

SPECIAL CALLED CITY COUNCIL MEETING
May 8, 2014

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON May 8, 2014 AT 7:00 PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:	ABSENT:
C. R. Evans Jr., Mayor	Pat Beets
John Ed Welch, Mayor Pro-Tem	Phillip Cox
Jimmy Jennings	
John Posey (arrived at 7:10 PM)	

Also in attendance were Charles Cunningham, City Manager and Rachél Gafford, City Secretary, representing staff.

- ITEM I: Mayor Evans called the meeting to order at 7:12 P.M.**
- ITEM II: Invocation given by Mayor Evans.**
- ITEM III: Pledge of Allegiance lead by Councilman Jennings.**
- ITEM IV: Citizens Comments - none**
- ITEM V: Review Minutes of the April 17, 2014 Regular Called City Council Meeting.**
- Mayor Evans stated that the April 17, 2014 Minutes stand approved with no corrections.**
- ITEM VI: Hear and consider action on Resolutions No. 14-0508, amending Resolution No. 14-0320, calling for City of Overton's General Election for Saturday, May 10, 2014.**

City Manager Cunningham presented staff memo to the council which stated that the amended changes to Resolution No. 14-0320 were to correct the last day for Early Voting from Wednesday, May 7th, to Tuesday, May 6th, 2014. The original resolution did not provide for the mandatory three (3) full days between the end of Early Voting and Election Day (memo attached in Council Packet).

City Secretary Gafford stated that the original resolution had also called for a Special Election in addition to the Regular General Election, and had failed to name the Presiding Election Judge and Alternate Election Judge. Resolution 14-0508 addresses all three (3) corrections that needed to be made. Gafford also stated that the same errors were found in the posted "Notice of Election" on the bulletin board; however, these corrections had been caught and corrected prior to the Secretary of State's Election Notice deadline for the last day to post the Notice of Election and prior to being published in the local newspaper.

Mayor Evans stated that if there were no further discussion or questions for staff, he would entertain a motion.

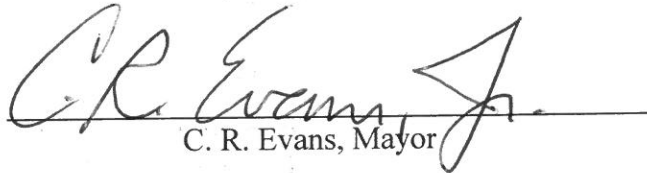
Councilman Posey made a motion to pass Resolution No. 14-0508, amending Resolution No. 14-0320, correcting the last day for Early Voting, naming the Presiding Election Judge and Alternate Election Judge, and removing the call for a Special Election in the call for a Regular City General Election Resolution. Councilman Jennings seconded the motion. The motion carried pass Resolution No. 14-0508 3-0, Councilman Beets and Councilman Cox absent.

ITEM VI: Adjournment


Mayor Pro-Tem Welch made a motion that the meeting be adjourned. Councilman Jennings seconded the motion. The motion carried 3-0, Councilman Beets and Councilman Cox absent.

With no further business, the meeting was adjourned at 7:18 P. M.

Minutes approved and submitted and/or corrected this 15th day of May 2014.


C. R. Evans, Mayor

Attested by:


Rachel Gafford, City Secretary

NOTICE OF SPECIAL CALLED MEETING
OF THE GOVERNING BODY OF THE
CITY OF OVERTON, TEXAS
CERTIFICATE OF POSTING NOTICE

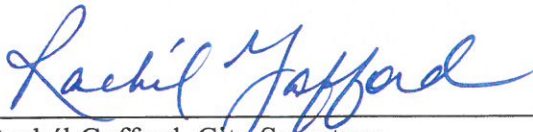
STATE OF TEXAS
COUNTY OF RUSK

Notice is hereby given that a Special Called Meeting of the above named City Council will be held on the 8th day May, 2014 at 7:00 P.M. at Overton City Hall, Council Chambers, 1200 South Commerce, Overton, Texas.

AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Citizen Comments
5. Review and make possible corrections to April 17, 2014 minutes.
6. Hear and Consider action on Resolution No. 14-0508, amending Resolution No. 14-0320, calling for City of Overton's General Election for Saturday, May 10, 2014.
7. Adjournment.

I, Rachél Gafford, City Secretary of the City of Overton, Texas do hereby certify that a Public Notice of the above Special Called Meeting was posted on the bulletin board of City Hall of the City of Overton, Texas, a place readily accessible to the public at all times, on the 5th day of May, 2014 at 4:30 P.M. and remained continuously posted for at least 72 hours immediately preceding the said meeting and that said notice was posted in accordance with Chapter 551, Texas Government Code.



Rachél Gafford, City Secretary

The City Council for the City of Overton reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberation about Security Devices), 551.074 (Personnel), and 551.087 (Deliberations regarding Economic Development negotiations).

This facility is wheelchair accessible and accessible parking spaces are available. Individuals who require auxiliary aids or services for the meeting should contact the City Secretary's office at least forty-eight (48) hours prior to the meeting. To make arrangements, call 903-834-3171.

RESOLUTION NO. 14-0508

A RESOLUTION OF THE CITY OF OVERTON, TEXAS, AMENDING RESOLUTION NO. 14-0320, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 10TH DAY OF MAY, 2014; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: It is hereby ordered that a Regular General Election be held in the City of Overton on the second Saturday in May, the 10th day of May, 2014, at which election the following officers shall be elected by the qualified voters of the City:

GENERAL OFFICES:

CITY COUNCIL PLACE #1
CITY COUNCIL PLACE #3
CITY COUNCIL PLACE #5

SECTION 2: 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 election at said polling place:

POLLING PLACE

Overton Community Building
505 S. Meadowbrook
Overton, Texas 75684

ELECTION OFFICERS

Betty Berryhill, Presiding Judge

Mary Rhodes Lewis, alternate Presiding Judge

The City Treasurer, Pam Raney, is hereby authorized and directed to provide a copy of the AMENDED RESOLUTION to the judge as written notice of their 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 such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$9.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$8.50 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary.

SECTION 3: The City Treasurer, Pam Raney, is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 et seq. of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Overton
1200 S. Commerce St.
Overton, Texas 75684

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from eight o' clock (8:00) a.m. until five (5:00) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state holiday. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Wednesday, April 30, 2014 and Tuesday, May 6, 2014.

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 above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. 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.

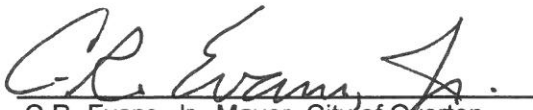
SECTION 4: All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and a Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the DRE Voting System. The City Council hereby adopts for use in early and Election Day voting the Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

SECTION 5: The City Treasurer, Pam Raney, is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

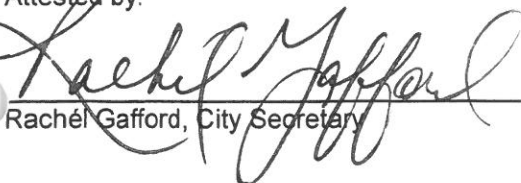
SECTION 6: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

SECTION 7: Said election shall be held in accordance with Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED and RESOLVED this 8th day of May, 2014.


C.R. Evans, Jr., Mayor, City of Overton

Attested by:


Rachél Gafford, City Secretary

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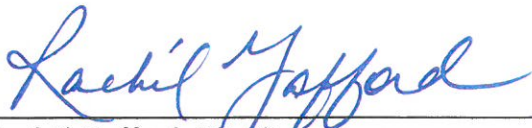
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