

ORDINANCE 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 TO DETERMINE WHETHER THE VOTERS DESIRE THE CONTINUATION OF A SALES AND USE TAX AT THE RATE OF ONE QUARTER OF ONE PERCENT (1/4%) TO PROVIDE REVENUE FOR THE MAINTENANCE AND REPAIR OF EXISTING MUNICIPAL STREETS; ESTABLISHING PROCEDURES FOR THE ELECTION; PROVIDING FOR OTHER MATTERS INCIDENT AND RELATED TO THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Chapter 327 of the Texas Tax Code authorizes the voters of a municipality to approve the adoption of a sales and use tax at the rate of one fourth of one percent to provide revenue for the maintenance and repair of existing municipal streets; and

**WHEREAS**, The City of Ovilla held the original special election on November 6, 2007 and the citizens voted to approve and impose a sales and use tax at the rate of one quarter of one percent to provide revenue for the maintenance and repair of existing municipal streets, canvassed by Resolution 08-005; and

**WHEREAS**, Chapter 327 of the Texas Tax Code states the street maintenance sales tax expires four years after it takes effect unless voters vote to continue it in an election held for that purpose; and

**WHEREAS**, state law requires that the election be held on a uniform election date; and

**WHEREAS**, May 4, 2019 is a uniform election date; and

**WHEREAS**, the City has authority, pursuant to Chapter 31 of the Texas Elections Code, to enter into an election services agreement with the Ellis County Election Officer to furnish election services to the City and its citizens; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA:**

**SECTION 1. Election Order.** A special election shall be held on May 04, 2019 to for the reauthorization of the local sales and use tax in the City of Ovilla at the rate of one quarter of one percent to continue providing revenue for maintenance and repair of municipal streets.

**SECTION 2. Ballot.** The official ballot for the election shall be prepared in accordance with the Texas Election Code 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:

**PROPOSITION**

[ ] FOR

[ ] AGAINST

THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF OVILLA AT THE RATE OF ONE FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.

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SECTION 3. Polling Places. Voting shall be conducted on Election Day between the hours of 7:00 a.m. and 7:00 p.m. at the Ellis County Elections Office Main Location, 204 E. Jefferson Street, Waxahachie, TX 75165.

SECTION 4. Contract for Election Services. Chapter 31 of the Texas Elections Code authorizes county election officers to contract with the governing body of a political subdivision to perform certain election services. Pursuant to such authority, the election shall be conducted in accordance with the *May 4, 2019 Joint Election Contract for Election Services* between the Elections Administrator of Ellis County and the City of Ovilla, Texas, which shall be approved by separate action of the City Council.

SECTION 5. Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

SECTION 6. Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Code.

SECTION 7. Early Voting. The City Council hereby appoints Jana Onyon, Elections Administrator of Ellis County, as the Early Voting Clerk. Early Voting will be on Monday, April 22, 2019 through Friday, April 26, 2019 from 8:00 AM to 5:00 PM and on Monday, April 29, 2019 through Tuesday, April 30, 2019 from 7:00 AM to 7:00 PM. The Early Voting Locations will be:

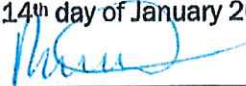
1. Elections Office (Main Location), 204 E. Jefferson Street, Waxahachie, TX 75165
2. Midlothian Conference Center, 1 Community Circle Drive, Midlothian, TX 76065
3. Palmer ISD Annex Building, 303 Bulldog Way, Palmer, TX 75152
4. Ellis County Sub-Courthouse, 207 S. Sonoma Trail, Ennis, TX 75119
5. Red Oak Municipal Center, 200 Lakeview Pkwy, Red Oak, TX 75154

SECTION 8. Severability Clause. It is hereby declared to be the intention of the City Council 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 9. Effective Date. This ordinance shall be in full force and effect after its passage, and it is so ordained.

The *Order of the Special Election* shall be posted to read as shown on Exhibit "A" attached:


PASSED, APPROVED and ADOPTED this 14<sup>th</sup> day of January 2019.

  
MAYOR Richard Dormier

ATTEST:

  
CITY SECRETARY, Pamela Woodall

APPROVED AS TO FORM:

  
CITY ATTORNEY, Ron G. MacFarlane, Jr.





# ORDER OF SPECIAL ELECTION FOR THE CITY OF OVILLA

A Special Election is hereby ordered to be held on May 04, 2019 for the purpose of:  
**PROPOSITION ONE**

**THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF OVILLA AT THE RATE OF ONE FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.**

Early voting by personal appearance will be conducted each weekday at the following locations:

1. Elections Office (Main Location), 204 E. Jefferson Street, Waxahachie, TX 75165
2. Midlothian Conference Center, 1 Community Circle Drive, Midlothian, TX 76065
3. Palmer ISD Annex Building, 303 Bulldog Way, Palmer, TX 75152
4. Ellis County Sub-Courthouse, 207 S. Sonoma Trail, Ennis, TX 75119
5. Red Oak Municipal Center, 200 Lakeview Pkwy, Red Oak, TX 75154

Between the hours of 8:00 a.m. and 5:00 p.m. beginning on Monday, April 22, 2019

And ending on Friday, April 26, 2019.

Additional early voting hours will be held as follows:

Monday, April 29, 2019 and Tuesday, April 30, 2019  
7:00 AM until 7:00 PM at the same location.

Applications for ballot by mail shall be mailed to:

**Jana Onyon, Early Voting Clerk**  
**204 E. Jefferson Street**  
**Waxahachie, Texas 75165**

Applications (including Federal postcards) for ballots by mail must be received no later than the close of business on Tuesday, April 23, 2019.

Issued this the 14<sup>th</sup> day of January, 2019.

  
Signature of Mayor Dormier



  
Signature of Mayor Pro-Tem Griffin

  
Signature of Councilperson Huber

  
Signature of Councilperson Oberg

  
Signature of Councilperson Hunt

  
Signature of Councilperson MYERS

*Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day. AWI-2 --Prescribed by Secretary of State  
Sections 3.004, 3.006, 4.008, 85.004, 85.007 Texas Election Code*