

ORDINANCE NO. # 005-03

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF A SALES AND USE TAX FOR THE PURPOSE OF THE PROMOTION AND DEVELOPMENT OF NEW AND EXPANDED BUSINESS ENTERPRISES; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; AND PROVIDING AN EFFECTIVE.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

Section 1. Special Election Ordered. A special election is called and ordered to be held in the City of De Leon, Texas, on Saturday, May 3rd, 2003, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to qualified voters of the City of De Leon, Texas, a proposition of whether and additional sales and use tax of 1/4 of one percent shall be imposed for the promotion and development of new and expanded business enterprises.

Section 2. Effective Date of Tax If Approved. If approved by a majority vote of the registered voters of the City of De Leon at such elections, the proposed sales and use taxes shall take effect as provided in *321.102, et. seq., Tex. Tax Code.*

Section 3. Ballots and Proposition. Paper ballots shall be used for the special election which election shall be held in compliance with the provisions of the *Chapt. 321, Subchapt. B, Tex. Tax Code*, and, to the extent not in conflict therewith, the *Texas Election Code*, and the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote "For" or "Against" the proposition submitted, with the proposition to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

The adoption of an additional 1/4 of one percent sales and use tax for the promotion and development of new and expanded business enterprises.

FOR _____ AGAINST _____

Section 4. Notice of Election. Notice of the election shall be given in the manner as provided in the *Tex. Elec. Code* and the *City Charter*. A notice containing a substantial copy of this ordinance shall be posted on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid polling place not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier, than thirty (30) days nor later than twenty (20) days prior to said election, in a newspaper in general circulation in the City. The Mayor shall give notice of this election in accordance with the terms and provisions of this Section, and all necessary orders and writs therefor shall be issued by the proper authority.

Section 5. Election Precinct and Polling Places. There shall be one election precinct for the election, which shall contain and include all the geographic area within the City. The polling place for such election precinct shall be the De Leon City Hall, 125 South Texas St., De Leon, Texas. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m..

Section 6. Early Voting. The City Secretary, B. Gail Neeley, is hereby appointed for Early voting, and Marilyn Gilder is hereby appointed Deputy Early Voting Clerk. Early Voting for the above designated election shall be at the De Leon City Hall, 125 South Texas St., De Leon, Texas, and said place of Early Voting shall remain open for at least eight (8) hours on each day for Early Voting which is not a Saturday, a Sunday, or an official Holiday, beginning on the **16th day of April, 2003** and continuing through the **29th day of April, 2003**. Said place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m. on each day for said Early Voting. Applications for ballot by mail shall be mailed to: B. Gail Neeley, City Secretary, P.O. Box 318, De Leon, Texas, 76444-0318.

Early Voting, both by personal appearance and by mail shall be by paper ballots and shall be canvassed by an Early Ballot Board. It is hereby ordered that the Judges and Clerks named in the following Section 7 shall additionally serve as the Early Ballot Board.

Section 7. Election Judges and Clerks. The following persons are hereby designated and appointed election officers for the holding of said election:

| | |
|------------------------------|-------------------|
| Presiding Judge: | Shirley Wilkerson |
| Alternative Presiding Judge: | Judy Barnes |

The Alternate Presiding Judge above named, in the absence of the Presiding Judge, shall perform the duties of the Presiding Judge in said election. The Presiding Judge shall appoint not more than four (4) qualified voters who are residents of the City of De Leon, Texas, to serve as Clerks in said election; the appointment of such clerks is to include the Alternate Presiding Judge, who if present, shall be appointed and counted as one of the election clerks.

The rate of pay for the election judges and the clerks shall be \$7.00 per hour, and an additional \$25.00 shall be paid to the Election Judge who delivers the election returns.

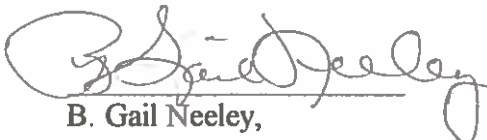
Section 8. General. The general election shall be held in accordance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of the election returns shall be canvassed by the City Council not earlier than May 6, 2003 nor later than May 9, 2003.

Section 9. Effective Date. This ordinance shall be effective upon its adoption.

PASSED, ADOPTED AND APPROVED on this the **11th** day of **February, 2003**.

ATTEST:

CITY OF DE LEON, TEXAS


B. Gail Neeley,
City Secretary


Mayor, John R. Adcock