

Ordinance No. 228

AN ORDINANCE CALLING FOR A SPECIAL ELECTION FOR THE PURPOSE OF VOTING FOR THE ABOLITION OF THE BEVIL OAKS MUNICIPAL UTILITY DISTRICT located wholly within the CITY OF BEVIL OAKS, JEFFERSON COUNTY, TEXAS, AND THAT THE CITY OF BEVIL OAKS UNDERTAKE THE SERVICES FURNISHED AND FUNCTIONS PERFORMED BY THE (B.O.M.U.D.), TO BE HELD ON November 2, 2010 , SETTING UP THE PROCEDURES FOR THE ELECTION, AND THE ESTABLISHING OF A VOTING PRECINCT AND A POLLING PLACE, AND APPROPRIATING FUNDS TO COVER THE EXPENSE OF THE ELECTION AND PROVIDING FOR THE RETURNS THEREOF

WHEREAS, the City duly passed Ordinance 227 calling for the abolition of the Bevil Oaks Municipal Utility District; and

WHEREAS, the City has not repealed the ordinance despite the presentation of a petition regarding “enactment or enforcement” of Ordinance 227; and

WHEREAS, the City has reconsidered Ordinance 227; and

WHEREAS, Texas Local Government Code Section 42.074 authorizes the City Council to submit the ordinance to a popular vote at the next municipal election or at a special election.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS:

Section 1: Pursuant to the Texas Election Code, it is hereby ordered that a Special City Election shall be held in Bevil Oaks on the first Tuesday in November, to-wit: on the 2nd day of November, A.D., 2010, for the purpose of voting for or against a proposition regarding the abolition of the Bevil Oaks Municipal Utility District located wholly within the City of Bevil Oaks, Jefferson County, Texas, (hereafter, “City”) and that the city of Bevil Oaks undertake the services furnished and functions performed by the B.O.M.U.D. and the City shall issue orders detailing a proposition with substantially consistent wording:

Proposition No. 1

Answer “Yes” or “No” in answer to the following statement indicating the way you wish to vote:

Should the City of Bevil Oaks abolish and in all ways undertake the services furnished and functions performed by the Bevil Oaks Municipal Utility District (also know as "B.O.M.U.D.")?.

Section 2: Voting hours shall be from 7:00 A.M. until 7:00 P.M. The place of voting shall be in the V. C. Hall Memorial Center at 7390 Sweetgum Road, Bevil Oaks, Texas.

Section 3: The method of voting shall be by electronic or paper ballots.

Section 4: Shirley Collins is hereby appointed Election Judge and Helen Smith is hereby appointed Alternate Election Judge. The election judge shall appoint the clerks in accordance with conducting the election, all of whom shall be qualified voters in the City.

Section 5: Pay for the judges and clerks shall be as provided by law.

Section 6: The City of Bevil Oaks shall have one election precinct which shall consist of the entire corporate limits of the City of Bevil Oaks.

Section 7: Ballots shall be prepared under the supervision of the Kaleb Breaux, Election Coordinator for Jefferson County in accordance with the Texas Election Code.

Section 8: Early voting ballots and applications shall be as prescribed by the Texas Election Code. Early voting shall begin twelve (12) days prior to the election (October 21st, 2010) at 7:00 A.M., and shall be under the supervision of the City Clerk in accordance with the Texas Election Code, where applicable to City elections. Early voting is to cease on October 22nd, 2010 at 7:00 P.M. Application for early voting ballots shall be submitted to the City Clerk and completed ballots shall be returned as provided by the Texas Election Code.

Early voting ballots in the City Election October 21st, 2010 shall be canvassed by an early voting ballot board as provided in the Texas Election Code and Shirley Collins is hereby appointed as presiding Judge of said Canvassing Board and Mayor and City Secretary are appointed clerks of said voting ballot for said election 22nd day before the election date of , November 2, 2010, and shall be published in the Examiner; said publication to be after the 30th day preceding said election and before the 10th day preceding said election. Proof of posting of the

notice as provided herein shall be made by the City Clerk not later than twenty-four (24) hours after the closing of the polls.

Section 9: Returns shall be made in accordance with the Texas Election Code.

Section 10: In the event any provisions of this election order are inconsistent with the provisions of the Texas Election Code pertaining to Municipal actions, or incomplete, the provisions of the election code of the State of Texas apply.

Section 11: By approving and signing this ordinance, the Mayor officially confirms as her action all matters recited in said ordinance which by law come within her jurisdiction.

PASSED AND APPROVED THIS 26TH day of July , 2010

Rebecca M. Ford, Mayor

ATTEST: _____

Sherry Adams, Secretary