

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF BEVIL OAKS, TEXAS, ON THE QUESTION OF THE ADOPTION OF A ONE PERCENT (1%) LOCAL SALES AND USE TAX WITHIN THE CITY; DESIGNATING THE DAY OF THE ELECTION AND THE POLLING PLACE; APPOINTING ELECTION OFFICIALS THEREFOR; PROVIDING THAT ALL DULY QUALIFIED RESIDENT ELECTORS SHALL BE QUALIFIED TO VOTE; PRESCRIBING FORM OF BALLOT; PROVIDING FOR NOTICE OF ELECTION; CONTAINING OTHER PROVISIONS RELATING TO SAID ELECTION; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, Article 1066c, Vernon's Texas Civil Statutes (Acts 1967, 60th Legislature, Regular Session, Chapter 36, Page 62) authorizes the governing body of any city, town or village in Texas to call an election for the purpose of adopting a local sales and use tax within such city, town or village; now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS:

Section 1. That a Special Election shall be held in and throughout the City of Bevil Oaks, Texas, on the 14th day of August, 1982, at which election there shall be submitted to the resident qualified voters of said City, for their action thereupon, the following propositions:

"FOR adoption of a one percent (1%) local sales and use tax within the city."

"AGAINST adoption of a one percent (1%) local sales and use tax within the city."

Section 2. That said election shall be held at one polling place for all qualified voters of said City, and the polling place and presiding officers for said election shall be, to-wit:

Polling Place: Bevil Oaks Civic Center, 7390 Sweetgum, Bevil Oaks, Texas

Presiding Officers: _____
Presiding Judge

Alternate Presiding Judge

The Presiding Judge at such election shall appoint _____ clerks.

Section 3. That said election shall be held in accordance with the Constitution and the laws of the State of Texas, and all duly qualified resident electors of the City of Bevil Oaks, Texas shall be qualified to vote.

Section 4. That the ballots of said election shall conform to the requirements of Section 2, Subsection G, of Article 1066c, Vernon's Texas Civil Statutes (Acts 1967, 60th Legislature, Regular Session, Chapter 36, Page 62), and to the requirements of Chapter 6 of the Election Code of the State of Texas, as amended, and the language to be printed thereon shall include the following:

OFFICIAL BALLOT

Instructions: Place an "X" in the square beside the statement indicating the way you wish to vote.

FOR adoption of a one percent (1%) local sales and use tax within the city.

AGAINST adoption of a one percent (1%) local sales and use tax within the city.

Section 5. That election judges and clerks are directed to comply with Article 6.06, Election Code of the State of Texas, as amended (Section 2 of House Bill 181, Acts 1967, 60th Legislature, Regular Session, Chapter 452, Pages 1026, 1028), which provides that a square shall be placed beside each proposition in which the voter is instructed to place an "X" or other clear mark to indicate the way he wishes to vote; but which also provides that failure of a voter to mark his ballot in strict conformity with the directions on the ballot shall not invalidate the ballot, and the ballot shall be counted if the intention of the voter is clearly ascertainable, except where the law expressly prohibits the counting of the ballot. It is specifically provided that the election officers shall not refuse to count a ballot because of the voter's having marked the ballot by scratching out the statement of proposition for which he does not wish to vote.

Section 6. That notice of the election hereby ordered and called shall be given (a) by publication on the same day of two successive weeks in a newspaper having general circulation within said City, the date of the first publication to be at least twenty-one (21) days prior to the date set herein for such election; and (b) by posting of such notice at the polling place for such election in the City not less than twenty (20) days prior to the date set herein for such election. It is hereby found and determined that there is no newspaper of general circulation which is published within said City; and it is hereby found and determined that the BEAUMONT ENTERPRISE, published in Beaumont, Texas, is a newspaper having general circulation within the City of Bevil Oaks, Texas.

Section 7. That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of the same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portions of this ordinance and to such end the various portions and provisions of this ordinance are declared to be severable.

Section 8. Voting hours for said election shall be from 7:00 o'clock a.m. until 7:00 o'clock p.m. at the Bevil Oaks Civic Center as set forth herein.

Section 9. Ballots shall be prepared under the supervision of the City Secretary.

Section 10. Absentee ballots shall be as prescribed by the Texas Election Code and absentee voting shall begin twenty (20) days prior to the date of election and shall be under the supervision of the City Secretary, and in accordance with the Texas Election Code. Applications for absentee ballots shall be submitted to the City Secretary and completed ballots shall be returned as provided by the Texas Election Code. Absentee voting shall be conducted in the office of the City Secretary, Council Chambers, 7390 Sweetgum, Bevil Oaks, Texas, between the hours of 8:00 o'clock a.m. to 5:00 o'clock p.m. The mailing address of the City Secretary of the City of Bevil Oaks, is Tommy Larousse, Rt. 1, Box 293, Beaumont, TX.

Section 11. Returns shall be made in accordance with the Texas Election Code.

Section 12. In the event any provision of this election order is inconsistent with the provisions of the Texas Election Code pertaining to Municipal Elections, or incomplete, the provisions of the Election Code of the State of Texas will apply.

Section 13. By approving and signing this ordinance, the Mayor officially confirms as his action all matters recited in this ordinance which is by law within his jurisdiction.

PASSED AND APPROVED this 1st day of JULY, 1982.

JIM WHITMEYER, MAYOR
CITY OF BEVIL OAKS, TEXAS

ATTEST:

TOMMY LAROUSSE, CITY SECRETARY
CITY OF BEVIL OAKS, TEXAS