



City of Magnolia

P.O. BOX 396
MONTGOMERY COUNTY
MAGNOLIA, TEXAS 77353-0396
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ORDINANCE NO. 2005-368

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON SEPTEMBER 10, 2005, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY ONE PROPOSITION TO APPROVE OR REJECT GIVING AUTHORIZATION TO THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS TO SELL THE NATURAL GAS UTILITY DISTRIBUTION SYSTEM OWNED BY THE CITY OF MAGNOLIA, TEXAS; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING THE FORM OF THE BALLOTS AT SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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WHEREAS the City of Magnolia Texas owns the Natural Gas Utility Distribution System that provides natural gas to the citizens of Magnolia, Texas and other authorized users.

WHEREAS the City Council of the City of Magnolia, Texas finds and determines that the calling of a special election for the purpose of submitting a proposition to approve or reject giving the City Council the authority to sell the Natural Gas Utility Distribution System owned by the City of Magnolia, Texas as required and authorized by Chapter 1502 of the Texas Government Code is just, reasonable and proper;

WHEREAS, the City Council of the City of Magnolia, Texas and Carol Gaultney, Election Administrator for Montgomery, County, Texas, hereinafter called "Administrator" have determined it would be in the best interest of Montgomery County and the inhabitants thereof, that provisions be made for Administrator to help conduct the City Special Election on September 10, 2005; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein. A copy of the Agreement for Election Services between the City of Magnolia and the Administrator is attached as Exhibit "A" to this Ordinance.

Section 2. **Special Election.** It is hereby ordered that a Special Election be held in the City of Magnolia, Texas, on the 10th day of September 2005, at which election there shall be submitted to the resident qualified voters of the City one propositions, for their action thereon, regarding the approval or rejection of giving authorization to the City Council of the City of Magnolia, Texas to sell the Natural Gas Utility Distribution System owned by the City of Magnolia, Texas.

Section 3. The ballot for the Special Election shall conform to the requirements of the TEXAS ELECTION CODE, as amended, and Chapter 1251, of the Government Code and on such ballot shall appear the following propositions, with the provision permitting voters to vote "For" or "Against" on each proposition without voting "For" or "Against" all propositions. Such propositions shall provide as follows:

Proposition No. 1

Do you give authorization to the City Council of the City of Magnolia, Texas to sell the Natural Gas Utility Distribution System that is owned by the City of Magnolia, Texas?

Section 4. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

POLLING PLACE

Montgomery County
Malcolm Purvis Library
510 Melton Street
Magnolia, Teas 77354

ELECTION OFFICERS

Martin Hauser Presiding Judge

Jeanette Starett Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

Section 5. Melonie M. Hopkins, Acting City Secretary, is designated the Early Voting Clerk to receive Applications for Ballot by Mail for the CITY Election on September 10, 2005. Requests for ballot by mail shall be sent to Melonie M. Hopkins, Magnolia City Hall, 16835 FM 1488, Building 1, Magnolia, Texas 77354. The deadline for submitting a request for ballot by mail is 5 o'clock P.M. on September 2, 2005. The Acting City Secretary will immediately forward any ballot by mail requests to Carol Gaultney, Elections Administrator, P. O. Box 2646, Conroe, Texas 77305, and by FAX 936-538-8143 for processing. Election Day polling location will be the same as the early voting location.

Section 6. The Administrator is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the Election Administrator shall be in accordance with the TEXAS ELECTION CODE. The

Montgomery County
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is hereby designated as the place for early voting for said election. Said clerks shall keep said office open from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m., Monday through Friday and on

each day for early voting which is not a Saturday, a Sunday, or an official state, county or federal holiday, beginning on the seventeenth (17th) day and continuing through the fourth (4th) day preceding the date of said election. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 7. The Administrator is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with Section 87.001, et seq., 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. All ballots shall be prepared in accordance with the TEXAS ELECTION CODE. Paper ballots shall be used for early voting by personal appearance and for voting on election day. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefor is hereby authorized. Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 et seq., TEXAS ELECTION CODE.

Section 9. The Acting City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

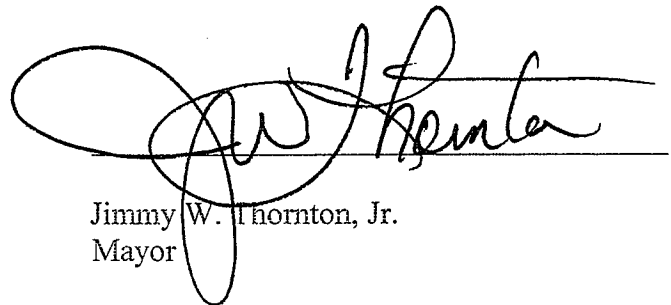
Section 10. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and the TEXAS GOVERNMENT CODE CHAPTER 1251 and returns of

such notice shall be made as provided for in said Codes. The Acting City Secretary is hereby authorized and directed to post notice of the election in accordance with Section 4.003(c) of the Election Code and in accordance with Chapter 1251, Section 1251.003(d) and (e) of the Texas Government Code. The Mayor shall issue all necessary orders, contracts and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 11. The City Council of the City of Magnolia, Texas determines that the election as herein ordered has been ordered not later than the 62nd day before the election in accordance with the Texas Election Code Section 3.005. The City Council of the City of Magnolia further determines that this election is in compliance with Chapter 1251, Section 1251.003 in that the election date is not less than 15 days nor more than 90 days from the date of this election order.


Section 12. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED this 11 th day of July, 2005.



Jimmy W. Thornton, Jr.
Mayor

ATTEST:



Melonie M. Hopkins
Acting City Secretary