

# CITY OF WILLOW PARK

ORDINANCE NO. 508-04

**AN ORDINANCE PROVIDING FOR AN ORDER FOR AND CALLING OF A MUNICIPAL ELECTION TO BE HELD ON MAY 15, 2004 FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS FOR THE CITY OF WILLOW PARK; COUNCILMEMBER PLACE 3, COUNCILMEMBER PLACE 4 AND COUNCILMEMBER PLACE 5; DESIGNATING A POLLING PLACE WITHIN THE MUNICIPAL LIMITS; APPOINTING A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

**WHEREAS**, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

**WHEREAS**, the City Council consists of a Mayor and five councilmembers elected according to a place system for staggered two year terms of office; the terms of office for councilmember Place No. 3, councilmember Place No. 4, and councilmember Place No. 5 will expire in May 2004; and

**WHEREAS**, Chapter 1, *General Provisions*, Article 1.300 *Municipal Election* provides that "all elections pertaining to municipal affairs shall be governed by the election laws of the State of Texas." and,

**WHEREAS**, a general election for certain municipal officers of the City of Willow Park, Texas has been ordered for May 15, 2004 under the authority of law; and

**WHEREAS**, the election so ordered for the City of Willow Park was ordered not later than than 62 days before the election day pursuant to §3.005(a), TEX. ELECTION CODE; and,

**WHEREAS**, May 15, 2004 is the third Saturday in May, which is prescribed as a uniform election date under §41.001 TEX. ELECTION CODE; and

**WHEREAS**, the City Secretary is designated under §83.005 TEX. ELECTION CODE as the early voting clerk for elections ordered on behalf of a municipality; and

**WHEREAS**, §32.005 TEX. ELECTION CODE provides for the manner of appointment of a presiding election judge and an alternate presiding judge for the election so designated and ordered; and

**WHEREAS**, §87.001 TEX. ELECTION CODE provides for the appointment of the early voting ballot board and §87.002 TEX. ELECTION CODE for the composition of the board.

**NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:**

## SECTION 1. INCORPORATION

All of the above precatory statements are true and correct and incorporated herein for all purposes.

## SECTION 2. DATE OF ELECTION

It is hereby ordered that an election for certain municipal officers shall be held in and throughout the City of Willow Park, Texas on Saturday, May 15, 2004.

### SECTION 3. PURPOSE OF ELECTION

The purpose of the election is to provide for the general election of city officers, specifically councilmember Place No. 3, councilmember Place No. 4, and councilmember Place No. 5, all for a term of two years.

### SECTION 4. POLLING PLACE

The City of Willow Park polling place shall be: Willow Park City Hall, 101 Stagecoach Trail, Willow Park, Texas

In accordance with §41.031(b) TEX. ELECTION CODE, said polling place shall be open between the hours of 7:00 a.m. and 7:00 p.m. on the date of election.

### SECTION 5. ELECTION JUDGES

The following named persons, residing at the respective addresses, are hereby appointed to serve as presiding election judge and alternate presiding judge respectively:

Presiding Judge: Patricia Reams  
508 Jeri Ridge Road  
Willow Park, TX 76087

Alternate Presiding Judge: Lydia Golden  
108 Surrey Court  
Willow Park, TX 76087

All election judges shall be qualified voters of the City. The City Secretary shall in accord with §32.009 of the TEX. ELECTION CODE deliver to the Presiding Election Judge and the Alternate Presiding Election Judge notice of their appointment not later than 20 days from the effective date of this ordinance

### SECTION 6. APPOINTMENT OF CLERKS

The Election Judge herein appointed shall appoint not more than two eligible persons as clerks to serve and assist in the conduct of election provided, however, that if the Election Judge named herein actually serves, the Alternate Election Judge shall serve as one of the clerks. All election clerks shall be qualified voters of the City.

### SECTION 7. COMPENSATION OF THE JUDGING CLERKS

The Election Judge, Alternate Election Judge and each Election Clerk shall be compensated at an hourly rate not to exceed \$10.00 per hour, which is an amount that exceeds the federal minimum hourly wage pursuant to §32.019(a) TEX. ELECTION CODE.

The Election Judge or Clerk who delivers the returns of the election, keys to the ballot boxes or other election equipment, and unused election supplies will also be paid the additional sum of \$25.00 for delivering such materials pursuant to §32.092 TEX. ELECTION CODE.

### SECTION 8. CITY SECRETARY

The City Secretary is hereby designated as the early voting clerk pursuant to §83.005 TEX. ELECTION CODE for the election ordered herein. The official mailing address of the early voting clerk is 101 Stagecoach Trail, Willow Park, Texas 76087. The City Secretary is further ordered to procure and allocate the supplies necessary to conduct the election pursuant to §51.003(3) TEX. ELECTION CODE and to provide written notice to the presiding and alternate presiding judge of the election as specified by §32.009 TEX. ELECTION CODE.

### SECTION 9. GOVERNING LAW QUALIFIED VOTERS

The election shall be held in accordance with the Constitution of the State of Texas and the TEX. ELECTION CODE and all resident, qualified electors of the City shall be eligible to vote at the election.

### SECTION 10. PUBLICATION AND POSTING OF NOTICE

Notice of the City election shall be given by posting a Notice of Election at the City of Willow Park on the bulletin board or other location used for posting notices of the meetings of the City Council, not later than 21 days prior to the date of the election, and by publication of said notice at least once in the newspaper published in the City, or if none, in a newspaper of general circulation. The date of said publication to be not less than 10 days nor more than 30 days prior to the date set for the election. Upon publication of the election notice, the City Secretary shall secure a Publisher's Affidavit which complies with the requirements of §4.005 TEX. ELECTION CODE.

SECTION 11. EARLY VOTING

Early voting shall commence in the office of the City Secretary on April 28, 2004, and shall continue Monday through Friday from 8:00 A.M. until 5:00 P.M. on May 11, 2004.

SECTION 12. DELIVERY OF RETURNS

Immediately after closing the polling place on the date of the election, the election officers named in this Ordinance shall make four copies of the returns. The returns shall be delivered as follows: One copy shall be retained by the Election Judge; one copy shall be delivered to the Mayor of the City of Willow Park; one copy shall be delivered to the Voter Registrar; one copy shall be delivered to the City Secretary along with the ballot boxes and election supplies. All election records and supplies shall be preserved by the City Secretary in accord with the TEX. ELECTION CODE.

SECTION 13. CANVASSING RETURNS

The City Council, pursuant to §67.003, TEX. ELECTION CODE, shall convene no earlier than the third day nor later than the sixth day after the election to canvass the returns of the election.

SECTION 14. NECESSARY ACTIONS

The Mayor, City Council, City Secretary in consultation with the City Attorney are hereby authorized and directed to take any and all actions necessary to comply with the provisions with the TEX. ELECTION CODE in carrying out and conducting

the election whether or not specifically authorized herein.

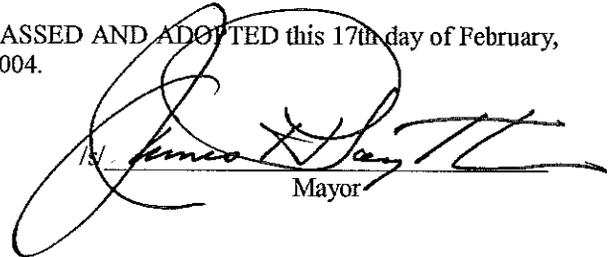
SECTION 15. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

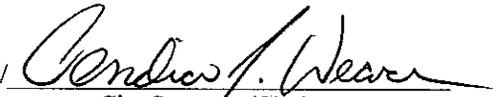
SECTION 16. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its adoption.

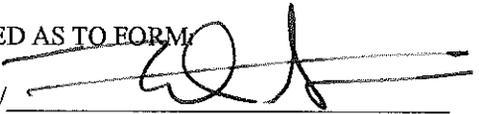
PASSED AND ADOPTED this 17th day of February, 2004.

  
 \_\_\_\_\_  
 Mayor

ATTEST:

/s/   
 \_\_\_\_\_  
 City Secretary/Clerk

APPROVED AS TO FORM:

/s/   
 \_\_\_\_\_  
 City Attorney

The Willow Park City Council in acting on Ordinance No. 508-04, did on the \_\_\_th day of February 2004 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	_____✓_____	_____
Terry Skaggs, Place 2	_____	_____
Brad Johnson, Place 3	_____✓_____	_____
Jason Ellerbusch, Place 4	_____✓_____	_____
Marvin Glasgow, Place 5	_____✓_____	_____