

ORDINANCE NO. 2020-06-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, CALLING FOR THE HOLDING OF A SPECIAL ELECTION ON NOVEMBER 3, 2020, FOR THE PURPOSE OF REAUTHORIZING THE LOCAL SALES AND USE TAX AT THE RATE OF ONE QUARTER (1/4) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 327.007 of the Texas Tax Code, the City Council of the City of Cumby is authorized and hereby finds and determines that it is appropriate, advisable and in the best interest of the citizens of the City to hold a special election in the City for the purpose of submitting a proposition pertaining to the reauthorization of the local sales and use tax at the rate of one quarter (1/4) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets; and

WHEREAS, the City Council of the City of Cumby, Texas, deems that in accordance with the laws of the State of Texas, a Special Election should occur on November 3, 2020; and

WHEREAS, the laws of the State of Texas further provide that the Texas Election Code ("Code") is applicable to all municipal elections and in order to comply with said Code, an ordinance should be passed establishing the procedures to be followed for the November 3, 2020, special election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS:

Section 1. Special Election; Proposition. In accordance with the general laws and the Constitution of the State of Texas, a Special Municipal Election is hereby called and ordered to be held in and throughout the City of Cumby, Texas on November 3, 2020, between the hours of 7 a.m. and 7 p.m. at which Special Election, all resident, qualified voters of the City of Cumby, Texas (the "City") may vote on a proposition to reauthorize the local sales and use tax at the rate of one quarter (1/4) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets.

Section 2. Ballot Proposition. The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the proposition, with the ballots to contain such provisions and language required by Texas Tax Code Section 327.007, and with such proposition to be expressed as follows:

- FOR** ☐ The reauthorization of the local sales and use tax in the City of
AGAINST ☐ Cumby, Texas at the rate of one quarter (1/4) of one percent (1%) to
continue providing revenue for maintenance and repair of municipal
streets.

Section 3. Determination of Ballots. If the greater number of votes are "FOR," the tax is reauthorized, and if the greater number of votes are "AGAINST," the tax is not reauthorized.

Section 4. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Special Election.

Section 5. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Hopkins County Election Officer (the "Election Officer"), provided that such political subdivisions hold an election on November 3, 2020 in all or part of the same territory as the City. The joint election for political subdivisions in Hopkins County will be conducted in accordance with state law, this Ordinance, and the contract for election services with Hopkins County ("Election Services Contract").

Section 6. Conduct of Election. The Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Services Contract and the law governing the holding of general elections by general law cities of the State of Texas.

Section 7. Election Precinct and Polling Place. The election precincts for the election shall be the election precincts established by Hopkins County, provided that each shall contain and include geographic area that is within the City. Election Day voting shall be conducted at places, times, and locations authorized and required by state law and the Election Officer. The returns for the precincts in Hopkins County will be provided by the precinct, and the Election Officer shall tabulate and provide the election returns for the election. Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 8. Election Officer. The Election Officer is appointed to serve as the City's Election Officer, Joint Early Voting Clerk and the Joint Custodian of Records for precincts which may be affected, to conduct the City's election on November 3, 2020. As the City's Election Officer and Early Voting Clerk, the Election Officer shall coordinate, supervise, and conduct all aspects of administering voting in the City's election in compliance with state law and the Election Services Contract.

Section 9. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Election Officer in accordance with the Texas Election Code. Early Voting by personal appearance shall be conducted at places, time, and locations authorized and required by state law and the Election Officer. Early voting shall commence on October

19, 2020 and continue through October 30, 2020. Early voting by City residents may be conducted at any Hopkins County early voting location and any location exclusively designated by the Election Officer for City residents.

Section 10. Election Judges and Clerks. The presiding judges, alternate presiding judges, and clerks for the election shall be selected and appointed by Hopkins County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Hopkins County and its appointees are hereby designated and appointed by the City Council as the election officers, judges, and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges, and clerks shall perform the functions and duties of their respective positions that are provided by state law. The City Council will further confirm and appoint the election judges and alternate election judges that are appointed by Hopkins County for the election.

Section 11. City Secretary. The City Secretary, or designee, is instructed to aid the Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Service Contract. The City Secretary will serve as Regular Early Voting Clerk for the City to receive requests for applications for early voting ballots and forward those applications to the Joint Early Voting Clerk. The City Secretary is further authorized to give or cause to be given notices required for the election and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Services Contract between Hopkins County and the City, the Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Services Contract. The Election Officer shall give the notices required by the Texas Election Code to be given for the election not required to be given by the City under the Election Services Contract.

Section 12. Notice of Election. Notice of the election shall be given by posting a notice containing a substantial copy of this Ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation within the City. The notice that is posted and the notice that is published in a newspaper of general circulation within the City will be written in both English and Spanish.

Section 13. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of said City shall be eligible to vote at said election. Returns of election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than November 7, 2020 nor later than November 14, 2020.

Section 14. Incorporation of Recitals. The above and foregoing recitals of this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

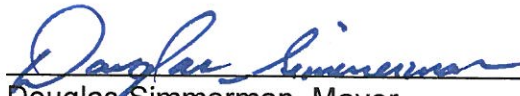
Section 15. Open Meetings. It is official found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Gov't Code.

Section 16. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 17. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 18. Effective date. This Ordinance shall be effective upon its passage and approval.

9 **PASSED AND APPROVED** by the City Council of the City of Cumby, Texas this the June, 2020.


Douglas Simmerman, Mayor

ATTEST:


Codi Reynolds, City Secretary

APPROVED AS TO FORM:


Edgar J. Garrett, Jr., City Attorney

