

## ORDINANCE 08-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS, CANVASSING THE ELECTION RESULTS OF THE GENERAL ELECTION ON MAY 10, 2008 FOR THE PURPOSE OF ELECTING TWO (2) COUNCIL MEMBERS FOR THE TWO (2) YEAR TERM; FOR THE PROPOSITION FOR THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF NEVADA AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; DETERMINING RESULTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council ordered a General Election for Saturday, May 10, 2008 for the purpose of electing two (2) Council Members for the two (2) year term; And, the proposition for the reauthorization of the local sales and use tax in the city of Nevada at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets; and

**WHEREAS**, only duly qualified resident voters of the City of Nevada, Texas, voted in the General Election called and held on May 10, 2008; and

**WHEREAS**, section 67.003 of the Texas Election Code provides that each local canvassing authority shall convene not earlier than the eighth (8<sup>th</sup>) day or later than the eleventh (11<sup>th</sup>) day after election day for the purpose of canvassing the election results; and

**WHEREAS**, section 67.004(a) of the Texas Election Code also provides that only two (2) members of City Council are needed and constitute a quorum for the purpose of canvassing election results; and

**WHEREAS**, a quorum of the City Council met on May 21, 2008, and duly canvassed the election returns of the above mentioned election, hereby attached as *Exhibit A*.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS, AS FOLLOWS:**

**Section 1.** The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**Section 2.** That the City Council officially finds and determines an election was duly ordered to be held in the City of Nevada, Texas on the 10<sup>th</sup> day of May, 2008, for the purpose of electing two (2) Council Members for the two (2) year term; And, the proposition for the reauthorization of the local sales and use tax in the city of Nevada at

the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets; and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

**Section 3.** That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said General Election for the purpose of electing two (2) Council Members for the two (2) year term; And, the proposition for the reauthorization of the local sales and use tax in the city of Nevada at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets; 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.

<p>30</p> <p>39</p> <p>37</p> <hr/> <p><i>For</i>      51 <i>Against</i> 21</p>	<p>General Election</p> <p>Daniel McMillen</p> <p>Johnny Stevenson</p> <p>Wayne Drummonds</p> <hr/> <p>The reauthorization of the local sales and use tax in the City of Nevada at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.</p>
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**Section 4.** The City Council officially finds and determines the results of said election to be that: (1). the qualified voters of the City of Nevada, Texas, elected two (2) Council Members for the two (2) year term; and FOR the reauthorization of the local sales and use tax in the City of Nevada at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

**Section 5. Severability Clause.** 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.

**Section 6. Repealer Clause.** Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS,** on this the 21<sup>st</sup> day of May, 2008.

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Mayor, Christy Schell  
City of Nevada, Texas

ATTEST:

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Marla Barth, City Secretary  
City of Nevada, Texas