



ORDINANCE 02092021B

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS CALLING A SPECIAL ELECTION TO BE HELD JOINTLY WITH THE GENERAL ELECTION ON MAY 1, 2021 REAUTHORIZING A LOCAL SALES AND USE TAX FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, PROPER NOTICE AND MEETING.

WHEREAS, Texas House Bill 157, which became effective on September 1, 2015, permits voters to reallocate municipal sales tax rates in an amount that does not exceed two percent; and

WHEREAS, the City of Leonard (“City”) currently has a sales tax rate of one percent local sales and use tax that goes in the City’s general fund; one-fourth of one percent local sales and use tax that is dedicated to the maintenance and repair of City Streets; and one-fourth of one percent local sales and use tax that is dedicated to economic development; and

WHEREAS, the City Council wishes to give the voters an opportunity provided by HB 157 to reauthorize the reallocation of the City’s one-fourth percent sales tax rate to the maintenance and repair of City streets; and

WHEREAS, Texas Tax Code Section 321.409 allows the City to submit a sales tax proposition on the ballot but requires that City to use substantially the same language, if any, required by law for the lowering, repealing, raising or adopting of each tax as appropriate; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether it shall be authorized to adopt the reauthorization of the sales and use tax for the purpose of street maintenance in the manner described in Exhibit A, attached hereto and incorporated as if set forth full herein; and

WHEREAS, in accordance with State law, the City Council of the City of Leonard, Texas calls a special election to be held jointly with the general election to be held on May 1, 2021 and add to the ballot for voter consideration the ballot proposition on Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEONARD, 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 shall be held in the City of Leonard on the 1st day of May, 2021 which is the next succeeding uniform election date is not less than 30 days from the passage of this ordinance. At such Election, the ballot shall be printed to provide for voting for or against the ballot measures on Exhibit A.

Section 3. Conduct of Election: Pursuant to Chapter 31 of the Election Code, the City Council orders that the Election be held under a Contract for Election Services with the Fannin County Clerk.

Pursuant to Chapter 271 of Texas Election Code, the Council orders that this Election be conducted under the terms and conditions of an Interlocal 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, the Constitution, laws of the State of Texas and the laws of the United States of America. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election. The voting at such election shall be by DRE electronic voting device. Early voting at such election shall also be DRE electronic voting device. Early voting by mail will be by paper ballots.

Section 4. Election Day Precincts, Polling Places, Precinct Officials and Voting Times: The presently existing boundaries and territory of the respective Fannin 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, polls shall be open from 7:00 a.m. to 7:00 p.m.

Fannin 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 City Secretary for the City of Leonard 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 City Secretary. Early voting shall commence on April 19, 2021 and continue through April 27, 2021. Early voting extended hours shall be held as established by the City Council.

Section 6. Appointment of Election Officials: The Early Voting Clerk for said elections shall be the City Secretary. He shall determine the number of election workers to be hired and arrange for training of all election workers.

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 once 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 8. 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 9. Repealer: The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the sale 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 such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

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

Section 12. 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 ON THIS THE 9th DAY OF FEBRUARY, 2021.

ATTEST:

Michael Pye, Mayor

Leath Robinson, City
Secretary

EXHIBIT A

Ballot Language

City of Leonard, Texas

Ordinance 02092021B Reauthorization of Sales and Use Tax Election - February 9th, 2021

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- A. PROPOSITION 1: The reauthorization of the local sales and use tax in The City of Leonard at the rate of 1/4% 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