

CITY OF COFFEE CITY, TEXAS

ORDINANCE NO. 20100208-001

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF COFFEE CITY, TEXAS, IN CONJUNCTION WITH THE GENERAL ELECTION OF CITY OFFICERS, ON MAY 8, 2010, TO SUBMIT A PROPOSITION ON THE QUESTION OF ADOPTION OF A SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT UNDER THE PROVISIONS OF TYPE 4B OF THE DEVELOPMENT CORPORATION ACT OF 1979; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Coffee City, Texas ("City Council") finds that it is in the best interest of the citizens of the City of Coffee City ("City") to call and hold a referendum election ("Election") in the City for the purpose of adopting a Type 4B sales and use tax pursuant to the Development Corporation Act of 1979 (the "Act"); and

WHEREAS, the City Council hereby finds that the City is eligible to adopt a Type 4B sales and use tax pursuant to the Act; and

WHEREAS, the City Council finds that the revenue generated by the 4B tax will enable the City to fund projects and programs that bring additional revenue and employment opportunities to the community; and

WHEREAS, the City Council has determined that an election on the next uniform election date is May 8, 2010, will constitute an appropriate date for the Election.

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

Section 1. The statements made in the foregoing preamble and recitals being true and correct are hereby made a part of this Ordinance for all purposes and are adopted as findings of fact.

Section 2. A special election ("Election") shall be held in and throughout the City of Coffee City, Texas on May 8, 2010, in conjunction with the City of Coffee City general election for the election of officers to be held on the same date, such date being a uniform election date as defined in Section 41.001 of the Texas Election Code, as amended

CITY OF COFFEE CITY, TEXAS

ORDINANCE NO. ^{2010 0208} ~~2009~~10914-001

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WHEREAS, the City Council hereby finds that the City is eligible to adopt a Type B sales and use tax pursuant to the Act; and

WHEREAS, the City Council finds that the revenue generated by the Type B tax will enable the City to fund projects and programs that bring additional revenue and employment opportunities to the community; and

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("Election Code"). At the Election the following proposition ("Proposition") shall be Submitted to a referendum vote of the qualified voters of the City:

Proposition

The adoption of a Type B sales and use tax at the rate of one-half of one percent to undertake projects as described in Chapter 505 of the Local Government Code, including the maintenance and operations expenses for any of the projects described in Chapter 505 of the Local Government Code. but not limited to projects for the promotion of professional and amateur athletics and sports including stadiums, ball parks, auditoriums, projects related to entertaining, convention, tourist, and exhibition facilities, amphitheaters, concert halls, and public parks, park facilities and events, open space improvements, military facilities, including closed or realigned military bases, primary job training facilities for use by institutions of higher educations, research and development facilities, regional or national corporate headquarters facilities, museums and related stores, restaurants, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, recycling facilities, projects to promote new or expanded business enterprises that create or retain primary jobs, public safety facilities, streets and roads, drainage, and related improvements, demolition of existing structures, development and expansion of affordable housing, the development, improvement, expansion or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses, the development or expansion of airport facilities including hangars, airport maintenance and repair facilities, air cargo facilities, and related infrastructure located on or adjacent to an airport facility, and targeted infrastructure and any other improvements, expenditures, or facilities that are related to any of the above projects, and any other project that the board determines will promote new or expanded business enterprises or is otherwise authorized by Chapter 505 of the Local Government Code.

Section 3. Eligible Voters. All resident, qualified voters of the City shall be eligible to vote at the Election.

Section 4. Polling Place. The polling place for the Election is hereby designated to be the Coffee City, City Hall located at 7019 HCR 4217, Coffee City, Texas 75763. The polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of Election.

Section 5. Contract for Election Services . The Mayor Pro-Tem, Glenn Bourque, is hereby authorized to sign a contract/agreement with the County of Henderson to provide electronic voting equipment and services provided for the upcoming election. In the event of conflict between this ordinance and the agreement, the agreement shall prevail.

Section 6. Proposition. The Proposition shall be set forth substantially in the following forms, so as to permit the electors to vote "FOR" or "AGAINST" the Proposition, to-wit:

☐ FOR

☐ AGAINST

The adoption of a Type B sales and use tax at the rate of one-half of one percent to undertake projects as described in Chapter 505 of the Local Government Code, including the maintenance and operations expenses for any of the projects described in Chapter 505 of the Local Government Code. but not limited to projects for the promotion of professional and amateur athletics and sports including stadiums, ball parks, auditoriums, projects related to entertaining, convention, tourist, and exhibition facilities, amphitheaters, concert halls, and public parks, park facilities and events, open space improvements, military facilities, including closed or realigned military bases, primary job training facilities for use by institutions of higher educations, research and development facilities, regional or national corporate headquarters facilities, museums and related stores, restaurants, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, recycling facilities, projects to promote new or expanded business enterprises that create or retain primary jobs, public safety facilities, streets and roads, drainage, and related improvements, demolition of existing structures, development and expansion of affordable housing, the development, improvement, expansion or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses, the development or expansion of airport facilities including hangars, airport maintenance and repair facilities, air cargo facilities, and related infrastructure located on or adjacent to an airport facility, and targeted infrastructure and any other improvements, expenditures, or facilities that are related to any of the above projects, and any other project that the board determines will promote new or expanded business enterprises or is otherwise authorized by Chapter 505 of the Local Government Code.

Section 7. Conduct of Election. The Election shall be held and conducted in accordance with the applicable provisions of the Texas Election Code, Texas Tax Code, Subchapter E of Chapter 321, the Act, and other provisions of law as may be required.

Section 8. Early Voting.

a. Early voting by personal appearance. Early voting by personal appearance shall commence April 26, 2010 and shall continue until May 4, 2010 at the location and times designated in the Agreement. On at least two days during the early voting period, the location for early voting shall be open for at least twelve (12) hours. The two (2) days on which the early voting will be conducted for at least twelve (12) hours shall be: April 28, 2010 and April 29 2010

- b. **Early voting Clerk.** Angela Jones, the City Secretary for the City of Coffee City, is hereby designated as Early Voting Clerk for the Election. The City Council may appoint an alternate to assist the Early Voting Clerk. Ballots by mail may be mailed to: Early Voting Clerk, P.O. Box 716, Frankston, TX 75763.

Section 9. Appointment of Election Judge and Alternate Election Judge.

The Presiding Election Judge and Alternate Presiding Judge shall be appointed by the City Council of Coffee City.

Section 10. Method of Voting. Electronic voting systems are being provided by Henderson County under the terms of the agreement. All expenditures necessary for the conduct of the Election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Texas Election Code.

Section 11. Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote at the Election.

Section 12. Publication and Posting of Notice of Election. Notice of the Election shall be given as required by the Texas Election Code.

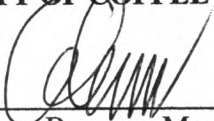
Section 13. Delivery of Returns. The counting station manager(Election Judge) or his representative shall deliver timely cumulative reports of the Election results as tabulated. The manager shall be responsible for releasing unofficial totals from the Election to the City of Coffee City, candidates, press, and general public by distribution of hard copies at the central counting station.

Section 14. Necessary Actions. The Mayor and the City Secretary of the City of Coffee City in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provision of the Code in carrying out and conducting the Election, whether or not expressly authorized herein.

Section 15. Effective Date. This Ordinance shall be effective upon its adoption.

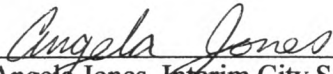
PASSED AND APPROVED this 8th day of February, 2010.

CITY OF COFFEE CITY



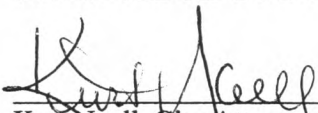
Glenn Bourque, Mayor Pro-Tem

ATTEST:



Angela Jones, Interim City Secretary

APPROVED AS TO FORM:



Kurt Noell, City Attorney