

ORDINANCE NO. 2013-02-28-1

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A ORDINANCE OF THE CITY OF RANGER, TEXAS, ORDERING A SPECIAL ELECTION FOR THE MAY 11, 2013 UNIFORM ELECTION DATE TO SUBMIT A PROPOSITION WITH A COMBINED BALLOT TO DETERMINE WHETHER THE CITIZENS DESIRE TO REDUCE BY ONE-EIGHTH OF ONE PERCENT THE AMOUNT OF SALES AND USE TAX ALLOCATED FOR THE TYPE 4A RANGER ECONOMIC DEVELOPMENT CORPORATION AND THE CREATION OF A 4B ECONOMIC DEVELOPMENT CORPORATION AND THE ADOPTION OF A SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT TO BE ALLOCATED TO THE TYPE 4B ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Commission of the City of Ranger, Texas, a home rule City (the "City") hereby finds that the City is eligible to adopt a Type 4B sales and use tax pursuant to Local Government Code Chapters 502, 504 and 505 and the Development Corporation Act of 1979, Loc. Gov't Code, Chapter 501, as amended (the "Act");

WHEREAS, the City has previously established the Ranger Economic Development Corporation, a Type 4A economic development corporation created pursuant to the Act which collects a sales and use tax equal to one-fourth of one percent (0.25%) as authorized by the Act;

WHEREAS, due to the limitations on sales and use tax under Texas law, the City cannot both legally establish a Type 4B economic development sales and use tax and continue the collection of the sales and use tax by the Type 4A Ranger Economic Development Corporation at its current level of one-fourth of one percent (0.25%);

WHEREAS, the City Commission further finds that in order to adopt a Type 4B sales and use tax proceeds pursuant to the Act, it must first reduce the Section 4A sales and use tax it has established pursuant to Section 4A of the Act;

WHEREAS, the City Commission has determined that though the continued existence of the Type 4A Ranger Economic Development Corporation provides significant benefits to the City and the City's citizens, and that the Type 4A Ranger Economic Development Corporation should be continued, the establishment of a Type 4B economic development



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corporation and a collection of the sales and use tax in the amount of one-eighth of one percent (0.125%) as authorized by the Act, would benefit the City and the City's citizens more than continuing the one-fourth of one percent (0.25%) sales and use tax currently being collected by the Type 4A Ranger Economic Development Corporation;

WHEREAS, the City Commission desires to hold an election on the question of whether to reduce the amount of sales and use tax revenue currently being allocated to the existing Type 4A Ranger Economic Development Corporation from one-fourth of one percent (0.25%) to one-eighth of one percent (0.125%) provided that such election proposition can be submitted to the voters as a combined ballot with the question of whether a Type 4B economic development corporation and a one-eighth of one percent (0.125%) sales and use tax to fund it should be created;

WHEREAS, the City Commission further determines that an election should be held for the purpose of submitting a proposition to reduce the collection of the Section 4A sales and use tax and to adopt the levy and collection of an additional sales and use tax within the City under the provisions of Section 4B of the Act;

WHEREAS, Texas Tax Code Section 321.409 authorizes a municipality by the use of a combined ballot proposition to lower any dedicated or special purpose municipal sales tax and by the same proposition raise or adopt any other dedicated or special purpose municipal sales tax;

WHEREAS, pursuant to Texas Tax Code Section 321.409, a negative vote on a combined sales tax proposition shall have no effect on either the sales tax to be lowered or repealed by the proposition or the sales tax to be raised or adopted by the proposition;

WHEREAS, Texas Tax Code Section 321.403 requires that an election to approve an additional sales and use tax must be held on the next succeeding uniform election date not less than thirty (30) days after the passage of the ordinance calling the election;

WHEREAS, the City Commission has determined that an election on the next uniform election date is May 11, 2013, not less than thirty (30) days after the passage of this Ordinance, and that this date would constitute an appropriate date for the election;

WHEREAS, the City has made provision to contract with Eastland County to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement") and such Election Agreement provides for political subdivisions subject to the agreement that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271, Tex. Elec. Code*;

WHEREAS, the Texas Election Code and the *City Charter* are applicable to said election and this Ordinance establishes procedures consistent with the Code, and designates the voting place for the election;



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WHEREAS, the City Commission hereby finds that it is in the public interest that the City General Election and Special Election be conducted on the same day as previously provided for by the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS:

Section 1. Findings; Election Called; Conduct of Election; Joint Election. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and they are hereby adopted by the City Commission and made a part hereof for all purposes, as findings of fact. In accordance with laws of the State of Texas and Constitution of the State of Texas, a Special Election is hereby called and ordered to be held on Saturday, May 11, 2013, which is sixty-two (62) or more days from the date of the adoption of this Ordinance within the entire territory of the City for the purpose of submitting to the qualified voters of the City the following proposition: whether to reduce the Type 4A sales and use tax by the rate of one-eighth of one percent (0.125%) and to adopt a Type 4B sales and use tax at the rate of one-eighth of one percent (0.125%) to undertake Type 4B projects as described in the Act. The City Commission hereby finds that holding the Election on such date, which is a uniform election date as defined in Section 41.001 of the Texas Election Code, is in the public interest. Pursuant to Chapter 31 of the *Texas Election Code*, the Commission orders that the Election be held under the Election Agreement with Eastland County under terms and conditions approved by the City Commission. Pursuant to Chapter 271 of the *Texas Election Code*, the Commission orders that this Election be conducted as a joint election with other political subdivisions within Eastland County, provided that such political subdivision(s) hold an election on May 11, 2013 in all or part of the same territory as the City (the "Political Subdivisions"). The joint election shall be organized, held and conducted as provided in an Election Agreement between the City, Eastland County, and/or the Political Subdivisions and in accordance with state law, the Agreement, and this Ordinance.

Section 2. Voting Precincts and Polling Locations. The election precincts for the election shall be the election precincts established by Eastland County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Eastland County for such election precincts in Eastland County and voting by residents of the City. The returns for precincts in Eastland County will be provided by precinct and the Eastland County Clerk shall tabulate and provide the election returns for the election. The polling location for the City shall be located at:

Community Clubhouse
718 Pine Street
Ranger, Texas 76470

Section 3. Appointment of Election Officials. The Eastland County Clerk and his/her employees and appointees, and the election judges, alternate judges and clerks properly



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appointed for the election, shall hold and conduct the election in the manner provided by the Election Agreement and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 4. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Eastland County Election Officer, 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 places and locations authorized by state law and the Eastland County Election Officer. Early voting shall commence on Monday, April 29, 2013, 8 a.m. – 5 p.m. and continue through Tuesday, May 7, 2013, with extended hours from 7 a.m. – 7p.m. on Tuesday May 7, 2013. Early voting polls shall remain open for the time specified by the *Texas Election Code*. Early voting shall also be held at any time and location authorized by the Eastland County Election Officer. Early voting by City residents may be conducted at any Eastland County early voting location designated by the Eastland County Election Officer for City residents. Early voting by personal appearance shall be by electronic voting machines or other voting machines or equipment provided by agreement with Eastland County Elections Officer. Early voting by mail shall be as provided by the Code.

Application for ballot by mail may be sent beginning March 27, 2013, but received no later than May 3, 2013, and mailed to:

Vicki Zollinger
Early Voting Clerk
400 West Main
Ranger, Texas 76470

Section 5. Election Supplies. The City Secretary, or designee, is instructed to aid the Eastland County Clerk in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement.

Section 6. Ballots and Proposition. The official ballots for said election shall be prepared in accordance with the Texas Election Code and the City Charter so as to permit the electors to vote “FOR” or “AGAINST” the proposition, with the ballots to contain such provisions, markings and language as required by law, and with such proposition to be expressed in a form substantially as follows:

PROPOSITION

“Shall the City of Ranger, Texas be authorized to reduce the existing one fourth of one percent (0.25%) Type 4A sales and use tax allocated to the Ranger Economic Development Corporation for the promotion and development of new and expanded business enterprises by the rate of one-eighth of one percent (0.125%), and concurrently adopt a Type 4B economic development sales and use tax at the rate of one-eighth of one percent (0.125%), to undertake projects as authorized in Chapters 501 and 505 of the Texas Local Government Code, as amended from time to time, including but not limited to projects for public parks, park facilities, open space improvements, landscape of public facilities, projects to promote new or expanded business enterprises that create or retain jobs and authorized projects not required to create or retain primary jobs, and streets and roads, drainage, and related improvements, demolition of existing structures, or facilities that are related to any of the above projects and any other projects that the board determines will promote new or expanded business enterprises that create or retain jobs, and the maintenance and operations expenses for any of the above described projects.”

Section 7. Canvassing of Returns: Declaring Results. The Eastland County Election Officer shall make a written return of the election results to the City Commission in accordance with the Election Code. The City Commission shall canvass the returns and declare the results of the election.

Section 8. Notice of Election. The City Secretary is 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 Agreement between Eastland County and the City, the Eastland County Clerk 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 Agreement. The Election County Clerk 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 Agreement. 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 in both English and Spanish, not earlier than thirty (30) days or later than ten (10) days prior to said election, in a newspaper of general circulation in the City.

Section 9. Submission to the United States Department of Justice. The City Secretary of the City or the City Attorney is authorized to make such submissions as are necessary to the United States Department of Justice to seek pre-clearance as required by law.

Section 10. Necessary Actions. The Mayor and the City Secretary, in consultation with the City Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the Texas Tax Code and the City Charter in carrying out and conducting the election, whether or not expressly authorized by this

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Ordinance. The election shall be held and conducted by the Eastland County Election Officer in compliance with state law and the Election Agreement.

Section 11. Inconsistent Provisions. All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision 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 ordered herein.

Section 12. Severability. If any provision 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 Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 13. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and all resident qualified voters of the City shall be eligible to vote at the election.

Section 14. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 15. Open Meetings. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

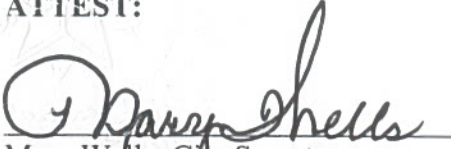
PASSED AND APPROVED this 11TH day of February, 2013.

FINALLY PASSED AND APPROVED this 25TH day of February, 2013.

CITY OF RANGER, TEXAS


Raymond Hart, Mayor

ATTEST:


Mary Wells, City Secretary