

CITY OF LAVON, TEXAS
ORDINANCE NO. 2017-02-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, CALLING FOR A SPECIAL ELECTION ON MAY 6, 2017, TO SUBMIT BALLOT PROPOSITIONS TO THE QUALIFIED VOTERS OF THE CITY FOR THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF LAVON AT THE RATE OF ONE QUARTER OF ONE PERCENT (0.25%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS AND THE ADOPTION OF A LOCAL SALES AND USE TAX AT THE RATE OF ONE HALF OF ONE PERCENT (0.50%) TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; DESIGNATING THAT THE ELECTION SHALL BE CONDUCTED BY COLLIN COUNTY PURSUANT TO THE TERMS OF THE CITY'S CONTRACT FOR ELECTION SERVICES WITH THE COUNTY; PROVIDING A SEVERABILITY CLAUSE, FOR PUBLICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas ("City") is a Type A general-law municipality of the State of Texas; and

WHEREAS, Chapter 327 of the Texas Tax Code authorizes the City to adopt a local sales and use tax to provide revenue for maintenance and repair of municipal streets if the tax is authorized by the majority of qualified voters and if the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions does not exceed two percent (2.0%); and

WHEREAS, on May 11, 2013, the qualified voters of the City of Lavon approved a local sales and use tax of one quarter of one percent (0.25%), the then allowed maximum amount, to provide revenue for maintenance and repair of municipal streets; and

WHEREAS, Chapter 327 of the Texas Tax Code provides that unless the imposition of the sales and use tax authorized by this chapter is reauthorized, the tax expires on the fourth anniversary of the date the tax took effect; and

WHEREAS, in 2015, the Texas legislature authorized municipalities to increase sales and use taxes to provide revenue for maintenance and repair of municipal streets in one eighth of one percent (0.125%) increments; and

WHEREAS, the City currently imposes combined sales and use taxes at the rate of one and three-quarters percent (1.75%) and there are no other political subdivisions of the State having territory in the City that impose a sales and use tax; and

WHEREAS, the City Council has determined that it is in the best interest of the City to maximize the collection of sales and use taxes to provide revenue for maintenance and repair of municipal streets; and

WHEREAS, the City Council wishes to submit to the voters ballot propositions 1) to reauthorize the one quarter of one percent (0.25%) tax approved in 2013 and 2) to increase the sales and use tax to raise revenue for maintenance and repair of municipal streets from one quarter of one percent (0.25%) to one half of one percent (0.50%); and

WHEREAS, Section 41.001 of the Texas Election Code establishes Saturday, May 6, 2017, as the first succeeding uniform election date following the adoption of this Ordinance for which sufficient time elapses for the holding of an election; and

WHEREAS, the City and Collin County, Texas (“County”), are entering into a contract for election services whereby the County will conduct all aspects of the special election; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

SECTION 1. The findings set forth above are true and correct and are incorporated into this Ordinance as if fully set forth herein.

SECTION 2. A special election of the City of Lavon, Texas is hereby ordered and will be held within the City on the 6th day of May 2017, between the hours of 7:00 a.m. and 7:00 p.m., to consider ballot propositions, prescribed by Chapter 327 of the Texas Tax Code, for the purpose of reauthorization of the local sales and use tax in the City of Lavon at the rate of one quarter of one percent (0.25%) to continue providing revenue for maintenance and repair of municipal streets; and the adoption of a local sales and use tax at the rate of one half of one percent (0.50%) to provide revenue for maintenance and repair of municipal streets, the net effect of which is be a one-quarter of one percent (0.25%) increase in the sales and use tax for street maintenance and repair.

SECTION 3. The official ballots for said election shall be prepared in accordance with the Texas Election Code and Texas Tax Code so as to permit all eligible voters of the City to vote “FOR” or “AGAINST” the propositions, with the ballots to contain such provisions, markings and language as required by law and with such propositions to be expressed substantially as follows:

PROPOSITION NO. 1

The reauthorization of the local sales and use tax in the City of Lavon at the rate of one quarter of one percent (0.25%) 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.

PROPOSITION NO. 2

The adoption of a local sales and use tax in the City of Lavon at the rate of one half of one percent (0.50%) to provide revenue for maintenance and repair of municipal streets.

SECTION 4. The City agrees to conduct a joint election with the political subdivisions designated by the County Elections Officer and the election will be conducted by the County pursuant to the terms of the election contract between the City and the County, with Election Day polling location(s) and times for the voters in the City to be determined by the County, along with all early voting matters, in accordance with the laws of the State of Texas.

SECTION 5. In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk for the purposes of conducting said Election:

Bruce Sherbet, Collin County Elections Administrator.

Applications for early voting ballots should be forwarded as follows:

Mailing Address:

Bruce Sherbet, Early Voting Clerk
Collin County Elections Administration Office
2010 Redbud Blvd., Suite 102
McKinney, Texas 75069

Fax: (972) 547-1914

Email: election@collincountytx.gov

SECTION 6. Early Voting by personal appearance shall be conducted beginning April 24, 2017 and continuing through May 2, 2017. The main early voting location shall be located at:

Lavon City Hall

120 School Rd, Lavon, Texas 75166

Early voting shall take place during the following dates and times:

April 24 through April 26, Monday - Wednesday, 8:00 A.M. - 5:00 P.M.

April, 27, Thursday, 8:00 A.M. - 7:00 P.M.

April 28 and April 29, Friday and Saturday, 8:00 A.M. - 5:00 P.M.

May 1 and May 2, Monday and Tuesday, 7:00 A.M. - 7:00 P.M.

Additional early voting locations, if any, will be identified in the contract executed with the Collin County Elections Administrator.

SECTION 7. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The Mayor, City Secretary or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of

such election, and to give effect to the intent of this Ordinance and the City's election contract with the County.

SECTION 8. All registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the election.

SECTION 9. The election shall be held in accordance with the Constitution of the State of Texas, the Election Code and the Tax Code.

SECTION 10. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 11. The City Secretary is hereby authorized to give Notice of the Election by posting a notice of election in both English and Spanish at Lavon City Hall located at 120 School Road, Lavon, Texas, on the bulletin board not later than twenty-one (21) days prior to the date upon which the Election is to be held, and by publication of said notice at least once in the official newspaper of the City, being a newspaper of general circulation within the Town, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the Election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit.

SECTION 12. It is hereby officially found and determined that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

SECTION 13. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 7th day of February 2017.



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs, City Administrator | City Secretary

