



City of Copperas Cove

NOTICE OF MEETING OF THE GOVERNING BODY OF COPPERAS COVE, TEXAS

An agenda information packet is available for
public inspection in the Copperas Cove Public Library, City Hall and on the City's
Web Page www.ci.copperas-cove.tx.us

Notice is hereby given that a **Special Council Meeting** of the City of Copperas Cove, Texas will be held on the **20th day of February 2009**, at **2:00 p.m.** in the City Hall Council Chambers located at 507 South Main Street, Copperas Cove, Texas 76522. The following subjects will be discussed:

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC RECOGNITION

1. Proclamation: "Severe Weather Awareness Week," February 22-28, 2009.
Mayor John Hull

E. ACTION ITEMS

1. Consideration and action on a Resolution canvassing returns and declaring the results of the Special Election held on February 10, 2009. **Jane Lees, City Secretary**

F. ADJOURNMENT

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (254) 547-4221, (254) 547-6063 TTY, or FAX (254) 547-5116 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Copperas Cove was posted at 10:30 a.m. on February 17, 2009, on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

/s/ *Jane Lees*

Jane Lees, City Secretary



PROCLAMATION

WHEREAS, Severe Weather Awareness Week is February 22 – February 28, 2009; and

WHEREAS, Each year brings the potential for violent weather to Texas; and

WHEREAS, Large portions of our state, including the City of Copperas Cove, can be devastated by flooding, tornadoes, windstorms and other emergencies; and

WHEREAS, The Governor’s Division of Emergency Management, the National Weather Service, and the City of Copperas Cove have joined together in urging all citizens to prepare for severe weather events and to educate themselves on safety strategies; and

WHEREAS, Governor Rick Perry has declared the week of February 22 – February 28, 2009, as Severe Weather Awareness Week in Texas.

NOW, THEREFORE, I, John Hull, Mayor of the City of Copperas Cove, Texas, do hereby proclaim that February 22 – February 28, 2009 shall be observed as:

“Severe Weather Awareness Week”

in the City of Copperas Cove, Texas, and encourage all citizens of our community to learn more about severe weather preparedness and the impact that severe weather can have on communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Copperas Cove to be affixed this 20th day of February 2009.

John Hull, Mayor

Attest:

Jane Lees, City Secretary

City of Copperas Cove

City Council Agenda Item Report

February 20, 2009

Agenda Item No. E-1

Contact – Jane Lees, CMC, City Secretary, 547-4221
jlees@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on Resolution No. 2009-01, canvassing returns and declaring the results of the Special Election held on February 10, 2009, for the purpose of filling vacancies on the City Council.

1. BACKGROUND/HISTORY

For an election ordered by an authority of a political subdivision other than a county, the election shall be canvassed by the political subdivision's governing body. The canvass is the official tabulation of the election results. Generally, the canvass is made not earlier than the eighth day but no later than the eleventh day after Election Day.

Texas Election Code, Chapter 67, Section 67.004 (a) states: "Two members of the authority constitute a quorum for purposes of canvassing an election."

2. FINDINGS/CURRENT ACTIVITY

The results of the Special Election held on February 10, 2009 are shown below:

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total Votes</u>
<u>Council Member Position 1</u>			
Charlie Youngs	403	241	644
Cheryl L. Meredith	374	324	698
<u>Council Member Position 3</u>			
Michael A. Zehr	357	274	631
Charles "Chuck" Downard	413	285	698
<u>Council Member Position 4</u>			
Danny Palmer	467	282	749
Joseph Solomon	322	306	628

Council Member Position 5

Konrad J. Kohler	191	118	309
Bill L. Stephens	339	252	591
David Wilson	236	192	428

Early Voting had a total of 797 voters and Election Day had 592 voters, for a total of 1,389 voters. The Official Cumulative Report showing these totals is attached to this agenda item.

Early voting ballots and provisional ballots are processed and counted by an early voting ballot board (EVBB), which must consist of at least three members. In a city which uses an electronic voting system, the ballots by mail are counted at the central polling place. The EVBB was called together on Monday, February 16, 2009 to process one provisional ballot that was voted on Election Day. All ballots that the EVBB accepted are included in the Official Cumulative Report.

The adoption of Resolution No. 2009-01 declares the results of the Special Election. Since Position 5 was not filled with a majority vote, there will be a runoff election on March 17, 2009, as indicated in the original writ of election signed by the District Judge. The two candidates for Position 5 in the runoff election will be Bill L. Stephens and David Wilson.

FINANCIAL IMPACT

None.

3. ACTION OPTIONS/RECOMMENDATION

City staff recommends approval of Resolution No. 2009-01, to officially canvass and declare the results of the Special Election held on February 10, 2009, to fill vacancies on the City Council.

RESOLUTION NO. 2009-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON FEBRUARY 10, 2009, FOR THE PURPOSE OF FILLING FOUR VACANCIES ON THE CITY COUNCIL.

WHEREAS, on the 20th day of February 2009, members of the City Council of the City of Copperas Cove, Texas, convened in a special meeting following the City's Special Election, held on February 10, 2009, which session was open to the public; and

WHEREAS, at least two members of the governing body were present to conduct the official canvass, which constitutes a quorum for purposes of canvassing an election, as set forth by the Texas State Election Code, Chapter 67, Section 67.004 (a); and

WHEREAS, after careful consideration of the official returns of the election, which are attached and made a part of this resolution, it has been determined that there were 1,389 total votes cast at said election by valid and legal voters of the City of Copperas Cove; and

WHEREAS, each of the candidates in said special election for received the following votes:

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total Votes</u>
<u>Council Member Position 1</u>			
Charlie Youngs	403	241	644
Cheryl L. Meredith	374	324	698
<u>Council Member Position 3</u>			
Michael A. Zehr	357	274	631
Charles "Chuck" Downard	413	285	698
<u>Council Member Position 4</u>			
Danny Palmer	467	282	749
Joseph Solomon	322	306	628
<u>Council Member Position 5</u>			
Konrad J. Kohler	191	118	309
Bill L. Stephens	339	252	591
David Wilson	236	192	428

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS THAT:

- (1) All of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as a part of its judgment; and
- (2) It is further found and determined that the results of the election as canvassed and tabulated in the preamble reflect the votes cast at the election.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL:

WHEREAS, in accordance with the returns, Cheryl L. Meredith received a majority of all votes cast at the election for Council Member Position 1, and is hereby declared the winner, filling an unexpired term ending June 2009; and

WHEREAS, in accordance with the returns, Charles "Chuck" Downard received a majority of all votes cast at the election for Council Member Position 3, and is hereby declared the winner, filling an unexpired term ending June 2010; and

WHEREAS, in accordance with the returns, Danny Palmer received a majority of all votes cast at the election for Council Member Position 4, and is hereby declared the winner, filling an unexpired term ending June 2010; and

WHEREAS, in accordance with the returns, no candidate received a majority of votes cast at the election for Council Member Position 5; and

WHEREAS, the two candidates receiving the highest number of votes for Council Member Position 5, Bill L. Stephens and David Wilson, will participate in a runoff election on March 17, 2009.

PASSED AND APPROVED, at a special meeting of the City Council of the City of Copperas Cove, Texas, this 20th day of February 2009, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code § 551.001 et seq. and Texas Election Code, Chapter 67.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney

**Cumulative Report — Official
City of Copperas Cove, Texas — SPECIAL ELECTION — February 10, 2009**

Total Number of Voters : 1,389 of 19,368 = 7.17%

Precincts Reporting 1 of 1 = 100.00

Party	Candidate	Early	Election	Total
COUNCIL MEMBER, POSITION 1 To fill an unexpired term ending June 2009, Vote For 1				
	Charlie Youngs	403 51.87%	241 42.65%	644 47.99%
	Cheryl L. Meredith	374 48.13%	324 57.35%	698 52.01%
	Cast Votes:	777 97.49%	565 95.44%	1,342 96.62%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	20 2.51%	27 4.56%	47 3.38%
COUNCIL MEMBER, POSITION 3 To fill an unexpired term ending June 2010, Vote For 1				
	Michael A. Zehr	357 46.36%	274 49.02%	631 47.48%
	Charles "Chuck" Downard	413 53.64%	285 50.98%	698 52.52%
	Cast Votes:	770 96.61%	559 94.43%	1,329 95.68%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	27 3.39%	33 5.57%	60 4.32%
COUNCIL MEMBER, POSITION 4 To fill an unexpired term ending June 2010, Vote For 1				
	Danny Palmer	467 59.19%	282 47.96%	749 54.39%
	Joseph Solomon	322 40.81%	306 52.04%	628 45.61%
	Cast Votes:	789 99.00%	588 99.32%	1,377 99.14%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	8 1.00%	4 0.68%	12 0.86%
COUNCIL MEMBER, POSITION 5 To fill an unexpired term ending June 2010, Vote For 1				
	Konrad J. Kohler	191 24.93%	118 21.00%	309 23.27%
	Bill L. Stephens	339 44.26%	252 44.84%	591 44.50%
	David Wilson	236 30.81%	192 34.16%	428 32.23%
	Cast Votes:	766 96.11%	562 94.93%	1,328 95.61%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	31 3.89%	30 5.07%	61 4.39%