

ORDINANCE NO. 1091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, TO SUBMIT A PROPOSITION ON REPEALING THE SALES AND USE TAX OF ONE-HALF (1/2) OF ONE PERCENT FOR THE BENEFIT OF THE TYPE B ECONOMIC DEVELOPMENT CORPORATION; REPEALING THE SALES AND USE TAX OF ONE-FOURTH (1/4) OF ONE PERCENT FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; INCREASING THE LOCAL SALES AND USE TAX FROM THE RATE OF ONE (1) PERCENT TO A RATE OF ONE AND THREE FOURTHS (1 3/4) PERCENT; MAKING PROVISIONS FOR CONDUCTING OF SUCH ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake Worth, Texas (the City) hereby finds and determines that an election should be held under the provisions of Chapter 321 , as amended, of the Texas Tax Code, to eliminate the collection of the sales and use tax within the City for the benefit of a Type B Economic Development Corporation; and to eliminate the collection of the sales and use tax under the provisions of Chapter 327, as amended, Texas Tax Code, for the benefit of maintenance and repair of municipal streets; and to adopt a sales and use tax within the City of one and three fourths (1 3/4) percent; and

WHEREAS, the City will hold a special election on November 7, 2017; and

WHEREAS, in accordance with the requirements of Chapter 321, as amended, of the Texas Tax Code, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed two (2) percent; and

WHEREAS, the Council hereby finds and determines that it is in the best interest of the citizens of the City to hold this election on the sate set forth below pursuant to a contract with Tarrant County for joint election service.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS THAT:

SECTION 1. An election shall be held on the 7th day of November, 2017, a uniform election date, in the City of Lake Worth, Texas, which date is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption of this ordinance, for submitting the following proposition to the qualified voters of the City:

PROPOSITION

“THE ABOLITION OF THE LOCAL SALES AND USE TAX FOR THE BENEFIT OF THE TYPE B ECONOMIC DEVELOPMENT CORPORATION WITHIN LAKE WORTH; THE ABOLITION OF A LOCAL SALES AND USE TAX IN LAKE WORTH FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND THE ADOPTION OF A LOCAL SALES AND USE TAX IN LAKE WORTH AT THE RATE OF ONE AND THREE-FOURTHS PERCENT.”

SECTION 2. The City Secretary is hereby authorized to contract (the “Contract”) with Tarrant County for joint election services. At the time the contract and its attachments are finalized, it shall be signed by the City Manager and made a part of this Ordinance as Exhibit “A”. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

SECTION 3. The Election Day polling places for this election is designated pursuant to Section 271.003 of the Texas Election Code, and the Council finds that the following location can most adequately and conveniently serve the voters in this election, and that this location will facilitate the orderly conduct of the election:

<u>Polling</u>	<u>Location</u>	<u>County Precinct</u>
Tarrant County Sheriff’s Office – North Patrol Division	6651 Lake Worth Blvd.	4091

SECTION 4. The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the Contract and authorized by Chapter 271 of the Texas Election Code.

SECTION 5. Stephen Vickers, the Tarrant County Elections Administrator, (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the election. Early voting by personal appearance shall commence on Monday, October 23, 2017 and shall continue until Friday, November 3, 2017. Specific days, times and locations shall be designated by the Election Administrator and included in the Contract (to be included as an Attachment after its approval). The main early voting location shall be at the Tarrant County Election Center at 2700 Premier Street, Fort Worth, Texas 76111. The early voting site in Lake Worth shall be at the Tarrant County Sheriff’s Office – North Patrol Division located at 6651 Lake Worth Boulevard, Lake Worth, Texas, and at various other locations in Tarrant County, which will be supplied by Tarrant County Elections. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.

SECTION 6. The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to Stephen Vickers, County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not later than close of business on Friday, October 27, 2017, if delivered in person, and Tuesday, November 7, 2017 if delivered by mail. Early voting ballots shall

be mailed to the 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 Contract.

SECTION 7. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, to permit electors to vote "FOR" or "AGAINST" the proposition set forth in Section 1 of this Ordinance.

SECTION 8. 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 Precinct in which they reside.

SECTION 9. A proper notice of this election, including a Spanish and Vietnamese translation thereof, shall be posted not later than the 21st day before the election on the bulletin board used for posting notices of meetings of the City Council and shall also be published at least once not earlier than the 30th day not later than the 10th day before the election in the newspaper of general circulation in the City.

SECTION 10. All expenditures necessary for the conduct of the election, the purchase of material therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Contract and the Election Code.

SECTION 11. 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 judgement and finding of the Council.

SECTION 12. 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 provision of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 13. If any provision of this Ordinance or the application thereof to any person or circumstances 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 this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 14. 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 15. This ordinance shall be in force and effect and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Lake Worth on August 8, 2017.



CITY OF LAKE WORTH

By: Walter Bowen
Walter Bowen, Mayor

ATTEST:

Monica Solko
Monica Solko, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin
Drew Larkin, City Attorney