



# 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](http://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 **24th day of May 2010**, at **6:00 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. ANNOUNCEMENTS**
- E. PUBLIC RECOGNITION**
- F. CITIZENS FORUM** – At this time, citizens will be allowed to speak for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section. Pursuant to §551.042 of the Texas Open Meetings Act, any deliberation or decision about the subject of inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
- F. CONSENT AGENDA – None.**
- H. PUBLIC HEARINGS/ACTION – None.**
- I. ACTION ITEMS**
  - 1. Consideration and action on a resolution to amend Resolution No. 2010-22, ordering and establishing procedures for a Special Election on July 20, 2010 in Copperas Cove, Texas, to fill a vacancy on the City Council. **Jane Lees, City Secretary**
  - 2. Consideration and action on granting Council Member Bill L. Stephens, Position 5, an excused absence from a regular council meeting. **Jane Lees, City Secretary**
- J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS**

**K. ITEMS FOR FUTURE AGENDAS**

**L. EXECUTIVE SESSION**

**M. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION**

**N. 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 \_\_\_\_\_, May 21, 2010 on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

\_\_\_\_\_  
Jane Lees, TRMC, CMC, City Secretary

# City of Copperas Cove

## City Council Agenda Item Report

May 24, 2010

### Agenda Item No. I-1

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

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**SUBJECT:** Consideration and action on a resolution to amend Resolution No. 2010-22, ordering and establishing procedures for a Special Election on July 20, 2010 in Copperas Cove, Texas, to fill a vacancy on the City Council.

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#### 1. BACKGROUND/HISTORY

Resolution No. 2010-22 was adopted on May 18, 2010 and ordered a special election to fill a vacancy on the city council.

#### 2. FINDINGS/CURRENT ACTIVITY

Upon discussion with the Elections Division of the Secretary of State and the City Attorney, it was determined that the filing period stated in the original election order may not fulfill the Texas State Election law requirement for a special election to fill a vacancy. Thus, the decision was made to utilize the most flexible filing period schedule that will also comply with Section 201.054 (a) (2) of the Texas State Election law.

Resolution 2010-22, Sections 1 and 2 must be amended to state that the filing period be for the period May 19, 2010 through June 18, 2010, and the drawing for ballot position be held on June 21, 2010 at 9:00 a.m.

#### 3. FINANCIAL IMPACT

N/A

#### 4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council adopt a resolution amending Sections 1 and 2 of Resolution No. 2010-22, ordering and establishing procedures for a special election on July 20, 2010 in Copperas Cove, Texas.

**RESOLUTION NO. 2010-23**

**A RESOLUTION AMENDING RESOLUTION NO. 2010-22  
ADOPTED ON MAY 18, 2010 ORDERING AND ESTABLISHING  
PROCEDURES FOR A SPECIAL ELECTION ON JULY 20, 2010  
IN COPPERAS COVE, TEXAS, TO FILL A VACANCY ON THE  
CITY COUNCIL.**

**WHEREAS,** Section 201.054 (a) (2) of the Texas State Election law states a candidate's application for a place on the special election ballot must be filed not later than 5:00 p.m. on the 31st day before election day, if election day is on or after the 36th day and before the 70th day after the date the election is ordered; and

**WHEREAS,** the filing period for applications for a place on the ballot and the drawing for ballot position in Resolution 2010-22 must be amended.

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

The Sections in Resolution No. 2010-22 be amended as follows:

**Section 1.** That all independent candidates at the election to be held on July 20, 2010 for Council Member Position 6, file their application to become candidates with the City Secretary of the City at 507 South Main Street, Copperas Cove, Texas from May 19, 2010 through June 18, 2010, and that all said applications shall be on a form as prescribed by the Election Code of the State of Texas.

**Section 2.** The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing in City Hall Council Chambers on June 21, 2010 at 9:00 a.m.

**PASSED, APPROVED, AND ADOPTED** on this 24th day of May 2010, at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't. Code, §551.001, et.seq.* at which meeting a quorum was present and voting.

\_\_\_\_\_  
John Hull, Mayor

**ATTEST:**

\_\_\_\_\_  
Jane Lees, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Denton, Navarro, Rocha  
& Bernal, P.C., City Attorney

## RESOLUTION NO. 2010-22

### A RESOLUTION ORDERING AND ESTABLISHING PROCEDURES FOR A SPECIAL ELECTION ON JULY 20, 2010 IN COPPERAS COVE, TEXAS, TO FILL A VACANCY ON THE CITY COUNCIL.

**WHEREAS,** the laws of the State of Texas and the Charter of the City of Copperas Cove provide that a special election be ordered within 120 days of a vacancy; and

**WHEREAS,** The Mayor of the City of Copperas Cove received a resignation letter on April 21, 2010 from the council member currently seated in Position 6; and

**WHEREAS,** if, in the election to fill the vacancy in Position 6 on the City Council, no candidate receives a majority of all the votes cast in that race, a Runoff Election shall be conducted on August 17, 2010, between the two candidates for that office receiving the highest number of votes cast; and

**WHEREAS,** the laws of the State of Texas and the Charter of the City of Copperas Cove, further provide that the Election Code of the State of Texas is applicable to said election and in order to comply with said code, a Resolution and Order of Election, for the Special Election should be passed establishing the procedure to be followed in said election as outlined below.

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:**

**Section 1.** That all independent candidates at the election to be held on July 20, 2010 for Council Member Position 6, file their application to become candidates with the City Secretary of the City at 507 South Main Street, Copperas Cove, Texas from May 19, 2010 through May 26, 2010, and that all said applications shall be on a form as prescribed by the Election Code of the State of Texas.

**Section 2.** The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing in City Hall Council Chambers on May 27, 2010 at 9:00 a.m.

**Section 3.** Only resident qualified voters of said City shall be eligible to vote. Said election will be held in Copperas Cove City Hall Council Chambers, 507 South Main Street, with Mary Howell as Presiding Election Judge and Rita Burgess as Alternate Presiding Election Judge. The clerks for the election will be appointed by the Presiding Election Judge in a number not to exceed four (4) clerks. The Presiding Election Judge

will be paid the sum of \$10.00 per hour and the Alternate Presiding Election Judge and clerks will be paid \$8.00 per hour.

**Section 4.** The designated polling place shall, on Election Day, be open from 7:00 a.m. to 7:00 p.m.

**Section 5.** Mary Howell shall be appointed to serve as the Early Voting Ballot Board Presiding Officer and shall appoint two (2) clerks to serve on the Board.

**Section 6.** Jane Lees, City Secretary, will conduct early voting. The City Secretary will appoint Deputy Early Voting Clerks to assist her. Early voting for the above designated election shall be held in Copperas Cove City Hall Council Chambers, 507 South Main Street.

**Section 7.** Early voting will be conducted on the following days and times:

July 8, 2010	7:00 a.m. – 7:00 p.m.
July 9, 2010	8:00 a.m. – 5:00 p.m.
July 12, 2010	8:00 a.m. – 5:00 p.m.
July 13, 2010	7:00 a.m. – 7:00 p.m.
July 14, 2010	8:00 a.m. – 5:00 p.m.
July 15, 2010	8:00 a.m. – 5:00 p.m.
July 16, 2010	8:00 a.m. – 5:00 p.m.

**Section 8.** Applications for ballot by mail shall be mailed to: Jane Lees, City Secretary, City of Copperas Cove, P.O. Drawer 1449, Copperas Cove, Texas 76522. The first day applications for voting by mail ballot may be accepted is May 26, 2010. The last day to receive applications from voters in person for a ballot to be voted by mail is July 5, 2010. The last day to receive applications by mail for a ballot to be voted by mail is July 13, 2010.

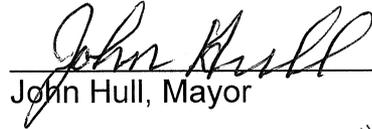
**Section 9.** All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and Paper Ballots and eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System.

**Section 10.** All expenditures necessary for the conduct of the election, the purchase of materials and the employment of all election officials is hereby authorized and the City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

**Section 11.** Said election shall be held in accordance with the Election Code and the State of Texas. Notice of said elections shall be given in accordance with the terms and provisions of the Election Code and the City Secretary is hereby instructed to have said notice posted and published in accordance with state law. A copy of this order shall

also serve as a Writ of Election, which shall be delivered to the above-appointed Presiding Election Judge for said elections.

**PASSED, APPROVED, AND ADOPTED** on this 18th day of May 2010, at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't. Code, §551.001, et.seq.* at which meeting a quorum was present and voting.

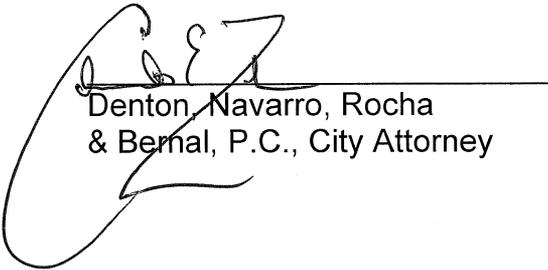
  
\_\_\_\_\_  
John Hull, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jane Lees, City Secretary



**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Denton, Navarro, Rocha  
& Bernal, P.C., City Attorney

# City of Copperas Cove

## City Council Agenda Item Report

May 24, 2010

### Agenda Item No. I-2

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

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**SUBJECT:** Consideration and action on granting Council Member Bill L. Stephens, Position 5, an excused absence from a regular council meeting.

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#### 1. BACKGROUND/HISTORY

The City of Copperas Cove City Charter Sec. 2.07(b)(4), Vacancies, forfeitures, filling of vacancies, states: *“A council member or the mayor shall forfeit his/her office if he/she: (4) fails to attend two (2) consecutive regular meetings unless excused by City Council (said excusal may be obtained before or after the absence occurs) caused by sickness or emergency.”*

#### 2. FINDINGS/CURRENT ACTIVITY

On May 21, 2010, Council Member Bill L. Stephens requested an excused absence for the May 18, 2010 regular council meeting due to being out of town on business travel. Per the Council Rules of Meetings and Order of Business, the appropriate number of Council Members concurred with placing the request on the May 24, 2010 special agenda.

#### 3. FINANCIAL IMPACT

N/A.

#### 4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council take action on the request.