



# *City Of Seagraves*

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**ORDINANCE NO. 18-08-13:2(321.409)**

## **ORDER OF SPECIAL ELECTION**

**AN ORDINANCE OF THE CITY OF SEAGRAVES, TEXAS, CALLING A SPECIAL ELECTION ON NOVEMBER 6, 2018 TO ADOPT A ONE-HALF OF ONE PERCENT SALES AND USE TAX FOR STREET MAINTENANCE AND REPAIR AND TO REPEAL THE ONE-HALF OF ONE PERCENT SALES AND USE TAX AUTHORIZED UNDER THE DEVELOPMENT CORPORATION ACT; ESTABLISHING A MAIN EARLY VOTING LOCATION AND POLLING PLACE FOR THIS ELECTION; ESTABLISHING DATES AND HOURS OF EARLY VOTING; PROVIDING THE REGULAR EARLY VOTING CLERK'S MAILING ADDRESS AND MAKING OTHER PROVISIONS FOR THE CONDUCT OF THE ELECTION**

**WHEREAS**, under Texas Tax Code Section 321.409(a), a municipality may by a combined ballot proposition lower or repeal any dedicated or special purpose municipal sales tax and by the same proposition raise or adopt any other dedicated or special purpose municipal sales tax; and

**WHEREAS**, pursuant to amendments to Chapter 321, Texas Tax Code enacted under H. B. 157, effective September 1, 2015, a municipality may hold an election to impose a dedicated sales and use tax for certain specified purposes, including street maintenance, at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeds the maximum local sales and use tax rate of two percent; and

**WHEREAS**, the City Council of the City of Seagraves, Texas, wishes to call an election to submit a proposition on whether to adopt a local sales and use tax in the City of Seagraves, Texas, at a rate of one-half of one percent to provide revenue for maintenance and repair of municipal streets, and to simultaneously repeal the sales and use tax authorized under the Development Corporation Act, Section 504.251 Local Government Code, (previously Art. 5190.6, Sec. 4A(d)) of one-half of one percent, and

**WHEREAS**, adoption of the sales and use tax for maintenance and repair of municipal streets and simultaneous repealing of the sales tax authorized under the Development Corporation Act, Section 504.251 Local Government Code, by the same amount will not result in the combined rate of all sales and use taxes imposed by the City and other political subdivisions having territory in the City exceeding two percent; and

**WHEREAS**, the City Council of the City of Seagraves, Texas, wishes to proceed with the calling of an election for November 6, 2018, and appointing election officials for the conduct of said election; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGRAVES, TEXAS, THAT:**

**SECTION 1.** 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.** A special election is hereby ordered and will be held within the City of Seagraves (the "City") on November 6, 2018, between the hours of 7:00 a.m. and 7:00 p.m., at 514 14th St, Seagraves, Texas, for the purpose of the adoption of a local sales and use tax in the City of Seagraves, Texas at the rate of one-half of one percent to provide revenue for maintenance and repair of municipal streets, and the repeal of the sales and use tax authorized under the Development Corporation Act, Section 504.251 Local Government Code, in the City of Seagraves, Texas, of one-half of one percent.

**SECTION 3.** The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors 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**

**The reallocation of the sales and use tax for economic development purposes, being at the rate of one-half of one percent, as authorized under Section 504.251 Local Government Code, to being a sales and use tax at the rate of one-half of one percent to provide for the maintenance and repair of municipal streets, as authorized under Ch. 327, Tax Code**

**FOR ( )**

**AGAINST ( )**

**SECTION 4.** Oral assistance in Spanish will be made available to all persons requiring such assistance. Any person requiring oral assistance in Spanish should contact the presiding judge or early voting clerk. Assistance will also be provided to other persons who are eligible for voter assistance under Section 64.031 of the Texas Election Code. Voter assistance will be given in accordance with the Texas Election Code.

**SECTION 5.** The boundaries of the City, as it now exists are hereby established as and shall constitute one voting precinct. The polling place shall 514 14th St, Seagraves, TX

The polls at the above designated polling place shall on Election Day be open from 7:00 a.m. to 7:00 p.m. The Presiding Judge and Alternate Presiding Judge shall be named later by the City Council.

The Presiding Judge is authorized to appoint up to three (3) clerks, to serve and assist in conducting the election; and the Presiding Judge and election clerks shall serve as the Election Day ballot board. The Election Day ballot board will count precinct returns for the election. The foregoing election officers shall also serve as the early voting ballot board for the election which board shall consist of the Presiding Judge, Alternate Presiding Judge and appointed clerks.

**SECTION 6.** Early voting in the election by personal appearance shall be for the period permitted by law which shall begin on the 12<sup>th</sup> day and continue through the 4<sup>th</sup> day preceding the date of said election. The Clerk for early voting shall be Patricia Roberson. The place at which such early voting shall be conducted is at 514 14<sup>th</sup> St., Seagraves, Texas, or Ambassador Room, 101 East Ave. A, Seminole, TX being a public place within the boundaries of the City, which shall also be the place where early voting election records shall be kept. The Early Voting Clerks mailing address to which the ballot applications and ballots voted by mail may be sent is 101 South Main, Room 206, Seminole, Texas 79360. During the period that early voting is required or permitted by law, the hours designated for early voting which is not a Saturday, Sunday or official State holiday shall be from 8:00 a.m. until 5:00 p.m. and the Early Voting Clerk shall keep said voting place open during such hours for early voting by personal appearance. The City of Seagraves will have twelve hours of early voting at the City's main early voting polling place the last two days of early voting November 01, 2018 and November 02, 2018

**SECTION 7.** The following are designated as Temporary Deputy City Secretaries and Deputy Early Voting Clerks for this election:

Patricia Roberson

**SECTION 8.** The election shall be held and conducted and returns made to the City Council of the city of Seagraves in accordance with the Texas Election Code.

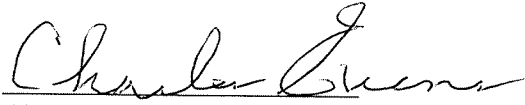
**SECTION 9.** All resident, qualified electors of the City of Seagraves shall be entitled to vote in the election.

**SECTION 10.** Not later than the 21<sup>st</sup> day before election day, a copy of the notice which must include the location of each polling place shall be posted on the bulletin board used for posting notices of the meetings of the City Council of the city of Seagraves. The notice shall remain posted continuously through Election Day. Notice of the election shall also be given by publishing the notice at least once, not earlier than the 30<sup>th</sup> day or later than the 10<sup>th</sup> day before Election Day in the official newspaper of the City.

Notice of the election shall be published in English and Spanish in the manner required by law.

**PASSED AND ADOPTED THIS** 13 day of August, 2018.

**CITY OF SEAGRAVES**

  
Charles Evans, Mayor

**ATTEST:**

  
Dan Grife, City Secretary