

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NOME, TEXAS CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023 ON A PROPOSITION TO INCREASE THE CITY'S GENERAL PURPOSE SALES AND USE TAX RATE PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE SPECIAL ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION; AUTHORIZING THE MAYOR TO EXECUTE A JOINT AGREEMENT FOR ELECTION SERVICES WITH JEFFERSON COUNTY, IF NEEDED; AND RESOLVING OTHER MATTERS INCIDENT TO SUCH SPECIAL ELECTION

WHEREAS, the current sales and use tax rate within the City of Nome (the " City") is 7.75% and comprised of the following: the State of Texas sales and use tax (6.25%), Jefferson County, Texas sales and use tax (0.50%) and the City' s general purpose sales and use tax (1. 00%);

WHEREAS, the total rate of all sales and use taxes levied by the City currently equals one percent (1.00%), which allows the City to increase its general purpose sales and use tax rate by one- half of one percent (0.50%) before reaching the maximum amount of two percent (2.00%) for local taxing entities;

WHEREAS, Chapter 321 of the Texas Tax Code provides that a municipality may call an election on the question of increasing the sales and use tax rate to a total maximum tax rate of 8.25% in any given location;

WHEREAS, the City Council has determined that an election should be held on a proposed increase of one-half of one percent (0.50%) on the City' s general purpose sales and use tax rate for the betterment of the City by funding such projects like infrastructure improvements, public safety initiatives, and beautification of public facilities;

WHEREAS, upon approval of the increase in the City' s general purpose sales and use tax rate, the total combined rate of all taxes levied by the City shall equal one and one-half percent (1.50%);

WHEREAS, Texas Tax Code Section 321.403 requires that an election to approve an increase in 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 Council has determined that an election on the next uniform election date is November 7, 2023, 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 Council also has the authority pursuant to Chapter 271, *Texas Election Code*, to enter into joint election agreements with the other political subdivisions also holding an election on the same date in all or part of the same territory as the City, if needed;

WHEREAS, the City Council also has the authority pursuant to Chapter 31, *Texas Election Code*, to enter into a contract for election services with the County of Jefferson, Texas;

WHEREAS, the City Council has made provision to contract with Jefferson County to conduct the City Special Election, if needed (the "Election Agreement"); and

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

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

Section 1. Conduct of Election; Date; and Hours. 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 Tuesday, November 7, 2023, which is more than thirty (30) days from the date of the adoption of this ordinance (the "Ordinance") within the entire territory of the City of Nome to submit to the qualified voters of the City a proposition allowing such voters to vote for or against an increase in the general purpose sales and use tax rate, pursuant to Chapter 321 of the Texas Tax Code, by one-half of one percent (0.50%), and upon approval of the increase, the City's general purpose sales and use tax rate shall equal one and one-half percent (1.50%). The City Council hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7 a.m. to 7 p.m. Pursuant to Chapter 31 of the *Texas Election Code*, the Council orders that the Election be held under an Election Agreement with the Jefferson County Clerk under terms and conditions approved by the City Council. Pursuant to Chapter 271 of the *Texas Election Code*, the Council orders that this Election be conducted as a joint election with other political subdivisions within Jefferson County, Texas, provided that such political subdivision hold an election on November 7, 2023 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 agreement to conduct joint elections (the "Joint Election Agreement") between the City, Jefferson County, Texas and/or the Political Subdivisions and in accordance with state law, the Agreement, and this ordinance.

Section 2. Ballots and Proposition. The ballots for the election shall comply with the *Tex. Elec. Code*, the Texas Tax Code, and be in the form provided by the City to the Jefferson County Clerk for use on the voting devices and ballots used by Jefferson County, Texas, provided that the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote "For" or "Against" as to the proposition submitted, with the proposition to be expressed on the official ballot in a form substantially as follows:

PROPOSITION

“The adoption of a local sales and use tax in the City of Nome, Texas at the rate of 1.50%. This is an increase of 0.50% from the existing 1.00%.”

“La adopción de un impuesto local sobre ventas y uso en la Ciudad de Nome a una tasa del 1.50%. Este es un aumento de 0.50% de lo existente 1.00%.”

Section 3. Voting Precincts. The election precincts for the election shall be the election precincts established by Jefferson County, Texas, and in compliance with applicable law, as further provided on Attachment “A”. The polling place for each such election precinct shall be the polling place established by Jefferson County, Texas for such election precincts in Jefferson County and voting by residents of the City. The returns for precincts in Jefferson County, Texas will be provided by precinct and the Jefferson County Clerk shall tabulate and provide the election returns for the election.

Section 4. Appointment of Election Officials. The Jefferson County Clerk 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 Agreement and the law governing the holding of general elections by 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. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the City Council subsequent to adoption of this ordinance.

Section 5. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Jefferson County Clerk, 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 Jefferson County Clerk, and as further provided on Attachment “A”. Early voting shall commence on Monday, October 23, 2023 and continue through Friday, November 3, 2023, and 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 Jefferson County Clerk. Early voting by City residents may be conducted at any Jefferson County, Texas early voting location designated by the Jefferson County Clerk for City residents.

Section 6. Election Supplies. The City Secretary, or designee, is instructed to aid the Jefferson 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 7. Conduct of Election. The Election shall be conducted by election officers, in accordance with the *Texas Election Code*, the Act, and the Constitution and laws of the State of Texas and the United States of America. The voting at such election shall be by electronic voting

device. Early voting at such election shall also be electronic voting device. Early Voting by Mail will be paper ballots.

Section 8. Canvassing of Returns: Declaring Results. The Election Officer shall make a written return of the Election results to the City Council in accordance with the Election Code. The City Council shall canvass the returns and declare the results of the Election.

Section 9. 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 Jefferson County, Texas and the City, if applicable, and the Jefferson 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, if applicable. The Jefferson 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, if applicable. 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 or later than ten (10) days prior to said election, in a newspaper of general circulation in the City. Notice of the election shall be published in a newspaper of general circulation within the city and will be written in both English and Spanish.

Section 10. Training of Election Officials. Pursuant to the *Texas Election Code*, a public school of instruction for all election officers shall be held as arranged or contracted by the Joint Election Officer.

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. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13. 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 14. Notice of Meeting. The City Council officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times

during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon.

Section 15. Authorization to Execute. The Mayor of the City Council is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 16. Effective Date. This Ordinance is effective immediately upon its passage and approval.

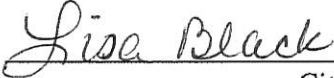
PASSED AND APPROVED this 5th day of September, 2023.

CITY OF NOME, TEXAS



Kerry Abney, Mayor

ATTEST:



_____, City Secretary

APPROVED AS TO FORM:

Christopher D. Leavins, City Attorney