

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019, TO DETERMINE WHETHER THE VOTERS OF THE CITY OF SAGINAW DESIRE TO CONTINUE A SALES AND USE TAX FOR STREET MAINTENANCE IN THE CITY; APPROVING A JOINT ELECTION AGREEMENT AND CONTRACT WITH TARRANT COUNTY; DESIGNATING A POLLING PLACE; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; PROVIDING FOR NOTICE; PROVIDING FOR EARLY VOTING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate Pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to the Texas Tax Code, V.T.C.A., Chapter 327.001 et. Seq, (the "Act"), the City of Saginaw adopted a one-eighth of one percent (1/8%) sales and use tax to provide for street maintenance; and

WHEREAS, the Act provides that the sales and use tax for street maintenance expires after four (4) years unless it is reauthorized at an election; and

WHEREAS, the Act provides that the City Council may call an election to reauthorize a previously adopted sales and use tax to provide for street maintenance by adopting an ordinance; and

WHEREAS, the Act provides that an election to reauthorize the sales and use tax shall be held in accordance with Chapter 321 of the Tax Code; and

WHEREAS, Section 321.403 of the Tax Code states that such an election must be held on the first succeeding uniform date for which sufficient time elapses for the holding of an election; and

WHEREAS, Section 41.001 of the Texas Election Code (the "Code") specifies that the first Saturday in May shall be a uniform election date;

WHEREAS, all of the City of Saginaw and its voting precincts are located within Tarrant County only; and

WHEREAS, by this Ordinance, it is the intention of the City Council to adopt all requirements of an Election Order and Notice of Election in accordance with state law, and authorize a contract with Tarrant County for joint election services.

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

**SECTION 1.
ORDER**

A special election shall be held on Saturday, May 4, 2019, to submit to the voters a proposition to determine whether to reauthorize the one-eighth (1/8) of one percent (1%) sales and use tax for street maintenance purposes.

**SECTION 2.
BALLOT**

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, markings and language as required by law, and with such proposition to be expressed substantially as follows:

PROPOSED

FOR	()	THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF SAGINAW AT THE RATE OF ONE-EIGHTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE
AGAINST	()	TAX EXPIRES ON THE FOURTH ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.

SECTION 3.

JOINT ELECTION AGREEMENT APPROVED: The Mayor is authorized to execute the Joint Election Agreement between Tarrant County and Saginaw. In the event of a conflict between this Ordinance and the Contract, the Contract shall control.

SECTION 4.

ELECTION DAY POLLING PLACE: The Election Day polling place for the special election shall be at the location(s) designated in the Joint Election Agreement between the hours of 7:00 a.m. and 7:00 p.m.

SECTION 5.

APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE: 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 Code.

SECTION 6.

PUBLICATION AND POSTING OF NOTICE OF ELECTION: Notice of the election shall be published at least once in the newspaper in accordance with the provisions of the Code and City Charter.

**SECTION 7.
EARLY VOTING**

- a. **Early voting by personal appearance.** Heider Garcia, Tarrant County Election Administrator (“Elections Administrator”), or his successor is hereby designated as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall commence April 22, 2019 and shall continue until April 30, 2019. Specific days, times and locations shall be designated by the Elections Administrator and included in the Contract and shall be in compliance with state law. 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.

- b. **Early voting by mail.** The Elections Administrator shall be responsible for the Early voting applications and ballots. Applications for early voting by mail may be delivered to Heider Garcia, Tarrant County Elections Administrator, P.O. Box 961011, Fort Worth, Texas 76111, not later than April 23, 2019. Early voting by mail 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.

- c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board which is hereby created. According to the Contract, Tarrant County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the election.

SECTION 8.

METHOD OF VOTING: Early Voting by personal appearance shall be conducted exclusively on Tarrant County’s eSlate electronic voting system. On Election Day, voters shall have a choice between voting on the eSlate electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County’s eScan voting system. 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 Contract and the Code.

SECTION 9.

NOTICES: This Ordinance shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code). Notice shall be published in the newspaper in accordance with state law.

SECTION 10.

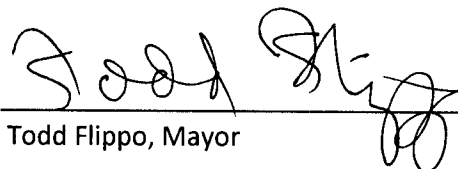
NECESSARY ACTIONS: The Mayor or the City Secretary of the City, in consultation with the City Attorney as needed, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Contract in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 11.

This ordinance shall be in full force and effective immediately after its passage.

PASSED AND APPROVED THIS 5TH DAY OF FEBRUARY, 2019.

APPROVED:



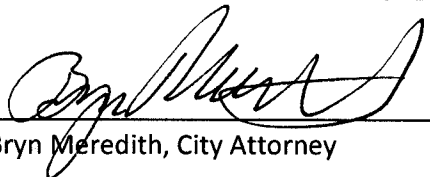
Todd Flippo, Mayor

ATTEST:



Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith, City Attorney

