

**CITY OF SANCTUARY
P.O. BOX 125
AZLE, TEXAS 76098
PHONE/FAX 817.677.3008**

ORDINANCE 51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANCTUARY, PARKER COUNTY, TEXAS, CALLING FOR A REGULAR ELECTION TO BE HELD ON MAY 15, 2004, TO DETERMINE WHETHER THE VOTERS DESIRE TO IMPOSE A SALES AND USE TAX AT THE RATE OF ONE QUARTER OF ONE PERCENT (1/4%) TO PROVIDE REVENUE FOR THE MAINTENANCE AND REPAIR OF EXISTING MUNICIPAL STREETS; ESTABLISHING PROCEDURES FOR THE ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 327 of the Texas Tax Code authorizes the voters of a municipality to approve the adoption of a sales and use tax at the rate of one fourth of one percent to provide revenue for the maintenance and repair of existing municipal streets; and

WHEREAS, state law requires that the election be held on a uniform election date; and

WHEREAS, May 15, 2004, is a uniform election date.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANCTUARY, PARKER COUNTY, TEXAS:

SECTION 1. Election Order. A special election shall be held on Saturday, May 15, 2004, to submit to the voters a proposition to determine whether to impose a one-quarter of one percent (1/4%) sales and use tax for the maintenance and repair of existing municipal streets.

SECTION 2. Ballot. The official ballot for the election shall be prepared in accordance with the Texas Election Code (the "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

☐ FOR

THE ADOPTION OF A LOCAL SALES AND USE
TAX IN THE CITY OF SANCTUARY AT THE
RATE OF ONE FOURTH OF ONE PERCENT
TO PROVIDE REVENUE FOR MAINTENANCE
AND REPAIR OF MUNICIPAL STREETS.

☐ AGAINST

SECTION 3. Polling Places. Voting shall be conducted on Election Day between the hours of 7:00 AM and 7:00 PM at Scallan Metal Building, 101 Manor Drive, Sanctuary, Texas 76020.

SECTION 4. Appointment of Election Judge and Alternate Election Judge.
The following named individuals are hereby appointed to serve as Presiding Election Judge and Alternate Presiding Judge, respectively, at the election.

Presiding Election Judge:
Name: Wayne C. Elliott
Alternate Presiding Judge
Name: Joe Fewell

The Presiding Election Judge and Alternate Presiding Judge shall be qualified voters of the City. The City Secretary shall, in accordance with Section 32.009 of the Code, deliver to the Presiding Election Judge and the Alternate Presiding Judge notice of their appointments not later than twenty (20) days from the effective date of this Ordinance.

SECTION 5. Appointment of Clerks. The Presiding Election Judge for the polling place shall appoint Election Clerks and as many additional Clerks as are necessary for the proper conduct of the election. Provided, however, four (4) clerks shall be the maximum number of Clerks which may be appointed to serve at the polling places.

SECTION 6. Method of Voting. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the Regular Election, in accordance with this ordinance. Voting at the election shall be by paper ballot and shall be conducted in accordance with the Code.

SECTION 7. Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters for the City shall be eligible to vote at the election.

SECTION 8. Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Code.

SECTION 9: Early Voting. The City Secretary, City of Sanctuary, is hereby appointed as Early Voting Clerk, and she may appoint the necessary deputy clerks as required for early voting. Early voting by personal appearance shall be conducted between the hours of 8:00AM and 5:00 PM on each day which is not a Saturday or Sunday, or an official State Holiday, beginning April 28, 2004, and continuing through May 11, 2004. The location of early voting shall be by making an appointment with the City Secretary. Applications for early voting by mail shall be delivered to the Early Voting Clerk at P.O. Box 125, Azle, Texas 76098, not earlier than April 27, 2004, and not later than the close of business on May 8, 2004.

Early voting, both by personal appearance and by mail, shall be by paper ballot and shall be canvassed by the Early Voting Ballot Board, which is hereby created.

The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate president officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

SECTION 10: Submission to the United States Justice Department. The City Secretary of the City of Sanctuary, or the city attorney, are authorized to make such submissions as are necessary to the United States Justice Department to seek preclearance as required by law.

SECTION 11: Delivery of Returns. In accordance with the Code, immediately after the closing of the polls on the day of the election, the election officers named in this resolution shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge; one copy shall be delivered to the Mayor of the City; and one copy of the returns, together with the ballot boxes and all election supplies, shall be

delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the Code.

SECTION 12: **Cumulative Clause:** This ordinance shall be cumulative of all provisions of ordinances and of the code of the City of Sanctuary, Parker County, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 13: **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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

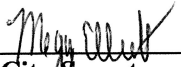
SECTION 14. **Effective Date.** This ordinance shall be in full force and effect after its passage, and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
SANCTUARY, PARKER COUNTY, TEXAS, THIS 4TH DAY OF MARCH, 2004.**



Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:

City Attorney