

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2021-01-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, CALLING FOR A SPECIAL ELECTION ON MAY 1, 2021, TO SUBMIT A BALLOT PROPOSITION 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 HALF OF ONE PERCENT (0.50%) TO CONTINUE PROVIDING 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 6, 2017, the qualified voters of the City of Lavon approved a local sales and use tax of one half of one percent (0.50%) 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**, 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 a ballot proposition to reauthorize the local sales and use tax approved in 2017 of one half of one percent (0.5%) to raise revenue for maintenance and repair of municipal streets; and

**WHEREAS**, Section 41.001 of the Texas Election Code establishes Saturday, May 1, 2021, 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 1<sup>st</sup> day of May 2021, between the hours of 7:00 a.m. and 7:00 p.m., to consider the ballot proposition, 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 half of one percent (0.50%) to continue providing revenue for maintenance and repair of municipal streets.

**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 proposition, 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 half of one percent (0.50%) 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.

**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 19, 2021 and continuing through April 27, 2021. 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 dates and times and at voting locations as prescribed by the Collin County Elections Administrator and the State of Texas.

**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.

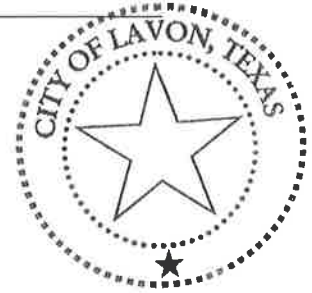
**SECTION 12.** It is hereby officially found and determined that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

**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 5<sup>th</sup> day of January 2021.



Vicki Sanson  
Mayor



**ATTEST:**



Rae Norton  
City Secretary