# Ordinance 021417

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FRANKSTON, TEXAS TO SUBMIT A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF A LOCAL SALES AND USE TAX IN FRANKSTON, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS**

WHEREAS, the City Council (the "Council") of the City of Frankston, Texas, (the City) hereby finds that a special election should be held for the purposes of submitting a proposition on the levy and collection of the adoption of a local sales and use tax in Frankston, Texas at the rate of one-fourth of one percent to provide revenue for the maintenance and repair of municipal streets; and

WHEREAS, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed two percent (2%); and

WHEREAS, the Council finds and determines that the holding of this special election on the date set forth below, a special election date, is in the public interest; NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

Section 1. A special election shall be held on the 6th day of May, 2017, a special election date, in the City of Frankston, Texas, which date is not less than sixty-two (62) days from the date of the adoption of this Ordinance (the "Ordinance"), for the purpose of submitting the following proposition to the electors of the City:

**PROPOSITION**

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

Section 2. **Election Day Poll**
The poll for the Election shall be at the following location:

Frankston Courthouse Annex
320 S. Commerce St.
Frankston, TX 75763

The poll shall be open on Election Day from 7:00 a.m. to 7:00 p.m. Voting shall include an ES&S Automark Machine to be in compliance with Texas' Help America Vote Act.

Section 3. **Appointment of Election Administrator**

The Anderson County Elections Department shall conduct, supervise, and administer said election. Anderson County Elections Administrator Casey Brown is appointed as Elections Administrator and shall appoint the election officials including the Presiding Judge and Clerks.

Section 4. **Appointment of Early Voting Clerk**

The City Administrator/Acting City Secretary designates Anderson County Elections Administrator Casey Brown as Early Voting Clerk. The Early Voting Clerk may appoint Deputy Clerks. The Early Voting Clerk's mailing address is as follows:

Casey Brown
Early Voting Clerk
Anderson County Elections Administrator
703 N. Mallard, Suite 116
Palestine, TX 75801

Section 5. **Appointment of Early voting Ballot Board**

The Early Voting Clerk shall designate individuals to serve as the Early Voting Ballot Board.

Section 6. **Early Voting Poll Locations**

The early voting shall be held at the following location and times:

Frankston Courthouse Annex
320 S. Commerce
Frankston, TX 75763
(directly across from Frankston City Park)

| | |
|---|---|
| Monday, April 24, 2017 | 8:00 a.m. to 4:00 p.m. |
| Tuesday, April 25, 2017 | **7:00 a.m. to 7:00p.m. (Extended Hours)** |
| Wednesday, April 26, 2017 | 8:00 a.m. to 4:00p.m. |
| Thursday, April 27, 2017 | 8:00 a.m. to 4:00 p.m. |
| Friday, April 28, 2017 | 8:00 a.m. to 4:00 p.m. |
| Saturday, April 29, 2017 | Closed |
| Sunday, April 30, 2017 | Closed |
| Monday, May 1, 2017 | 8:00 a.m. to 4:00 p.m. |
| Tuesday, May 2, 2017 | **7:00 a.m. to 7:00 p.m. (Extended Hours)** |

Section 7. **Voting by Mail**

The Early Voting Clerk mailing address to which ballot applications and ballots voted by mail may be sent is as follows:

Casey Brown
Early Voting Clerk
Anderson Count Elections Administrator
703 N. Mallard, Suite 116
Palestine, TX 75801

Early voting by mail shall be by paper ballots.

Section 8. **Applicable Law**

Said election shall be held in accordance with the Election Code of the State of Texas and only qualified registered voters of the City shall be eligible to vote at said election. The City of Frankston is located entirely within Anderson County Election Precinct Number 3.

Section 9. **Notice of Election, Publication, and Reporting**

Notice of said election will be given in accordance with the terms and provisions of the Texas Elections Code. The Anderson County Elections Administrator is hereby instructed to have said notice published at least once in accordance with said Code not earlier than Thursday April 6, 2017 the 30th day before the election or no later than Wednesday, April 26, 2017, the 10th day before the election. Notice shall also be posted at the City of Frankston City Hall, 240 W. Main St., Frankston, TX 75763 no later than Monday April 17, 2017 the 19th day before Election Day.

Immediately after said election is held, the officers holding the same shall make returns of the results to the Mayor of this City as required by the Texas Election Code.

Section 10. **Writ of Election**

A copy of this order shall also serve as a writ of election, which shall be delivered to the Presiding Judge for said election.

Section 11. **Other**

The City Administrator/Acting City Secretary of Frankston shall be authorized to execute any and all contracts, agreements, certificates, notices, or documents necessary to effectuate this election order.

By approving and signing this ordinance, the Mayor officially confirms, as in action all matters recited in the ordinance, which by law come within his jurisdiction.

Section 12.

All ordinances and resolutions, or parts thereof, which are in conflict or which are inconsistent with any provision of this Ordinance are repealed to the extent of such conflict or inconsistency, and the remaining provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

Section 13.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America

Section 14.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Ordinance would have been enacted without such invalid provision.

Section 15.

It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered as such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 16.

This Ordinance shall be in force and effect from and after the date of its adoption and, it is so ordained.

**PASSED AND APPROVED THE 14TH DAY OF FEBRUARY, 2017**

Sharyn Harrison
Mayor

ATTEST:

Jan Hamilton
City Secretary

05-09-95

NO. 595

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS ORDERING AN ELECTION ON ADOPTION OF AN ADDITIONAL ONE-HALF OF ONE PERCENT SALES AND USE TAX WITHIN THE CITY TO BE USED FOR PROMOTION AND DEVELOPMENT OF NEW AND EXPANDED BUSINESS ENTERPRISES AND ANY OTHER PURPOSE AUTHORIZED BY SECTION 4B, ARTICLE 5190.6, V. T. C. S., AS AMENDED, (THE DEVELOPMENT CORPORATION ACT OF 1979); PROVIDING FOR THE LOCATION OF THE EARLY POLLING PLACE; PROVIDING FOR NOTICE OF ELECTION AND ORDAINING OTHER RELATED MATTERS.

WHEREAS, pursuant to Section 4B (d), Development Corporation Act of 1979 (Article 5190.6, V.T.C.S.), the City Council is authorized to call an election on the adoption of an additional one-half of one percent sales and use tax within the City to be used for the promotion and development of new and expanded business enterprises and all other purposes authorized by Section 4B, Development Corporation Act of 1979 (Article 5190.6, V.T.C.S.); and

WHEREAS, the City Council desires to call an election upon the adoption of such additional sales and use tax:

NOW THERE FORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

Section 1. An election is hereby ordered to be held within the City of Frankston, Texas, on Saturday, August 12, 1995, at Frankston City Hall, 200 West Main St., Frankston, Texas.

Section 2. That at such election the following proposition shall be submitted to the qualified voters of the City of Frankston, Texas, in accordance with law.

Proposition

The adoption of an additional one-half of one percent sales and use tax to be used for any purpose authorized by Section 4B, Article 5190.6, V.T.C.S. as amended, (The Development Corporation Act of 1979), including but not limited to projects for the promotion and development of new or expanded business enterprises, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements, as well as any improvements or facilities that are related to any of those projects and any other project that promotes or develops new or expanded business enterprises as well as projects required or suitable for use for professional and amateur sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, learning centers, parkks and park facilities, open space improvements, municipal buildings, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities and other related items that enhance any of those items.

Section 3. The official ballots for said 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 the proposition to be expressed substantially as follows:

> The adoption of a sales and use tax at the rate of one-half of one percent to be used for the promotion and development of new or expanded business enterprises and any other purpose authorized by Section 4B, ARTICLE 5190.6, V.T.C.S., as amended. (The Development Corporation Act of 1979)
>
> For the Proposition _____
>
> Against the Proposition_____

Section 4. Early voting by personal appearance shall be conducted each weekday between the hours of 8:00 a.m. and 12:00 p.m. in City Hall, Frankston, Texas. The period for early voting by personal appearance shall begin on the 20th day before election day and continue through the fourth day before election day, except as otherwise provided by law. The City Secretary shall act as the early voting clerk.

Section 5. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election.

Section 6. The Mayor shall give notice of this election in accordance with the terms and provisions of Chapter 4 of the Election Code and returns of said notice shall be made as provided in said Chapter 4, and the Mayor shall issue all necessary orders and writs for said election to include appointment of an election judge, clerks, early voting clerk and special Early Ballot Board and returns of said election shall be made to the City Council immediately after the closing of the polls.

INTRODUCED, READ, and ADOPTED this the 9th day of May, 1995.

Karen Faulkner, Mayor Pro Tem

James Gouger, Mayor

ATTEST:

Jean Jennings

Jean Jennings
City Secretary