

**ORDINANCE NO #009-19**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, CALLING FOR AN SPECIAL ELECTION TO BE HELD ON MAY 4, 2019, FOR THE PURPOSE OF DETERMINING WHETHER THE VOTERS OF THE CITY OF DE LEON, TEXAS DESIRE TO REAUTHORIZE THE LEVY OF A LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; DESIGNATING A POLLING PLACE; PROVIDING FOR EARLY VOTING; PROVIDING FOR THE OFFICIAL MAILING ADDRESS AND EMAIL ADDRESS OF THE EARLY VOTING CLERK TO RECEIVE APPLICATIONS FOR A BALLOT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of De Leon, Texas (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code, and which has adopted a sales tax for street maintenance;

**WHEREAS**, pursuant to Texas Tax Code, Chapter 327.001 et. seq. (the “Act”), the City has adopted a local sales and use tax at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets at a special election held on May 04, 2015; and

**WHEREAS**, the Act provides that certain eligible cities may reauthorize the sales and use tax to provide for street maintenance and repair, if the tax is reauthorized by a majority of the qualified voters of the City; and

**WHEREAS**, the City Council of the City of De Leon, Texas, hereby finds and determines that an election should be held to determine whether the voters of the City desire to reauthorize the local sales and use tax at the rate of one-fourth of one percent to provide for maintenance and repair of City streets.

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

**SECTION 1.** That a special election is hereby ordered to be held on Saturday, May 4, 2019, for the purpose of submitting to the voters a proposition to determine whether to reauthorize the local sales and use tax in the City of De Leon (the “City”) at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets. All qualified voters of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the provisions of the Texas Election Code.

**SECTION 2.** That the reauthorization of a sales and use tax of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets shall be submitted to the City's qualified voters for their approval or disapproval at an election to be held on Saturday, May 4, 2019. If a majority of the qualified voters shall vote in favor of the adoption of the sales and use tax, the Council shall adopt an ordinance or resolution which shall, at the time fixed therein, become effective as law.

**SECTION 3.** That the official ballots for the election to determine whether the voters of the City desire to reauthorize the sales and use tax to continue providing revenue for maintenance and repair of City streets shall be prepared in accordance with the Texas Elections Code so as to permit the voters to vote "for" or "against" the following 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: "The reauthorization of the local sales and use tax in the City of De Leon at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of this tax is reauthorized." A copy of the proposed ballot is attached hereto.

**SECTION 4.** That notice of the election shall be posted on the bulletin Council uses to publish notice of the City Council meetings and be published in a newspaper of general circulation published in the area comprising the City and its extraterritorial jurisdiction. Said notice must be published at least once, not earlier than the 30th day or later than the 10th day before Election Day. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the

notice shall make a record of the time of posting, starting date, and the place of posting, which shall be the bulletin Council used to post notice of Council meetings.

**SECTION 5.** The polls shall be open from 7:00 a.m. until 7:00 p.m. on Saturday, May 4, 2019 (“Election Day”). The polling place for the election on Election Day shall be: City of De Leon Auditorium 125 S Texas Street, De Leon, Texas 76444. Early voting by personal appearance shall be held at the City of De Leon Council Chambers 125 S. Texas, De Leon Texas 76444, from 8:00 a.m. to 5:00 p.m., beginning April 22, 2019 and ending April 30, 2019, with the exception of extended hours from 8:00 a.m. until 8:00 p.m. on April 26, 2019 and April 30, 2019. The use of Paper Ballots may be used for voting at the foregoing election polling place.

**SECTION 6.** The persons appointed to serve as Presiding Election Judge and Alternate Election Judge by the City Council shall hold those positions for the purposes of this ballot proposition.

**SECTION 7.** All applications for a ballot by mail shall be mailed to the Early Voting Clerk’s official mailing address at Ruby Lesley Comanche County Clerk 101 W Central, Comanche, Texas 76442.

**SECTION 8.** The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of the election.

**SECTION 9.** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

**SECTION 10.** This Ordinance shall take effect immediately from and after its passage.

**PASSED, APPROVED** by the Council of the City of De Leon, Texas, on the 11<sup>th</sup> day of February, 2019.

**PASSED, APPROVED, AND ADOPTED** by the Council of the City of De Leon, Texas on the 12<sup>th</sup> day of February, 2019

APPROVED:

  
\_\_\_\_\_  
Terry Scott, Mayor

ATTEST:

  
\_\_\_\_\_  
Melenda K. Harbour, City Secretary

The seal of the City of De Leon, Texas, is circular with a five-pointed star in the center. The words "CITY OF DeLEON" are written in a circle around the top, and "TEXAS" is written at the bottom.

**AN ELECTION TO CONSIDER THE REAUTHORIZATION OF  
THE LOCAL SALES AND USE TAX IN THE CITY OF DE LEON  
AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING  
REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.**

Place an “X” in the square beside the statement indicating the way you wish to vote.

(A vote For the Proposition is a vote to reauthorize the adoption of a local sales and use tax at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.)

(A vote Against the Proposition is a vote against the reauthorization of the adoption of a local sales and use tax at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.)

**PROPOSITION NO. 1**

“The reauthorization of the local sales and use tax in the City of De Leon at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of this tax is reauthorized.”

- For the Proposition
  
- Against the Proposition