

ORDINANCE NO. 1936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, CALLING A SALES AND USE TAX ELECTION TO BE HELD IN THE CITY OF KELLER, TEXAS, ON NOVEMBER 5, 2019, TO SUBMIT A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF A SALES AND USE TAX FOR STREET MAINTENANCE OF ONE-FOURTH OF ONE PERCENT; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND PROVIDING FOR OTHER MATTERS RELATED THERETO; PROVIDING A CUMULATIVE CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Texas Tax Code (the "Act"), Chapter 327 the City Council of the City of Keller, Texas (the "City"), is authorized, and hereby finds and determines that it is appropriate, advisable, and in the best interests of the citizens of the City to call and hold an election in the City for the purpose of submitting a proposition pertaining to the reauthorization of the levy and collection of a one-fourth of one percent sales and use tax within the City for the purposes hereinafter set forth; and

WHEREAS, the City currently collects a Street Maintenance Tax of one-fourth of one percent that was reauthorized and adopted by the voters, following an election that was held on November 3, 2015, approving the Street Maintenance Tax; and

WHEREAS, the City Council finds and declares that the meeting at which this Ordinance is considered is to be open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; and

WHEREAS, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this Ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Keller.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the statements made in the foregoing premises being true and correct and being adopted hereby as findings of fact, an election (the "Election") shall be held in and throughout the City of Keller, Texas, on Tuesday, November 5, 2019, such date being a uniform election date as defined in the Texas Election Code, as amended (the "Code"). At the Election the form of proposition set forth in Section 9 hereof shall be submitted to a vote of the qualified voters of the City.

Section 3: THAT, all resident, qualified voters of the City shall be eligible to vote at the Election. The Election shall be held and conducted as a joint election with Tarrant County, in accordance with the provisions of the Texas Election Code, Chapter 321, Subchapter E, of the Texas Tax Code, and as may be required by law, all election materials and proceedings shall be printed in English, Spanish, and Vietnamese.

Section 4: THAT, the City shall utilize Tarrant County's election precincts. Said Ordinance calling the November 5, 2019 Sales and Use Tax Election will be amended at a later date to include the official list of Election Day polling locations, pursuant to the Joint Election Agreement and Contract for Election Services with Tarrant County. The presiding judges and alternate judges will be appointed by Tarrant County for the Election. Each presiding judge shall appoint not less than two (2) qualified election clerks to serve and assist in the respective precincts to conduct the Election; provided, however, that if the presiding judge actually serves as expected, the alternate presiding judge shall be one of such clerks. The voting places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

Section 5: THAT, persons shall be designated as officers to conduct the Election until any replacements thereto

are appointed by further order of the City or by appointment pursuant to the Code.

Section 6: THAT, early voting by personal appearance for this Election shall begin on Monday, October 21, 2019, and shall terminate on Friday, November 1, 2019. The hours designated for early voting by personal appearance shall be as follows:

October 21-25, 2019
Monday - Friday
8:00 a.m. to 5:00 p.m.

October 26, 2019
Saturday
7:00 a.m. to 7:00 p.m.

October 27, 2019
Sunday
11:00 a.m. to 4:00 p.m.

October 28-31, 2019
Monday - Thursday
7:00 a.m. to 7:00 p.m.

November 1, 2019
Friday
7:00 a.m. to 7:00 p.m.

Early voting by personal appearance shall be conducted at the Main Early Voting location: Tarrant County Election Center, 2700 Premier Street, Fort Worth, Texas 76111, and Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas, 76248. Other Tarrant County early voting locations to be designated by the Tarrant County Elections Administrator/Early Voting Clerk pursuant to joint election agreements with other political subdivisions within Tarrant County.

Section 7: THAT, early voting by mail shall be conducted by the Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, is hereby appointed as Early Voting Clerk. Applications for a Ballot by Mail must be submitted between Monday, January 1, 2019 and Friday, October 25, 2019 by mail, fax, or e-mail to:

MAILING ADDRESS:

Early Voting Clerk
P.O. Box 961011
Fort Worth, Texas 76161-0011

FAX: 817-831-6118

E-MAIL: votebymail@tarrantcounty.com

Section 8: THAT, the Early Voting Ballot Board is hereby created and authorized to canvass the early votes cast by mail and by personal appearance. Tarrant County is hereby authorized to appoint the presiding judge and alternate presiding judge of the Early Voting Ballot Board. The presiding judge shall appoint two (2) additional members of the Early Voting Ballot Board provided that in the event the presiding judge actually serves, the alternate presiding judge shall be one of such additional members.

Section 9: THAT, Tarrant County's voting equipment shall be utilized for said Election. The preparation of the necessary equipment and official ballots for the Election shall conform to the requirements of the Code. The ballots shall be prepared in accordance with the applicable provisions of the Texas Election Code so the voters may cast their ballots either "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

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

Section 10: THAT, the Election officers named by Tarrant County shall make returns for the Election in the manner required by law, and the ballots that are properly marked in conformance with the provisions of the Code for votes cast both during the period of early

voting and on the day of the Election shall be counted in the manner required by law.

Section 11: THAT, substantial copies of this Ordinance in both English, Spanish, and Vietnamese shall serve as notice of the Election, and said notice shall be (a) published once in a newspaper of general circulation within the City not earlier than the 30th day, or later than the 10th day before the Election; and (b) posted not later than the 21st day before the Election on the bulletin board and website used for posting notices of meetings of the City Council of the City.

Section 12: THAT, this Ordinance shall be cumulative of all provisions of ordinances of the City of Keller, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

Section 13: THAT, it is hereby declared to be the intent of the City of Keller, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 14: THAT, the City Secretary of the City of Keller, Texas is hereby directed to publish the caption and effective date of this Ordinance as required by the City Charter and Section 52.013 of the Texas Local Government Code.

Section 15: THAT, the City Secretary of the City of Keller is hereby directed to engross and enroll this Ordinance by copying the exact caption and effective date in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

Section 16: THAT, this Ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 6 to 0 on this the 18th day of June, 2019.

CITY OF KELLER, TEXAS

By: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, TRMC, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney