

Ordinance No. 2017-002

A ORDINANCE OF THE OF THE CITY OF EAST BERNARD, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 7TH DAY OF MAY 2016 ON A PROPOSITION PERTAINING TO THE AUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE AND ONE-QUARTER PER CENT AS AUTHORIZED BY CHAPTER 321 OF THE TEXAS TAX CODE; AND AUTHORIZING THAT THE ELECTION SHOULD BE HELD JOINTLY WITH WHARTON COUNTY; AND MAKING OTHER PROVISIONS RELATED TO THE ELECTION.

WHEREAS, the Board of Alderman under Chapter 321 of the Tax Code, called a Special Election on the authorization of a one percent Sales and Use Tax within the City, which was approved by the City's voters at an election; and,

WHEREAS, in 2012, pursuant to Chapter 327 of the Tax Code, the Board of Alderman called a Special Election on the authorization of an additional one-fourth of one percent (one-fourth) (1/4) Sales and Use Tax within the City to be used for the maintenance and repair of municipal streets, which was approved by the City's voters at an election; and,

WHEREAS, pursuant to a State Law amendment of Chapter 321 of the Tax Code, the Board of Alderman is now authorized to call a Special Election on the authorization of an additional one-quarter of one percent (1/4) cent Sales and Use Tax within the City to be used for general municipal purposes, including the maintenance and repair of municipal streets; and,

WHEREAS, the City Council further determines that the City is an eligible city under the provisions of the Tax Code, Chapter 321, in that a combined rate of the total sales and use taxes within the City of East Bernard would not exceed two percent; and,

WHEREAS, a Special Election is hereby ordered and shall be held on the 6th day of May 2017 in the City of East Bernard, Texas, a uniform election date pursuant to the Texas Election Code, Section 41.001, for the purpose of submitting to the resident qualified voters the proposition listed below. Voters shall have the opportunity to vote "FOR" or "AGAINST" on the proposition; and,

WHEREAS, pursuant to Section 321.404(d) Tax Code, the ballot language pertaining to this proposition shall read as follows on the May 6, 2017 ballot:

Proposition

"The adoption of a local sales and use tax in the City of East Bernard, Texas at the rate of one and one-quarter (1 1/4) percent."

NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF EAST BERNARD, TEXAS:

Section 1. That a Special Election is hereby ordered and shall be held in the City of East Bernard, Texas on the 6th day of May 2017, a uniform election date, pursuant to the Texas Election Code, Section 41.001, for the purpose of submitting to the resident qualified voters the proposition noted above.

Section 2. That said election shall be held in accordance with a Joint Election Agreement between the City of East Bernard and Wharton County, said Agreement having been approved by the Board of Alderman. Wharton County owns a direct record electronic voting system, iVotronics, that has been approved by the Secretary of State pursuant to the Texas Election Code and the City of East Bernard will use the County's Voting System in its election and compensate the County for such use and share in certain other expenses connected with elections in accordance with applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

Section 3. That the form of the ballot shall be provided by Wharton County under the terms of the Joint Election Agreement. The ballots shall be prepared in accordance with the applicable provisions of the Election Code so voters may cast their ballots either "FOR" or "AGAINST" the following proposition

Proposition

"The adoption of a local sales and use tax in the City of East Bernard, Texas at the rate of one and one-quarter (1 1/4) percent."

Section 4. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

POLLING PLACE

Wharton County Library

East Bernard Branch

746 Clubside Drive

East Bernard, Texas 77435

ELECTION OFFICERS

Marilyn Sodlak

Presiding Judge

Catherine Wondrash

Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009, Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

Section 5. Cindy Richter, Wharton County Elections Administrator, is hereby appointed clerk for early voting. The Wharton County Library, East Bernard Branch, 746 Clubside Drive, is hereby designated as the place for early voting for said election. The Early Voting Clerk is hereby authorized to conduct early voting by personal appearance, beginning on the twelfth (12th) day; and continuing through the fourth (4th) day preceding the date of said election. In addition, said clerks shall keep said polling place open from seven o'clock (7:00) a.m. until seven (7:00) p.m., for a total of 12 hours for early voting on the fourth (4th) and fifth (5th) day preceding the date of said election. Said clerk shall keep said polling place open during the hours that the City Secretary's main office is regularly open for business, that is from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. Early voting by mail shall be as provided by applicable law. The mailing address ballots voted by mail may be sent shall be

Wharton County Elections Administrator, Early Voting Clerk

P. O. Box 390

Wharton, TX 77488

The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 6. The Election Judge is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with Section 87.001, et seq., Texas Election Code, said Presiding Judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said Texas Election Code.

Section 7. All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by personal appearance and for voting on Election Day. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefore are hereby authorized.

Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 et seq., Texas Election Code.

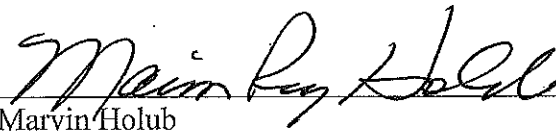
Section 8. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 9. Notice of said election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

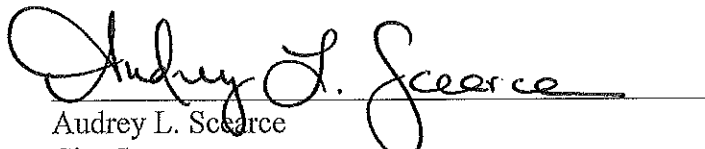
Section 10. The Notice and Order of Special Election to be published in the newspaper shall contain the full ballot in the body of the Notice and sample ballots shall also be posted at City Hall.

Section 11. That this Ordinance shall take effect immediately from and after its passage and approval.

PASSED, APPROVED, AND ADOPTED this 17th day of January, 2017.


Marvin Holub
Mayor

ATTEST:


Audrey L. Scarce
City Secretary