

ORDINANCE NUMBER 803-2015

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 9, 2015, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION RELATING TO THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF DICKINSON AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; DESIGNATING ONE (1) ELECTION PRECINCT WITHIN THE CITY; DESIGNATING ONE (1) POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

* * * *

WHEREAS, in 2011, pursuant to Chapter 327 of the Texas Tax Code, the voters of the City of Dickinson approved a local sales tax rate of one-fourth of one-percent for street maintenance and repair; and

WHEREAS, Section 327.007 of the Texas Tax Code requires that such tax be reauthorized by the voters every four (4) years; and

WHEREAS, the ballot proposition proposes to reauthorize the local sales and use tax in the City of Dickinson, Texas at the rate of one-fourth of one percent to continue providing revenue for the maintenance and repair of municipal streets; and

WHEREAS, the City Council of the City of Dickinson deems it in the best interest of the City to call a special election for the voters to consider a proposition relating to the reauthorization of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets; and

WHEREAS, the special election is to be submitted to the qualified voters of the City at a special election to be held in the City on Saturday, the 9th day of May, 2015; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City of Dickinson (the "City") lies completely within the boundaries of Galveston County; and

WHEREAS, the City has made provision to contract with the Dickinson Independent School District to hold a joint election, pursuant to chapter 31 of the Texas Election Code and chapter 791 of the Texas Government Code; **NOW THEREFORE**,

BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Special Election Ordered. A special election shall be held concurrently with the city general municipal election on Saturday, May 9, 2015, at which election there shall be submitted to the qualified voters of the City, for their action thereon, the following proposition regarding the reauthorization of a local sales and use tax in the City of Dickinson at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

The ballot for the election on such proposition shall conform to the requirements of the Texas Election Code with provision thereon permitting voters to vote "For" or "Against" the proposition. Such proposition is as follows:

PROPOSITION

"The reauthorization of a local sales and use tax in the City of Dickinson at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets."

Section 3. Ballots and Printed Materials. The ballots used for the election shall comply with the Texas Election Code and be in the form provided by the city to the Galveston County Election Officer (the "Election Officer") for use on the voting devices and ballots used by Galveston County. The official ballots, together with such other election materials as are required by the Texas Election shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 4. Joint Election. The city agrees to conduct a joint election with the Dickinson Independent School District pursuant to an Agreement for Joint Election approved by Resolution of the City Council.

Section 5. Conduct of Election. The Election Officer 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 Services Contract and the law governing the holding of general elections by general law cities of the State of Texas.

Section 6. Election Precinct and Polling Place. The present boundaries of the City of Dickinson, Texas shall constitute one (1) precinct for the election, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling places:

POLLING PLACE
City of Dickinson City Hall
4403 Highway 3
Dickinson, TX 77539

Section 7. Early Voting. Early voting by personal appearance shall be conducted by Galveston Elections Division Early Voting Clerk in accordance with the agreement with Galveston County as approved by Resolution of the City Council, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk's office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. Early voting shall occur at any Galveston County polling location.

The Early Voting Clerk shall keep said office open for early voting by personal appearance from 8:00 a.m. until 5:00 p.m. Monday through Friday, on each day except Saturday and Sunday and official City holidays, commencing on Monday, April 27, 2015 and terminating on Tuesday, May 5, 2015. Extended hours for Early Voting shall be May 4 and 5, 2015 from 7:00 a.m. to 7:00 p.m. Early voting shall be conducted in accordance with the requirements of the Texas Election Code.

The Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail may be send is Galveston County Clerk, P. O. Box 17253, Galveston, Texas 77552-7253. Applications for early voting by mail shall be delivered to the Early Voting Clerk at 600 59th Street, Galveston, Texas 77550 not earlier than March 10, 2015, and not later than the close of business on April 30, 2015.

The Early Voting Clerk, in accordance with the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

All ballots cast shall be counted by an Early Ballot Board. The Early Voting Ballot Board for said election shall be appointed by City Council.

All expenditures necessary for the conduct of the election, the purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

The city secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 8. Notice of Election. The city secretary is hereby directed to provide notice of this election in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Election Code. The Mayor is empowered to issue all necessary orders and writs for such election, and returns of such election shall be made to the city secretary immediately after the closing of the polls.

Section 9. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of the city shall be eligible to vote at said election. Returns of said election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the city council not earlier than May 12, 2015 nor later than May 20, 2015.

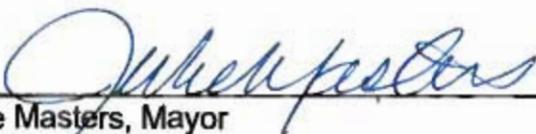
The city secretary of the City of Dickinson, in consultation with the city attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 10. Effective Date; Election Code. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Elections Code.

PASSED AND APPROVED on first reading the 27th day of January, 2015.

PASSED AND APPROVED on second reading the 10th day of February, 2015.
(Third Reading Suspended)

PASSED, APPROVED, AND ADOPTED on third and final reading this the ____ day of _____, 2015.



Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

APPROVED AS TO FORM AND CONTENT:



Carolyn E. Anderson, City Secretary
City of Dickinson, Texas



Donna L. Johnson, City Attorney
City of Dickinson, Texas

