

ORDINANCE NO. 7-23-20

AN ORDINANCE OF THE CITY OF YORKTOWN, TEXAS CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3rd, 2020 FOR VOTER AUTHORIZATION OF AN INCREASE IN LOCAL SALES AND USE TAX WITHIN THE CITY; 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 increase the municipal sales tax rates in an amount that does not result in a combined rate that exceeds the maximum local sales and use tax rate of two percent; and

WHEREAS, the City of Yorktown (City) currently has a sales tax rate of 1.50% local sales and use tax that goes into the City's general fund; and 0.25% additional local sales and use tax within the City for the promotion and development of new and expanded business enterprises; and

WHEREAS, the City Council wishes to give the voters the opportunity provided by HB 157 to increase the City's general sales tax rate from 1.5% to 1.75% in order to increase the amount of local sales and use tax that supports city projects through the City's general fund; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether it shall be authorized to increase 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 increase to 1.75% the amount of local sales and use tax that supports city projects through the City's general fund 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 Yorktown, Texas, calls a special election to be held on November 3, 2020, and add to the ballot for voter consideration the ballot measure on the attached Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YORKTOWN, 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 for the City of Yorktown on the 3rd day of November 2020, which is the next

succeeding uniform election date after the passage of this ordinance. At such Election the ballot shall be printed to provide for voting for or against the ballot measure 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 DeWitt 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 DeWitt County Elections Administrator is hereby authorized and directed to furnish all necessary election supplies to conduct such election. Paper ballots and accessible voting systems, as defined and described in the Texas Election Code, shall be utilized for the Election.

Section 4. Election Day Precincts, Polling Places, Precinct Officials and Voting Times. The presently existing boundaries and territory of the respective DeWitt 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 DeWitt County will be provided by precinct for the Special Election, and the DeWitt 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 DeWitt 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 DeWitt County Elections Administrator. Early voting by personal appearance shall commence each weekday at DeWitt County Annex Courtroom at 115 N Gonzales Street, Suite D, Cuero, Texas between the hours of 8 a.m. and 5 p.m. beginning on October 19th, 2020 and ending on October 30th, 2020. In addition, two (2) four (4) hour days of early voting will be conducted on Saturday October 24th, 2020 from 8 a.m. to 12:00 p.m. and Sunday October 25th, 2020 from 1 p.m. to 5 p.m.

Section 6. Appointment of Election Officials. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the DeWitt County Elections Administrator subsequent to adoption of this Ordinance.

Section 7. 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 9. 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 10 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 11. 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 12 Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 13. 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 THIS THE 27th DAY OF JULY 2020.



BILL B BAKER, MAYOR
CITY OF YORKTOWN, TEXAS

ATTEST:


JOHN BARTH, CITY SECRETARY/CITY ADMINISTRATOR
CITY OF YORKTOWN, TEXAS

EXHIBIT "A"

PROPOSITION 1: The adoption of a local sales and use tax in the City of Yorktown at the rate of one- and three-quarter percent (1.75%).

La adopción de un impuesto de venta y uso local en la ciudad de Yorktown en la tasa de uno y tres cuatro por ciento (1.75%).