its right to appoint a member to the Board, and will have Dallas County appoint a member for the Town. The participating authorities agree to appoint other deputy early voting judges/clerks. A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating authority.

Section 12. Delivery of Returns; Preservation of Election Records. A general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code shall be appointed. Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Freeway, Dallas, Texas, at any time during normal business hours. The Election Administrator shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with the Town of Addison's records retention schedules, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Act, the Election Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable.

It is the responsibility of any participating authority to bring to the attention of the Election Administrator any notice of any pending election contest, investigation, litigation, or Texas Public Information Act request, which may be filed with a participating authority. Upon request to maintain records beyond eligibility for preservation according with Section 66.058 of the Texas Election Code, the Election Administrator shall supply a written cost estimate for storage to requesting participant.

On the first business day that follows the date that the records of the election are eligible for destruction, the Election Administrator will notify in writing each participating authority of the planned destruction of any records of the election. Within fifteen days of receipt of the Election Administrator's notice of intent to destroy the records, each participating authority will provide the Election Administrator with written authorization to proceed with destruction or written instructions to withhold destruction.

Section 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on May 17, 2005, at 7:30 o'clock p.m. to canvass the returns of the election.

Section 14. Necessary Actions. The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Effective Date. This Resolution shall be in full force and effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the _____ day of _____, 2005.

Mayor R. Scott Wheeler

ATTEST:

CITY SECRETARY