

ORDINANCE NUMBER 138

AN ORDINANCE OF THE CITY OF CALLISBURG CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023 FOR THE PURPOSE OF CONSIDERING A PROPOSITION TO ADOPT A SALES AND USE TAX IN THE AMOUNT OF ONE AND ONE-HALF PERCENT (1.50%) WITHIN THE CITY OF CALLISBURG 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 COOKE COUNTY ELECTIONS DEPARTMENT; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH SPECIAL ELECTION; AUTHORIZING THE MAYOR, AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS the Legislature of the State of Texas has in Chapter 321 of the Tax Code of the State of Texas authorized the Governing Body of a municipality to call for a Special Election by the qualified voters within the municipality for the purpose of deciding if a Sales and Use Tax should be imposed and collected within the city; and

WHEREAS the City Council of the City of Callisburg ("City Council") has considered the question of a Special Election to vote for or against the adoption of a Sales and Use Tax in the amount of one and one-half percent (1.50%) within the City of Callisburg, Texas ("City"); and

WHEREAS the City Council desires to submit to the qualified voters within the City the adoption of a Sales and Use Tax in the amount of one and one-half percent (1.50%) within the city limits of the City to fund City projects, including infrastructure improvements, street maintenance, and the beautification of public facilities, which the City Council has determined to be in the best interest of the health, safety and general welfare of the citizens of the City.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALLISBURG, TEXAS, MEETING IN REGULAR SESSION ON THE 14th DAY OF AUGUST 2023:

SECTION 1: INCORPORATION OF RECITALS

The findings set forth in the recitals above are incorporated in the body of this Ordinance as if fully set forth herein.

SECTION 2: SPECIAL ELECTION CALLED

A Special Election shall be held within the City of Callisburg for the qualified voters within the City to consider a proposition to adopt a Sales and Use Tax in the amount of one and one-half percent (1.50%) within the City.

SECTION 3: POLLING LOCATION ON ELECTION DAY

The location of polling places for this Special Election are designated pursuant to Section 271.003 of the Texas Election Code, and the City Council finds that the following location can most adequately and conveniently serve the voters in this election, and this location will facilitate the orderly conduct of the election; and that the polling location will be open from 7:00 A.M. until 7:00 P.M. on November 7, 2023.

VOTING LOCATION: Callisburg Community Improvement Center,
92 McDaniel Street, Callisburg, Texas 76240

SECTION 4: EARLY VOTING

Early voting shall be conducted in accordance with the Texas Election Code and notice of the dates and hours for early voting shall be published in accordance with the law. Early Voting by personal appearance will be conducted at the Cooke County Courthouse Annex, 112 S. Dixon Street, Gainesville, Texas 76240 between the hours of 8:00 a.m. and 6:00 p.m. beginning on Monday, October 23, 2023, and ending on Friday, November 3, 2023.

SECTION 5: BALLOTS BY MAIL

Applications for ballot by mail shall be mailed to Pam Harrison, County Clerk at 101 S. Dixon Street, Room 108, Gainesville, Texas 76240. Applications for ballots by mail must be received no later than the close of business on Friday, October 27, 2023.

SECTION 6: BALLOT WORDING

The official ballots for the election shall be prepared in accordance with the Texas Election Code so as 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 A

**THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE
CITY OF CALLISBURG, TEXAS AT THE RATE OF ONE
AND ONE HALF PERCENT (1.50%)**

FOR _____

AGAINST _____

SECTION 7: GOVERNING LAW

The special election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code.

SECTION 8: CONTRACT FOR ELECTION SERVICES

Pursuant to Sections 31.092 and 271.002 of the Texas Election Code, the City shall enter into a Joint Agreement for Election services with Cooke County for a joint election. This Ordinance hereby authorizes the Mayor to sign the Contract for Election Services and Agreement to Conduct Joint Election with Cooke County. County Clerk, Pam Harrison, will conduct Early Voting along with the Special Election for the City of Callisburg, Texas.

SECTION 9: NOTICE

Notice of this election shall be given in accordance with the Election Code. Returns of the election shall be made to the City Council as soon as practicable after the closing of the polls. Upon adoption of this Ordinance, the Mayor or designee is directed to immediately give notice of the election to the Texas Comptroller of Public Accounts, by delivering to him a copy of this Ordinance.

SECTION 10. NECESSARY ACTIONS

The Mayor and the City Secretary, in consultation with the City Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code and Chapter 321 of the Texas Tax Code in carrying out and conducting the election, whether or not expressly authorized by this Ordinance. In accordance with the Code, immediately after the closing of the polls on the day of the election, the election officers shall make and deliver the returns of the election in accordance with the provisions of the Election Code.

SECTION 11. INCONSISTENT PROVISIONS

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 12. SEVERABILITY

Should any part, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be held unconstitutional or of no force or effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects the validity of the remaining portions of this Ordinance shall remain in full force and effect. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 13. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 14. EFFECTIVE DATE

This Ordinance is effective from and after its passage and approval.

ADOPTED IN REGULAR SESSION BY THE CITY COUNCIL OF THE CITY OF CALLISBURG, TEXAS ON THE 14th OF AUGUST 2023, BY THE FOLLOWING VOTE:

4 AYES 0 NAYS 0 ABSENT 0 ABSTENTIONS


NATHAN J. CALDWELL, MAYOR

ATTEST:


MELINDA MEDFORD, CITY SECRETARY

