

**CITY OF EVERMAN, TEXAS ORDINANCE NO.766**

**AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF EVERMAN, TEXAS ON MAY 1, 2021, TO SUBMIT A PROPOSITION ON THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; MAKING PROVISION FOR THE CONDUCT OF SUCH ELECTION; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTIONS; AND AN EFFECTIVE DATE.**

**WHEREAS**, an election was held in May of 2005 to authorize the City Council (Council) of the City of Everman, Texas (City) to levy and collect a sales and use tax within the City under provisions of Chapter 327 of the Texas Tax Code for the maintenance and repair of municipal streets, and such sales tax was most recently extended pursuant to state law on May 6, 2017;

**WHEREAS**, the Council of the City hereby finds and determines that an election should be held to determine whether to reauthorize the Council to levy and collect a sales and use tax within the City under provisions of Chapter 327, as amended, Texas Tax Code for the maintenance and repair of municipal streets; and

**WHEREAS**, the City intends to hold a special election in conjunction with the May 1, 2021 Texas General Election;

**WHEREAS**, the Council hereby finds and determines that the holding of this election on the aforementioned date is in the best interest of the citizens of the City of Everman, Texas.

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

**SECTION 1.**

**SPECIAL ELECTION ORDER**

A special election is hereby called and ordered to be held on May 1, 2021 for the purpose of submitting to the voters a proposition to determine whether or not to reauthorize the local sales and use tax in the City of Everman 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 the tax is reauthorized.

**SECTION 2.**  
**PROPOSITION**

That in compliance and in accordance with the laws and the constitution of the State of Texas, an election shall be held on the 1st day of May, 2021, in the City of Everman, Texas which date is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption of this ordinance (“Ordinance”) for the purpose of submitting the following proposition to the qualified voters of the City:

**PROPOSITION**

**THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF EVERMAN, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.**

**PROPUESTA**

**LA REAUTORIZACIÓN DEL IMPUESTO DE VENTAS Y USO LOCALES EN LA CIUDAD DE EVERMAN CITY, TEXAS A RAZÓN DE UN-CUARTO (1/4) DE UN PORCIENTO (1%) PARA CONTINUAR PROPORCIONANDO INGRESOS PARA EL MANTENIMIENTO Y LA REPARACIÓN DE LAS VÍAS PÚBLICAS DEL MUNICIPIO.**

**SECTION 3.**  
**CONTRACT WITH ELECTIONS DEPARTMENT**

The City Manager is authorized to enter into an agreement with Tarrant County (Agreement) for election services. In the event of a conflict between this ordinance and the Agreement, the Agreement shall control. The City Secretary’s duties and responsibilities related to the election shall be set forth in the agreement.

**SECTION 4.**  
**CONDUCT OF ELECTION**

The way and manner of holding the election, the notice to be given, the polling places, the personnel and the officers who are to hold them, and all details connected with the holding of elections shall be provided for and arranged by Tarrant County in accordance with the Agreement. Tarrant County will determine and arrange for early voting by personal appearance and on Election Day using Tarrant County's eSlate electronic voting system, a paper ballot that is scanned at the polling place using Tarrant county's eScan voting system or a combination of both. In the event adjustments are required because of COVID 19 and any Emergency Orders issued by the Governor, Tarrant County is authorized to make such adjustments.

## **SECTION 5.**

### **ELECTION JUDGES**

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed as indicated in the Contract and authorized by Chapter 271 of the Texas Election Code.

## **SECTION 6.**

### **POLLING PLACE**

Voting shall be conducted on Election Day between the hours of 7:00 am and 7:00 pm at Everman City Hall Annex, 213 North Race Street, Everman, Texas 76140.

## **SECTION 7.**

### **APPOINTMENT OF ELECTION JUDGE**

The Presiding Election Judge and Alternate Presiding election Judge shall be appointed by Tarrant County as provided in the Agreement.

## **SECTION 8.**

### **NOTICE OF ELECTION**

Notice of the elections shall be published in the newspaper and posted at such locations and at such times required by the Texas Election Code. This Ordinance may serve as the Order of

Election ad as the Notice of Elections as required by Section 3.001 and 4.001 of the Texas Election Code.

## **SECTION 9.**

### **EARLY VOTING**

a. **Early voting by personal appearance.** The Tarrant County Elections Administrator is hereby designated as the Early Voting Clerk for the election, as indicated in the Agreement. The official mailing address of the Early Voting Clerk is P.O. Box 9610011, Fort Worth, Texas 76111. Early voting by personal appearance will be conducted Monday through Friday, 8:00 am to 5:00 pm during the early voting period as established by the Texas Election Code at Forrest Hill Civic and Convention Center, 6901 Wichita Street, Forest Hill, Texas 76140. Additional days, times and locations including Saturdays and Sunday will be designated by the Tarrant County Elections Administrator and shall be in compliance with state law.

b. **Early voting by mail.** The Tarrant County Elections Administrator shall be responsible for Early Voting applications and ballots. Applications for early voting by mail may be delivered to the Tarrant County Elections Administrator, P.O. Box 9610011, Fort Worth, Texas 76111 during the time period allowed by the Texas Elections Code. Early voting by mail ballots shall be mailed to the Tarrant County Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots she may receive to the Elections Administrator as provided in the Agreement.

## **SECTION 10.**

### **BALLOTS**

The official ballots shall be prepared in accordance with the Texas Election Code, as amended, to permit electors to vote “FOR” or “AGAINST” the proposition, which shall appear on the ballot substantially as follows:

“THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF EVERMAN, TEXAS, AT THE RATE OF ONE- FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.”

“LA REAUTORIZACIÓN DEL IMPUESTO DE VENTAS Y USOS LOCALES EN LA CIUDAD DE EVERMAN, TEXAS A RAZÓN DE UN-CUARTO DE UN PORCIENTO PARA

CONTINUAR PROPORCIONANDO INGRESOS PARA EL MANTENIMIENTO Y LA REPARACIÓN DE LAS VÍAS PÚBLICAS DEL MUNICIPIO.”

#### **SECTION 11.**

#### **QUALIFIED ELECTORS**

All resident qualified electors of the City shall be permitted to vote at said election and, on the day of the election, such electors shall vote at the polling place designated for the election.

#### **SECTION 12.**

#### **INFORMATION IN ENGLISH AND SPANISH**

Notices, instructions, ballots, and other written material pertaining to the election shall be translated into the Spanish language. The material shall be furnished to voters in both English and Spanish to enable voters to properly participate in the election process.

#### **SECTION 13.**

#### **NECESSARY ACTIONS**

The mayor, City Manager, or the City Secretary of the City, in consultation with the City Attorney, as needed, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of any federal, state or local law and the Agreement in carrying out and conducting the election ordered herein.

All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Agreement and the Texas Election Code.

#### **SECTION 14.**

#### **RECITALS INCORPORATED**

The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

#### **SECTION 15.**

#### **CONFLICTING ORDINANCES OR RESOLUTIONS**

All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

#### **SECTION 16.**

#### **INVALIDITY**

If any provisions of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City

Council hereby declares that this Ordinance would have been enacted without such invalid provision.

#### **SECTION 17.**

#### **PROPER MEETING**

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

#### **SECTION 18.**

#### **EFFECTIVE DATE**

This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**PASSED AND ADOPTED this, the 9<sup>th</sup> day of February, 2021, by a vote of 7 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Everman, Texas.**

City of Everman, Texas

By: Ray Richardson

Mayor Ray Richardson

ATTEST:

By: Mindi Parks

Mindi Parks, City Secretary