

ORDINANCE NO. 2017-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITE OAK, TEXAS, ORDERING A SPECIAL LOCAL OPTION ELECTION TO BE HELD ON THE 6TH DAY OF MAY, 2017, FOR THE PURPOSE OF APPROVING THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Texas Election Code §501.023, an application was made for a petition (the "Petition") to be circulated within the City of White Oak (the "City") for the purpose of seeking an election on the proposition of whether to permit the legal sale of beer and wine for off-premise consumption; and

WHEREAS, the Petition was returned and filed with the City Secretary within the time required by Texas Election Code; and

WHEREAS, the City Secretary has verified that the Petition contains the number of signatures of qualified voters of the City required by the Texas Election Code; and

WHEREAS, more than thirty days have passed since the Petition was returned to the City Secretary; and

WHEREAS, finding that the Petition has been timely filed and satisfies all statutory requirements for calling an election on the Proposition, the City Council of the City of White Oak is required by law to order an election on the Proposition at its next regular session following 30 days after the filing of the Petition; and

WHEREAS, the next uniform election date on which the Proposition may be placed on the ballot for consideration by the qualified voters of the City of White Oak is May 6, 2017; and

WHEREAS, the City Council of the City of White Oak, Texas, finds it to be in the public's interest to call a special local option election to consider the Proposition to be held on the 6th day of May, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE OAK, TEXAS:

SECTION 1: That a special local option election is hereby ordered for May 6, 2017, for the City of White Oak, Texas, for the purpose of submitting to the qualified voters of the City, the proposition provided herein below and that the official ballot for said election shall be prepared in accordance with the Texas Election Code so as to permit the voters to vote "FOR" or "AGAINST" the proposition, with the ballots to contain such provisions, markings and language as required by law, and with such Proposition to be expressed substantially as follows:

"PROPOSITION NO. 1

FOR _____ *The legal sale of beer and wine for off-premise consumption only*
AGAINST _____ *The legal sale of beer and wine for off-premise consumption only*

Polling location shall be as follows: White Oak Community Building, E. Center Street, White Oak, Texas 75693.

SECTION 2: That the City Secretary is hereby directed to cause notice of said election to be published at least once, not earlier than the 30th day nor later than the 10th day before election day as provided in Section 4.003(a)(1) of the Texas Election Code; and shall be posted on the bulletin board used for posting notices of the City Council meetings not later than the 21st day before the election day. A copy of the published notice that contains the name of the newspaper and the date of the publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting stating the date and place of posting in accordance with Texas Election Code Section 4.005.

SECTION 3: That early voting by personal appearance by any qualified voter may be conducted each weekday at White Oak City Hall, 906 S. White Oak Road, White Oak, Texas, between the hours of 7:30 a.m. and 4:30 p.m. beginning April 24, 2017 and ending May 2, 2017, with the exception of Thursday, April 27, 2017, and Tuesday, May 2, 2017, on which said early voting by personal appearance will be conducted between the hours of 7:00 a.m. and 7:00 p.m., and Saturday, April 29, 2017 between the hours of 9:00 a.m. and 5:00 p.m. which is not a Sunday or an official state holiday.

SECTION 4: That applications for early voting ballot by mail shall be mailed to: Sherry Roberts, City of White Oak, 906 S. White Oak Road, White Oak, Texas, 75693. Applications for early voting ballot by mail must be received no later than the close of business on April 25, 2017.

SECTION 5: Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 6: This Ordinance shall take effect immediately from and after its passage.

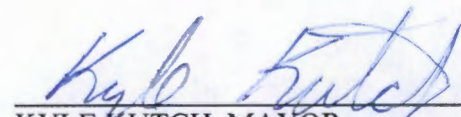
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WHITE OAK, GREGG COUNTY, TEXAS, ON THIS 14 DAY OF MARCH, 2017.

ATTEST:

APPROVED:



SHERRY ROBERTS, CITY SECRETARY



KYLE KUTCH, MAYOR

