

city
2010

RESOLUTION NO. 2010-03

**THE STATE OF TEXAS § RESOLUTION AND ELECTION ORDER OF THE CITY
 § OF WESLACO RELATIVE TO A GENERAL
COUNTY OF HIDALGO § ELECTION TO BE HELD ON MAY 8, 2010.**

WHEREAS, on the 9th day of February, 2010 the Board of Trustees of the Weslaco Independent School District convened in a legally posted regular meeting, open to the public, and after a quorum of said governing body was established, determined that the terms of two (2) Trustee Offices, Place No. 4 and Place No. 5 of the Weslaco Independent School District will expire in May, 2010; and on the second Saturday, being May 8, 2010, a School Trustee Election will be held in the Weslaco Independent School District; and

WHEREAS, on the 16th day of February, 2010, the City Commission of the City of Weslaco, Texas, convened in a legally posted regular meeting, open to the public, and after a quorum of such governing body was established, determined that the term of Mayor and two Weslaco City Commissioners: one (1) for Single Member District No. 5 and one (1) for Single Member District No. 6 of the City of Weslaco, Texas, will expire in May, 2010; and on the second Saturday, being May 8, 2010, such election will be held in said City; and

WHEREAS, The City of Weslaco and The Weslaco Independent School District received petitions to contract with Hidalgo County for Election Services, pursuant to Texas Election Code Section 31.0925 which provides that a political subdivision, located in a county with a population of more than 500,000 that does not contain a municipality with a population of more than 150,000, that is served by a county elections administrator is required to contract with a county if it receives a petition, requesting the contract, signed by 1% of the total votes cast in the most recent general election held by the political subdivision; and

WHEREAS, The petition received by the City of Weslaco contained the required signatures and the Hidalgo County Elections Administrator has confirmed that she is prepared to conduct the elections for The City of Weslaco pursuant to an Election Services Agreement entered into pursuant to Chapter 31 of the Texas Election Code; and

WHEREAS, The City of Weslaco understands that the Hidalgo County Elections Administrator has similarly confirmed to the Weslaco Independent School District ("School District") that she is prepared to conduct the general election for the School District pursuant to Chapter 31 of the Texas Election Code; and,

WHEREAS, the City of Weslaco and the School District have the authority pursuant to Chapter 271, Texas Election Code, to enter into an agreement to hold their general election jointly in the election precincts that can be served by common polling places, election officials and with a common ballot; and

WHEREAS, it is jointly determined by both the City of Weslaco and the Weslaco Independent School District that it would be in the best interest of their respective constituencies if a Joint City/School Election is held on the second Saturday in May, A.D., 2010, the same being May 8, 2010;

NOW THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF WESLACO:

1. Pursuant to the requirements of the laws of the State of Texas, an election ("General Election") is called to be held in the City of Weslaco, on the second Saturday in May, 2010, the same being the Eighth (8th) day of May, 2010, for the purpose of electing The Mayor for The City of Weslaco at which all resident, qualified electors of the City of Weslaco shall be entitled to vote for candidates for the office of Mayor at issue. In addition, an election shall be held in City of Weslaco Commissioner Districts 5 and 6 for the election of City Commissioners from these single-member districts, at which only resident, qualified electors of each respective district shall be entitled to vote for candidates for City Commissioner in their respective districts. The City Commission hereby finds that holding the General Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the General Election shall be from 7 a.m. to 7 p.m.
2. Such General Election shall be conducted and held in accordance with the Election Code of the State of Texas. The General Election shall be conducted jointly with the School District pursuant to Texas Election Code Chapter 271 with a common polling place, election workers and a common ballot. The City Attorney and City Manager are authorized to negotiate an agreement with the School District which agreement shall be presented to the City Commission for review and consideration at the earliest possible opportunity.
3. The City of Weslaco's General Election shall be conducted by the Hidalgo County Election Administrator and the City Attorney and City Manager are authorized to negotiate an agreement for election services in accordance with Chapter 31 of the Texas Election Code which agreement shall be presented to the City Commission for review and consideration at the earliest possible opportunity.
4. The Hidalgo County Election Administrator is hereby appointed the Early Voting Clerk for the General Election. The City Secretary is hereby designated as the Custodian of Records of the Election for such purposes as required under the Texas Election Code other than records of the General Election required to be maintained by the Hidalgo County Election Administrator. Other election officials, including the Presiding Judge of the Early Voting Ballot Board, the Presiding Judges and Alternate Judges to serve on Election Day; and Central Tabulation Center Officials shall be nominated by the Hidalgo County Election Administrator and presented to the City Commission for consideration and approval as soon as the list is compiled.
5. The territory of the City of Weslaco shall be divided into six voting precincts corresponding to the six single member districts in the City and shall be designated as the City Election Precincts for the General Election ("City Election Precincts"). The territory of the Hidalgo County Election Precincts that are wholly or partially within each respective City Election Precinct are hereby combined as the precincts for administrative purposes in assisting the Hidalgo County Election Administrator to tabulate the vote or otherwise administer the election. For Election Day, the following six polling places are established for the purpose of conducting said General Election.
 - (a) **Polling Place for City Election Precinct No. 1:** Memorial Elementary School, 910 S. 18th Street, Weslaco, Texas, at which Polling Place No. 1 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.
 - (b) **Polling Place for City Election Precinct No. 2:** Weslaco Historic City Hall, 500 S. Kansas Avenue, Weslaco, Texas, at which Polling Place No. 2 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and

Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

- (c) **Polling Place for City Election Precinct No. 3:** Weslaco Visitor Center, 302 West Railroad, Weslaco, Texas, at which Polling Place No. 3 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.
 - (d) **Polling Place for City Election Precinct No. 4:** Cleckler-Heald Elementary School, 1601 W. Sugar Cane, Weslaco, Texas, at which Polling Place No. 4 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting..
 - (e) **Polling Place for City Election Precinct No. 5:** F.D. Roosevelt Elementary School, 306 N. Bridge Avenue, Weslaco, Texas, at which Polling Place No. 5 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.
 - (f) **Polling Place for City Election Precinct No. 6:** Airport Drive Elementary School, 410 N. Airport Drive, Weslaco, Texas, at which Polling Place No. 6 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.
6. All requests by candidates to have their names placed on the ballot for the City of Weslaco General Election shall be in writing and signed by the candidate and filed with the City Secretary, if the person is a candidate for city office, such request to be filed not earlier than 8:00 a.m., Saturday, February 6, 2010 and no later than 5:00 p.m., Monday, March 8, 2010. All candidates shall file with said application the loyalty affidavit required by Section 141.031 of the Texas Election Code.
7. A common ballot shall be utilized for the General Election which shall include the races and candidates in the City of Weslaco General Election and which may contain any races and candidates for the general election of the Board of Trustees of the Weslaco Independent School District held jointly with this General Election. The ballot containing the races and candidates in the General Election of the City will be provided to eligible voters residing within the territorial limits of the City of Weslaco. It is understood by the City of Weslaco, that the School District may establish Election Day precincts that correspond with the City Election Precincts within the City of Weslaco, but which may also extend and include certain territory of the School District outside the city limits of the City of Weslaco. Such School District election precincts will utilize the same polling location but a separate ballot style containing only the races and candidates for the general election of the Board of Trustees of the Weslaco Independent School District shall be made available by election officials to those eligible voters from the unincorporated portion of the School District at each polling location. Direct Recording Electronic Voting Machines shall be used at all polling places.
8. In the event no candidate for Mayor or Commissioners for District No. 5 and District No. 6 receives a majority of the votes cast for Commissioner of any particular place, there shall be a

Run-off Election not earlier than 20th or later than the 45th day after the date the final canvass of the main election is completed. The election to be conducted with paper ballots if DRE machines are not available. In such event, the same polling places as used for the General Election are hereby designated for such Run-off Election, and the same Presiding Judges and election officials are hereby designated for such Run-off Election, which Run-off Election shall comply with all the rules of the Texas Election Code and the Charter of the City of Weslaco. Notice of such election shall be given in accordance with the Texas Election Code. The candidate for each respective office receiving the majority of votes shall be declared elected. In the event of a tie, the winner of such election shall be determined by drawing by lot.

9. Direct Recording Electronic Voting Machines shall be used to conduct early voting for persons voting early by personal appearance. Separate paper ballots shall be provided for voters voting early by mail and disabled voters on Election Day.
10. Early voting shall be conducted at the Weslaco City Hall, Planning and Code Enforcement Conference Room located at 255 S. Kansas Avenue. Early Voting shall begin on Monday, April 26, 2010 and continue through Tuesday, May 4, 2010 preceding the date of said election. Said place of early voting shall remain open between the hours of 8:00 o'clock a.m. to 5:00 o'clock p.m. on each day for early voting with the exception of two weekdays for at least 12 hours:

<u>Day and Date</u>	<u>Hours</u>
Monday, April 26, 2010	7:00 a.m. to 7:00 p.m.
Tuesday, April 27, 2010	8:00 a.m. to 5:00 p.m.
Wednesday, April 28, 2010	8:00 a.m. to 5:00 p.m.
Thursday, April 29, 2010	8:00 a.m. to 5:00 p.m.
Friday, April 30, 2010	8:00 a.m. to 5:00 p.m.
Monday, May 3, 2010	7:00 a.m. to 7:00 p.m.
Tuesday, May 4, 2010	8:00 a.m. to 5:00 p.m.

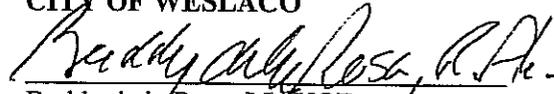
The Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to Yvonne Ramon, Hidalgo County Election Administrator, P.O. Box 659, 101 S. Tenth Avenue, Edinburg, Texas 78540. Applications for paper ballot by mail must be received no later than the close of business on Friday, April 30, 2010. Early voting, by mail, shall be by paper ballots and shall be canvassed by the Early Voting Ballot Board appointed by the Weslaco Independent School District Board of Trustees and the Weslaco City Commission. The Presiding Judge of the Early Voting Ballot Board will be named at a later date. The Presiding Judge of the Early Voting Ballot Board shall have the authority to appoint at least two other members to the Early Voting Ballot Board for said election. The Early Voting Ballot Board shall convene at the time set by the Presiding Judge of the Early Voting Ballot Board, but no later than 12:00 p.m. on the day of the Election, Saturday, May 8, 2010. Voting by disabled voters, on the day of the election, shall be at the respective polling places.

11. The Hidalgo County Elections Administration shall furnish at all the polling places all necessary ballots and other election supplies requisite to said election to all judges and alternate judges.
12. Immediately after the votes have been counted, the officers holding said election shall make and deliver the returns of said election and perform all other duties as provided by the Texas Election Code.

13. A Notice of the Election shall be given by the Weslaco City Commission unless stipulated in the contract negotiations with the Hidalgo County Elections Administration. Such notice shall be posted at three (3) public places within the territorial limits of the Weslaco Independent School District. Said posting shall be made at least twenty (20) days before said election. Notice of this election shall also be published at least one (1) time in a newspaper of general circulation in Hidalgo County, Texas, the County in which these political subdivisions are located, and said publication shall not be more than thirty (30) days nor less than ten (10) days before the date of the election.
14. City may cancel its election scheduled for May 8, 2010 if candidates for all of the places are unopposed after March 8, 2010 filing deadline and the filing deadline of March 15, 2010 for write-in candidates..
15. It is further ORDERED that this Resolution serve as the Order calling said General Election for the City of Weslaco elected offices in so far as the contents are ratified and confirmed by the Weslaco City Commission. The Mayor of the City of Weslaco is hereby authorized to sign this resolution indicating the City Commission's approval of the contents thereof.

IN TESTIMONY WHEREOF, witness my hand this 17th day of February, 2010.

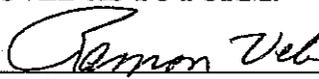
CITY OF WESLACO


Buddy de la Rosa, MAYOR

ATTEST:


Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:


Ramon Vela, CITY ATTORNEY