

ORDINANCE NO. 781

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS CALLING A SPECIAL ELECTION TO BE HELD JOINTLY WITH THE GENERAL ELECTION ON MAY 2, 2020 FOR VOTER REAUTHORIZATION OF THE LOCAL SALES AND USE TAX FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, Texas House Bill 157, which became effective on September 1, 2015, permits the voters to reallocate municipal sales tax rates in an amount that does not exceed two percent; and

WHEREAS, the City of Granite Shoals (the "City") currently has a local sales and use tax rate of 1.0% that goes into the City's general fund and 1.0 % local sales and use tax that is dedicated to maintenance and repair of the City's streets; and

WHEREAS, pursuant to section 327.007 of the Texas Tax Code, the 1.0 % sales tax for street maintenance will expire in September 2020 unless it is reauthorized by the voters at the May 2, 2020 election; and

WHEREAS, the City Council wishes to give the voters the opportunity provided by HB 157 to re-authorize the City's sales tax rates that is dedicated to street repair and maintenance, and

WHEREAS, Texas Tax Code section 321.409 allows the City to combine separate sales tax propositions on the ballot but requires the City to use substantially the same language, if any, required by law for the lowering, repealing, raising, or adopting of each tax as appropriate; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether it shall be reauthorized to allocate its sales tax rates in the manner described by the Attached Exhibit A, which is incorporated herein for all purposes; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether it shall be authorized to reauthorize the 1.0 % sales tax for street repair and maintenance in the manner described by the Attached Exhibit A, which is incorporated herein for all purposes; and

WHEREAS, in accordance with state law, the City Council of the City of Granite Shoals, Texas, calls a special election to be held jointly with the general election to be held on May 2, 2020, and add to the ballot for voter consideration the ballot measures on the attached Exhibit A, which is incorporated herein for all purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

Section 1. Findings of Fact: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Date of Election. A Special Election ("Election" or "Special Election") shall be held in the City of Granite Shoals on the 2nd day of May, 2020, which is the next succeeding uniform election date and is not less than 30 days after the passage of this ordinance. At such Election the ballot shall be printed to provide for voting for or against the ballot measures on the attached Exhibit A.

Section 3. Conduct of Election: Pursuant to Chapter 31 of the Texas Election Code, the Council orders that the Election be held under an Election Services Contract with the Burnet County Clerk.

Pursuant to Chapter 271 of the Texas Election Code, the Council orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections with other political subdivisions holding an election on the same date.

The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election. The voting at such election shall be by DRE electronic voting device. Early voting at such election shall also be DRE electronic voting device. Early Voting by Mail will be by paper ballots.

Section 4. Election Day Precincts, Polling Places, Precinct Officials and Voting Times: The presently existing boundaries and territory of the respective Burnet County Election Precincts that are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts of the City for the Election.

On election day, the polls shall be open from 7:00 AM to 7:00 PM.

The returns for precincts in Burnet County will be provided by precinct for the Special Election, and the Burnet County Elections Administrator shall tabulate and provide the election returns for all remaining election items.

Section 5. Early Voting: Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Elections Administrator who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Elections Administrator. Early voting shall commence on Monday, April 20, 2020,

and continue through Tuesday, April 28, 2020. Early voting extended hours shall be held as established by Burnet County.

Section 6. Appointment of Election Officials. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the City Council subsequent to adoption of this ordinance.

Section 6. Notice of Election: The City Secretary is hereby authorized and directed to prepare a form titled "Notice of Election," the contents and form of which shall comply with the requirements of the Texas Election Code and other law. The City Secretary is directed to publish notice of the election in the City's official newspaper. The notice shall be published the same day in each two successive weeks, with the first publication occurring before the tenth (10th) day before the date of the election. To the extent applicable, the City Secretary shall also provide public notice of the election in accordance with the Texas Election Code.

Section 7. Severability: Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 8. Repealer: The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 9. Authorization to Execute: The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 10. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 11. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THIS THE 28TH DAY OF JANUARY, 2020.

APPROVED:


Carl J. Brugger, Mayor

ATTEST:


Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Josh Katz, City Attorney

Exhibit 'A'

Ballot Language

City of Granite Shoals, TX

Ord. 781 Sales Tax Special Election – May 2, 2020

PROPOSITION 1: The re-adoption of a local sales and use tax in the City of Granite Shoals at the rate of one percent to provide revenue for maintenance and repair of municipal streets.