



THE BEVIL OAKS CHRONICLE

NOVEMBER 2010

SPECIAL ELECTION EDITION

7390 Sweetgum Rd.
Beaumont, TX 77713
(409) 753-1475

Mayor: **Becky Ford**
753-1263

Mayor **Rusty Moseley**
Pro-Roads & Drainage
Tem: 753-2075
Council Members:

Sherry Adams
Secretary
Building & Grounds
753-2474

Cathy Crane
Treasurer
Investment Officer
790-2703

Jimmie Grimes
Community Development
SETRPC Liaison
753-3377

Don Smith
Emergency Management
Coordinator:
658-8220

Dave Tevis
Street Lights & Signs
753-3216

City Clerk: **Norma Lucus**
753-1475

Marshal's Department:

Marshal: **Ray Crader**
790-0248

Deputy Marshal: **John Jannise**
790-2257

Next City Council Meeting

**Tuesday,
November 16, 2010
@ 7pm
City Hall**

November 2, 2010 was a record-setting day in Bevil Oaks. Of the 900 + registered voters, 488 voted in the City's Special Election. As far as we know, a City election has never attracted this many voters. Our citizens insisted in August that they wanted to be able to vote on this important issue and the records show that our citizens did exactly that. We want to thank each one of you, regardless of how you voted, for taking the time from your busy schedules to exercise your right to vote and be a part of the decision making process in our community. We appreciate your commitment to the well-being of the City of Bevil Oaks.

The following is ORDINANCE #231 an ORDINANCE CANVASSING ELECTION RETURNS FOR NOVEMBER 2, 2010 SPECIAL PROPOSITION ELECTION

**ORDINANCE CANVASSING ELECTION RETURNS FOR
NOVEMBER 2, 2010 SPECIAL PROPOSITION ELECTION
NO. 231**

WHEREAS, the City Council of Bevil Oaks, Texas ("City Council") through enactment of Ordinance 228 ordered an election to be held in the City on November 2, 2010, on the PROPOSITION hereinafter stated; and
WHEREAS, the City Council has investigated all matters pertaining to the election, including the ordering, giving notice, officers, holding, and making returns of the election; and
WHEREAS, the election officers who held the election have duly made the returns of the result thereof, a quorum of the City Council met on Wednesday, November 10, 2010, the returns have been duly delivered to this City Council and the City Council duly canvassed the election returns of the above mentioned election, hereby attached as Exhibit A.

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

1. The City Council officially finds (as set forth above and fully incorporated hereing) and determines that the election was duly ordered, that proper notice of the election was duly given, that proper election officers were duly appointed prior to the election, that the election was duly held, that the City has complied with the Federal Voting Rights Act and the Texas Election Code, that due returns of the result of the election have been made and delivered, and that the City Council has duly canvassed the returns, all in accordance with law and the Ordinance calling the election.
2. The City Council officially finds and determines that the following votes were cast at the election on the submitted PROPOSITION by the resident, qualified electors of said City, who voted at said election and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as Exhibit A, were made in accordance with the law.

PROPOSITION

Should the City of Bevil Oaks abolish and take over the services furnished and functions performed by the Bevil Oaks Municipal Utility District (also known as "B.O.M.U.D.")?

	<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
"Yes/Si":	77	251	328
"No":	64	93	157

3. The requirements of Texas Local Government Code Section 43.074(c) requiring an election in the event of a petition have been met.
4. The City Council officially finds, determines and declares the result of the election to be that the PROPOSITION so submitted **did** receive a favorable majority and was approved by the voters at the election.
5. Ordinance 227 shall take immediate effect and the date of execution of this Ordinance, November 10, 2010, shall be declared the date the official result of the November 2, 2010 Special Proposition Election.
6. The City and its representatives shall have the authority to exercise all powers consistent with the adoption of an ordinance abolishing Bevil Oaks Municipal Utility District under Local Government Code Section 43.074.
7. Pursuant to the terms of Section 43.074(d), the Bevil Oaks Municipal Utility District is officially abolished, the property and other assets of the district are vested in the City of Bevil Oaks, and the City of Bevil Oaks assumes and becomes liable for the bonds, if any, and other obligations of the Bevil Oaks Municipal Utility District.
8. Nonetheless, for the 30 day period after the entry of this election order, current Board Members of the Bevil Oaks Municipal Utility District shall continue to have provisional authority to execute all orders, papers and other actions consistent with the orderly and formal transfer of property subject to the operation of the Texas Election Code. Nothing herein shall be construed to invalidate or otherwise affect the abolition of the Bevil Oaks Municipal Utility District, validity of ownership or control transfer order or papers, or the assumption of any valid, duly authorized obligation of the Bevil Oaks Municipal Utility District for any order or paper validly executed between November 10, 2010 and December 10, 2010.
9. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED AND EFFECTIVE FROM this 10th day of November, 2010.

ATTEST:

Mayor,
City of Bevil Oaks, Texas

City Secretary
City of Bevil Oaks



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EXHIBIT A

Rural Route 1
Beaumont, TX 7 7713