

**RESOLUTION NO. R2009-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS CALLING A BOND ELECTION TO BE HELD WITHIN SAID CITY; MAKING PROVISIONS FOR THE CONDUCT AND THE GIVING OF NOTICE OF THE ELECTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.**

**WHEREAS**, the City Council of the City of Friendswood, Texas (the “City”) finds and determines that it is necessary and advisable to call and hold an election for and within the City on the propositions hereinafter set forth; and

**WHEREAS**, it is hereby officially found and determined that said election will be held on a uniform election date established by Section 41.001(a), Texas Election Code, as amended, as required by Texas law; and

**WHEREAS**, the City finds and declares that the meeting at which this Resolution is considered is open to the public, and that the public notice of the time, place and purpose of the meeting was given, as required by Chapter 551, Texas Government Code, as amended; Now Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS:**

**Section 1.** **Findings.** The statements contained in the preamble of this Resolution are true and correct and are hereby adopted as findings of fact and as a part of the operative provisions hereof.

**Section 2.** **Election Ordered; Date; Propositions.** An election (the “Election”) shall be held for and within the City on Saturday, May 9, 2009 (“Election Day”), in accordance with the Texas Election Code (the “Code”). At the Election the following propositions (the “Propositions”) shall be submitted to the qualified voters of the City in accordance with law:

**PROPOSITION NO. ONE**

SHALL THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, BE AUTHORIZED TO ISSUE AND SELL AT ANY PRICE OR PRICES THE BONDS OF THE CITY IN THE AMOUNT OF \$3,100,000, MATURING SERIALLY OR OTHERWISE WITHIN 40 YEARS FROM THEIR DATE OR DATES, AND BEARING INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE MAXIMUM INTEREST RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED WITHIN THE DISCRETION OF THE CITY COUNCIL AT THE TIME OF ISSUANCE, FOR THE PURPOSE OF THE ACQUISITION AND CONSTRUCTION OF PARKS AND RECREATION FACILITIES, INCLUDING NATURAL PARKS AND ATHLETIC FIELDS, AND TO LEVY TAXES UPON ALL TAXABLE PROPERTY WITHIN THE CITY ANNUALLY SUFFICIENT TO PAY THE

INTEREST ON THE BONDS AS IT ACCRUES, AND TO CREATE A SINKING FUND TO PAY THE PRINCIPAL OF THE BONDS AS IT MATURES?

**PROPOSITION NO. TWO**

SHALL THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, BE AUTHORIZED TO ISSUE AND SELL AT ANY PRICE OR PRICES THE BONDS OF THE CITY IN THE AMOUNT OF \$6,500,000, WHICH BONDS MAY BE ISSUED IN VARIOUS ISSUES OR SERIES, MATURING SERIALLY OR OTHERWISE WITHIN 40 YEARS FROM THEIR DATE OR DATES, AND BEARING INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE MAXIMUM INTEREST RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED WITHIN THE DISCRETION OF THE CITY COUNCIL AT THE TIME OF ISSUANCE, FOR THE PURPOSE OF THE CONSTRUCTION AND EQUIPMENT OF A NEW LIBRARY AND CIVIC CENTER FACILITY, AND TO LEVY TAXES UPON ALL TAXABLE PROPERTY WITHIN THE CITY ANNUALLY SUFFICIENT TO PAY THE INTEREST ON THE BONDS AS IT ACCRUES, AND TO CREATE A SINKING FUND TO PAY THE PRINCIPAL OF THE BONDS AS IT MATURES?

**Section 3.** Official Ballot. (a) The DRE Voting System and electronically counted paper ballots, an electronic voting system, as defined and described by Title 8, Texas Election Code, shall be used for said election, and the following are hereby appointed officers of said election to serve at the Central Counting Station:

Manager of the Central Counting Station:	Deloris McKenzie
Tabulation Supervisor:	Melinda Welsh
Presiding Judge for the Central Counting Station:	R.J. Blanken
Clerks:	Sharon Parks Michelle Perez Amber Maurer

(b) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid Propositions which shall be set forth on the ballots substantially in the following form:

**PROPOSITION NO. ONE**

[ ] FOR	)	THE ISSUANCE OF \$3,100,000 BONDS FOR
	)	PARKS AND RECREATION FACILITIES

[ ] AGAINST )---- INCLUDING NATURAL PARKS AND  
) ATHLETIC FIELDS

**PROPOSITION NO. TWO**

[ ] FOR ) THE ISSUANCE OF \$6,500,000 BONDS FOR  
)---- A NEW LIBRARY AND CIVIC CENTER  
[ ] AGAINST ) FACILITY

**Section 4.** Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

**Section 5.** Election Precincts, Voting Locations and Voting Hours on Election Day. The election precincts for the Election shall consist of the territory within the boundaries of the City situated within one or more County election precincts, which bear the precinct numbers set forth in Exhibit A attached hereto and incorporated herein. The voting location for voting on Election Day for each election precinct shall be as set forth in Exhibit A. On Election Day the polls shall be open from 7:00 a.m. to 7:00 p.m.

**Section 6.** Early Voting Locations, Dates and Times. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth in Exhibit B. The address for applications for ballot by mail and the Early Voting Clerk shall also be set forth in Exhibit B.

**Section 7.** Karen Van Auken is hereby appointed as Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.001 *et seq.*, of the Texas Election Code, said presiding judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said Texas Election Code.

**Section 8.** Notice of Election. Notice of the Election shall be given by: (i) publishing a substantial copy of this resolution, in both English and Spanish, one time not earlier than the thirtieth day nor later than the tenth day prior to the date set for the Election, in a newspaper published in the City, and by posting a copy of this resolution, both in English and Spanish, on the bulletin board used for posting notices of City Council meetings, not later than the 21<sup>st</sup> day prior to the date set for the Election. Notice of the Election shall also be provided to the county clerk of each county in which the City is located not later than the 60th day before the Election Day.

**Section 9.** Conduct of Election. Said Election shall be held in accordance with the Code, except as modified by the Texas Government Code and the Federal Voting Rights Act of 1965, as amended, including particularly Chapter 272 of the Code pertaining to bilingual requirements.

**Section 10.** Necessary Actions. The Mayor in consultation with the City Attorney and bond counsel is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein.

**Section 11.** Severability. If any provision, section, subsection, sentence, clause or phrase of this Resolution, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, neither the remaining portions of this Resolution nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Resolution that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Resolution are declared to be severable for that purpose.

**PASSED AND APPROVED this 23<sup>rd</sup> day of February, 2009.**

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David J.H. Smith  
Mayor

ATTEST:

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Deloris McKenzie, TRMC  
City Secretary

**EXHIBIT A**

**Election Day Polling Places**

Election Precinct Nos. 456, 457,  
460, 461, 462, 483, 484,  
and 485:

Boundaries the same as those portions of Galveston County Election Precinct 456, 457, 460, 461, 462, 483, 484, and 485, lying within the City limits of the City of Friendswood.

Election Precinct Nos. 378, 474,  
and Part of Election Precinct  
No. 655:

Boundaries the same as those portions of Harris County Election Precinct 378, 474, and part of Election Precinct No. 655, lying within the City limits of the City of Friendswood.

Polling Place:

Friendswood City Hall  
910 South Friendswood Drive  
Friendswood, Texas

Election Officers:

Karen Van Auken, Presiding Judge  
Darlene Ursrey, Alternate Judge

**EXHIBIT B**

**EARLY VOTING LOCATION:**

City Hall  
910 South Friendswood Drive  
Friendswood, Texas 77546

**HOURS FOR EARLY VOTING:**

Monday through Thursday, April 27-April 30, 2009	7:30 a.m. – 5:30 p.m.
Friday, May 01, 2009	7:00 a.m. – 7:00 p.m.
Monday, May 04, 2009	7:30 a.m. – 5:30 p.m.
Tuesday, May 05, 2009	7:00 a.m. – 7:00 p.m.
Saturday, May 02, 2009	8:00 a.m. – 5:00 p.m.

**EARLY VOTING CLERK:**

Ms. Deloris McKenzie  
City Secretary