

AN ORDINANCE CALLING AND PROVIDING FOR A SPECIAL ELECTION
IN THE CITY OF SPRINGFIELD, FLORIDA, AND DECLARING AN
EMERGENCY

WHEREAS it has been found necessary by the City Commission of the City of Springfield, Florida, to construct a water system in and for said city; and

WHEREAS in order to pay the cost thereof it is necessary that the city issue its revenue certificates; and

WHEREAS the city desires to pay the cost of constructing such system by the issuance of revenue certificates payable from the net revenues of its water system; and

WHEREAS the city desires to secure said revenue certificates by an additional pledge of the municipal utilities tax levied by said city pursuant to the authority contained in Section 167.431, Florida Statutes, as amended; and

WHEREAS such pledge of the municipal utilities tax is authorized under the charter of said city provided the question of the approval of such pledge is approved by the qualified electors of said city; and

WHEREAS the City Commission now desires to provide for the calling of a special election for the purpose of obtaining such approval;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, IN BAY COUNTY, FLORIDA:

Section 1. That a special election is hereby called and ordered to be held in and for the City of Springfield, Florida, on the 26th day of JULY, 1955, from 7:00 o'clock A. M. until 7:00 o'clock P. M., at which election there will be submitted to the qualified electors residing in said city to be by them voted upon the proposition as set out in the form of ballot appearing in Section 3 hereof.

Municipal elections generally in said city, the city consists of two election precincts and the usual polling places for such precincts are the City Hall and at the Masonic Lodge and,

accordingly, for the special election herein called the polling places shall be the City Hall and at the Masonic Lodge in said city.

Section 2. That only qualified electors in said city who have duly registered according to law, shall be qualified to vote at said special election. The City Registration Officer shall close the registration books for voting at said special election at 5:00 o'clock P. M. on July 16, 1955, which date is not less than five days immediately prior to the date of said election, and said City Registration Officer is hereby authorized and directed to cause to be prepared a list of the names of all qualified electors in said city who are qualified to vote at said election, and to furnish a certified copy of such list of qualified electors to the inspectors and clerks of the election. Such list shall be deemed, taken and held to be prima facie evidence of the total number of qualified electors residing in said city and who are qualified to participate in said special election.

Section 3. That for said special election ballots shall be prepared in substantially the following form:

OFFICIAL BALLOT

City of Springfield, Bay County, Florida

Special Election, July 26, 1955

(Notice to Voters: For an affirmative vote on the proposition, make a cross (x) mark in the square before the words "Yes"; for a negative vote on the proposition, make a similar mark in the square before the words "No").

May Water Revenue Certificates of the City of Springfield, Florida, to be issued to the amount of \$240,000, bearing interest at such rate or rates and maturing in such manner as may be provided by the City Commission of said city, for the purpose of paying the cost of constructing a water system in and for said city, and payable by pledge of the net revenues to be derived from the operation of said water system, be additionally secured by pledge of the proceeds derived by said city from the levy of the municipal utilities tax imposed by said city on the purchase of utility service in said city pursuant to Ordinance No. 66, adopted June 1, 1955?

Yes

NO

Section 4. That notice of said special election and of the proposition to be submitted thereat, and of the registration of qualified voters shall be given by the City Clerk by publication thereof at least once each week for at least four consecutive weeks commencing not less than thirty days prior to said election in the Panama City News-Herald, of Panama City, Florida, a newspaper published in said city. Said notice of election to be published as aforesaid shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION
CITY OF SPRINGFIELD, BAY COUNTY, FLORIDA

PUBLIC NOTICE is hereby given that pursuant to ordinance duly adopted by the City Commission of the City of Springfield, Florida, a special election has been called and ordered held in and for said city from 7:00 o'clock A. M. until 7:00 o'clock P. M. on the 26th day of July, 1955, on the following proposition:

May Water Revenue Certificates of the City of Springfield, Florida, to be issued to the amount of \$240,000, bearing interest at such rate or rates and maturing in such manner as may be provided by the City Commission of said city, for the purpose of paying the cost of constructing a water system in and for said city, and payable by pledge of the net revenues to be derived from the operation of said water system, be additionally secured by pledge of the proceeds derived by said city from the levy of the municipal utilities tax imposed by said city on the purchase of utility service in said city pursuant to Ordinance No. 66, adopted June 1, 1955?

Said special election will be held at the City Hall and at the Masonic Lodge in the City of Springfield and the following officials shall serve at said election:

Voting Place

City Hall

Election Inspection Board

Inspectors

Mrs. B. F. Kirkland

Clerk

Mrs. Ruth Rich

Mrs. Ellis Scott

Mrs. B. E. Bruner

Masonic Lodge

Sarah B. Mount

J. C. Varner

A. A. Horne

Cliff Johnston

All qualified electors of said city whose names appear upon the registration books in the office of the City Registration Officer and who reside in said City will be entitled to vote at said election and the City Registration Officer will close the registration books at 5:00 o'clock P. M. on July 16th, 1955, for the purpose of making up lists of those qualified electors of said city whose names appear on said registration books and who reside in said city.

This notice is given pursuant to ordinance adopted by said City Commission.

s/ Alice D. Watson
City Clerk"

Section 5. That upon closing of the polls for said special election the inspectors and clerks thereof shall file a report of the results of said election on the proposition submitted with the Mayor and with the City Clerk in order that such results may be thereafter canvassed and officially declared by this City Commission on July 26th, 1955.

Section 6. That the purposes to be accomplished by the construction of the improvements to the water system of said city creates an emergency requiring that this ordinance take effect immediately upon its adoption and approval in order to provide for the immediate protection and preservation of the public peace, property, health and safety of the city.

Adopted and approved June 23, 1955, by the City Commission of the City of Springfield, Florida.

Attest:

Alice D. Watson
City Clerk

Samuel Lewis
Mayor

The foregoing ordinance is approved as to form and correctness this 23rd day of June, 1955.

Walter E. ...
City Attorney

Ordinance No. 67 posted at:

Date

Willis Texaco Station

July 7, 1955

City Hall

July 7, 1955

Rowells Service Station

July 7, 1955

Springfield, Florida

May 24 , 1955

The City Commission of the City of Springfield, Bay County, Florida, met in special session at the regular meeting place of the Commission in the City Hall in the City of Springfield, at 5:00 o'clock P.M. on May 24th, 1955, with J. M. Williams, Mayor-Commissioner, present and presiding. There were also present the following Commissioners:

Ira Hill

J. W. Alexander

J. C. Tindall

George F. Shores

Leslie Ansley

There were absent: None.

There were also present Alice D. Watson, City Clerk, and Bert A. Davenport, City Attorney.

After the meeting had been called to order and the roll called with the above result an ordinance entitled "An Ordinance amending and reenacting Ordinance No. 47 of the City of Springfield, Florida, levying a tax on the purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured) water service and local telephone service" was introduced in written form by J. M. Williams, was read in full and discussed and adopted on first reading by the following vote:

Aye: Ira Hill - Commissioner
J. W. Alexander - Commissioner
J. C. Tindall - Commissioner
George Shores - Commissioner
Leslie Ansley - Commissioner
J. M. Williams - Mayor-Commissioner

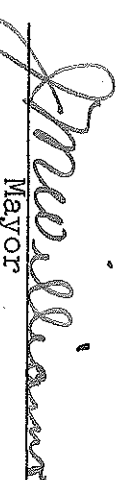
Nay: None.

H

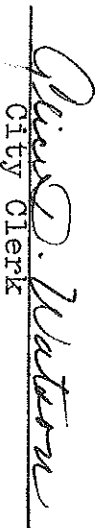
Thereupon, pursuant to motion made by Ira Hill

and seconded by J. W. Alexander, the ordinance was by unanimous vote ordered held over pursuant to the requirement of the city charter that no ordinance shall be finally passed until it shall have been read at two separate meetings of the City Commission not less than one week apart.

There being no further business to come before the City Commission upon motion duly made and carried the City Commission adjourned to meet at 8:00 o'clock A.M. on June 1st, 1955, to consider the final adoption of said ordinance.


Mayor

Attest:


City Clerk

Springfield, Florida

June 1, 1955

The City Commission of the City of Springfield, Bay County, Florida, met in special session at the regular meeting place of the Commission in the City Hall in the City of Springfield at 8:00 o'clock A.M. on June 1, 1955, with J. W. Williams, Mayor-Commissioner present and presiding. There were also present the following Commissioners:

Ira Hill

J. W. Alexander

George Shores

Leslie Ansley

J. C. Tindell

There were absent: None.

There were also present Allice D. Watson, City Clerk, and Bert A. Davenport, City Attorney.

The Mayor-Commissioner then announced that the meeting was called for the purpose, among other things, of considering for final adoption an ordinance adopted on first reading on

May 24, 1955, entitled "An Ordinance amending and reenacting Ordinance No. 47 of the City of Springfield, Florida, levying a tax on the purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured) water service and local telephone service".

Thereupon said ordinance was read in full and all those persons who wished to be heard on the adoption of said ordinance were given an opportunity to speak.

Thereupon pursuant to motion made by J. W. Alexander and seconded by George Shores

the ordinance was adopted on final reading without change by the following vote:

Aye: Ira Hill - Commissioner
J. C. Tindell - Commissioner
J. W. Alexander - Commissioner
Leslie Ansley - Commissioner
George Shores - Commissioner
J. M. Williams - Mayor-Commissioner

Nay: None.

The ordinance was thereupon signed by the Mayor-Commissioner in open session in token of his approval, was ordered recorded by the City Clerk in a book kept for that purpose, was endorsed by the City Attorney and is as follows:

Ordinance No. 66

AN ORDINANCE amending and reenacting Ordinance No. 47 of the City of Springfield, Florida, levying a tax on the purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured) water service and local telephone service.

WHEREAS the City Commission of the City of Springfield proposes to adopt proceedings authorizing the issuance of ^{approximately} \$200,000 Water Revenue Certificates of said city, which are to be payable from and to be secured by pledge of the net revenues of the water system and additionally secured by pledge of the proceeds of the tax levied by Ordinance No. 47 described in the caption hereto, and it is desired in that connection to make certain changes in the provisions of said ordinance;

NOW, THEREFORE, Be it enacted by the people of the city of Springfield in Bay County, Florida:

Section 1. That Ordinance No. 47 adopted on March 9, 1953, entitled

"An Ordinance levying a tax on the purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured) and telephone service; in the City of Springfield, Bay County, Florida; providing for the collection of such taxes and the disposition thereof; requiring the seller of such utility services to keep records for inspection by agents of the city; and make monthly reports and remittances; exempting governmental agencies of the State of Florida and of the United States of America; and prescribing penalties for the violation of the provisions of this ordinance and for failure to make reports and pay over tax collected and reciting the effective date."

is hereby amended and reenacted to read as follows:

"An Ordinance levying a tax on the purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured) water service and local telephone service in the City of Springfield, Bay County, Florida; providing for the collection of such taxes and the disposition thereof; requiring the seller of such utility services to keep records for inspection by agents of the city, and make monthly reports and remittances; exempting governmental agencies of the State of Florida and of the United States of America; and prescribing penalties for the violation of the provisions of this ordinance and for failure to make reports and pay over taxes collected and reciting the effective date of this ordinance."

Be it enacted by the people of the City of Springfield, in Bay County, Florida:

"Section 1. That in addition to all other taxes of every kind now imposed, there is hereby levied by the City of Springfield, Florida, on each and every purchase in said city of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured) water service and local telephone service, a tax equal to 10% per cent of the payments received by the seller of such utility service from the purchaser for the purchase of such utility

service. In every case the tax shall be collected from the purchaser of such utility service and paid by such purchaser, for the use of the city, to the seller of such utility service at the time of the purchaser paying the charge therefor to the seller, and not less often than monthly.

"Section 2. That it shall be the duty of every seller of any utility service described in Section 1 hereof, in acting as a tax collecting medium or agency for said city to collect from the purchaser for the use of the city the tax imposed and levied by this ordinance and to report and pay over to said city on or before the 10th day of each month all such taxes collected during the preceding calendar month. It shall be unlawful for any seller to collect the price of any sale of such utility service without at the same time collecting the tax hereby levied in respect of such sale. Any seller failing to collect such tax at the time of collecting the price of any sale shall be liable to the city for the amount of such tax in like manner as if the same had been actually paid to the seller, and the tax collector of said city shall bring all such suits and actions and take all such proceedings as may be necessary for the recovery of such tax, provided, however, that the seller shall not be liable for the payment of such tax upon unpaid bills. If any purchaser shall fail, neglect or refuse to pay the seller the tax hereby imposed and as hereby required, the seller shall have, and is hereby vested with the right to discontinue immediately further service to such purchaser until the tax hereby levied and the seller's bill have been paid in full.

"Section 3. That each and every seller of any utility service on which a tax is hereby levied shall keep complete records

showing all sales in said city of such electricity, gas, water and telephone service, which records shall show the price charged upon each sale, the date thereof, and the date of payment thereof and the records shall, at all reasonable times, be open for inspection by the duly authorized agents of said city during business hours on all business days, and said agents shall have authority to make such transcripts thereof as they may desire. It shall be the duty of each such seller of utility service each month in paying over to the city the tax collected to make such report or reports as may be reasonably required on forms to be furnished by the City Commission for that purpose. Any such seller of utility service failing to make the required report and to pay over to the city the tax collected during the previous month on or before the 10th day of each month immediately following the month in which the tax is collected shall be liable for and, in addition to the tax collected, shall pay a penalty at the time of paying the tax and making the report equal to five per cent (5%) of the tax, for each month or part of a month that the report and tax is past due. The penalty provided in this section shall be in addition to the penalty provided in Section 6 hereof.

"Section 4. That the tax hereby levied on the sale of telephone service shall apply to all charges made for local telephone service; provided, however, that the tax to be levied and collected on coin operated telephones shall be based upon the minimum guaranteed charge on each bill rendered for such semi-public coin box telephone.

"Section 5. That the United States of America, State of Florida and the political subdivisions and agencies, boards, commissions and authorities thereof are hereby exempt from payment

of the tax levied by this ordinance.

"Section 6. That any person, firm or corporation found guilty of violating the provisions of this ordinance shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both such fine and imprisonment, and each and every violation of the provisions of this ordinance shall constitute separate offenses.

"Section 7. If any section, portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions.

"Section 8. That the funds accruing to the City of Springfield from the tax hereby levied shall be used for such proper municipal purposes as may be determined by the City Commission.

"Section 9. That this ordinance shall take effect thirty (30) days from the date of adoption and approval.

"Section 10. That all ordinances and parts of ordinances in so far as the same are in conflict herewith shall be and the same are hereby repealed."

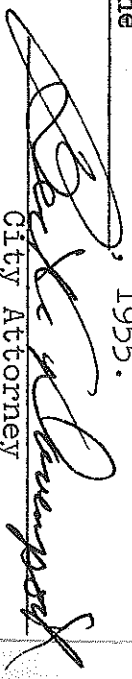
Adopted on final reading and approved this 1st day
of June, 1955.


Mayor

Attest:


City Clerk

The foregoing ordinance is hereby approved as to form and correctness this 1st day of June, 1955.


City Attorney

STATE OF FLORIDA }
COUNTY OF BAY }

I, Alice D. Watson, do hereby certify that
I am the duly qualified and acting City Clerk of the City of
Springfield, Bay County, Florida.

I further certify that the above and foregoing constitutes
a true and correct copy of the minutes of a meeting of the City
Commission of said city, held on the 24 day of May,
1955, and on the 1st day of June, 1955, and of
an ordinance adopted on final reading at said meeting of _____
_____, 1955, as said minutes and ordinance are officially
of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official
signature and affixed the seal of said city this 1st day of
June, 1955.

Alice D. Watson
City Clerk

(SEAL)