

ORDINANCE NO. 2003-05-13-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ORDERING AN ELECTION ON THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE CITY OF KEMPNER, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Kempner, Texas (the "City") hereby find and determine that an election should be held to determine whether it shall be authorized to impose a local sales and use tax at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipals streets.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS THAT:

Section 1. Election Ordered. An election is called and ordered to be held in the City on Saturday, May 3, 2003, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City a proposition of whether a sales and use tax at the rate of one-fourth of one percent (.25%) to provide for maintenance and repair of municipal streets, shall be adopted pursuant to § Chapt. 321, Tex. Tax. Code, as authorized by Chapt. 327, Tex. Tax Code.

Section 2. Effective Date of Tax If Approved. If approved by a majority vote of the registered voters of the City at such elections, the proposed sales and use taxes shall take effect as provided in § 327.005 et. seq. Tex. Tax Code.

Section 3. Ballots and Proposition. Paper ballots shall be used for the election which election shall be held in compliance with the provisions of the Chapt. 321, Subchapt. B, Tex. Tax Code, and, to the extent not in conflict therewith, the Texas Election Code, and, the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote "For" or "Against" the proposition submitted, with the proposition to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

The adoption of a local sales and use tax in City of Kempner, Texas at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.

For 46 Against 9

PROPOSICION NO. 1

La adopció de un impuesto local de ventas y uso en Kempner, Texas en la tasa de uno cuarto de un proporcionar por ciento renta para la conservaci3n de calles municipales.

A Favor 46 En Contra 9

Section 4. Printed Materials. The official ballots, together with such other election materials as are required by the English and Spanish languages and shall contain such provisions, markings and language as may be required by law.

Section 5. Notice of Election Notice of the election shall be given in the manner as provided in the Texas Election Code.

Section 6. Election Precincts and Polling Places. There shall be one election precinct for the election. The election precinct and the polling place shall be as follows: The Election Precinct shall contain and include all that geographic area with in the city. The following location is hereby designated as the polling place for the City of Kempner election: City Hall, 298 Pecan St., Kempner, Texas.

The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m.

Section 7. Early Voting. That early voting in said election shall be conducted at the City Hall of the City of Kempner, Texas, and the City Secretary is hereby charged with the duty of conducting early voting in said election as required by law.

Frances Spinney is hereby appointed Deputy Early Voting Clerk. The Early Voting for the above designated election shall be at the City Hall, 298 Pecan St., Kempner, Texas, and said place of Early Voting shall remain open for Early Voting for a least three Hours on each day that is not a Saturday, a Sunday, or an official holiday, beginning on the 16th of April, 2003 and continuing through the 29th day of April, 2003, preceding the date of said election. Said place of voting shall remain open between the hours of 9:00 a.m. and 3:30 p.m. on each day for said Early Voting. Applications for

ballot by mail shall be mailed to: Frances Spinney, City Secretary, P. O. Box 660, Kempner, Texas 76539.

Early Voting, both by personal appearance and by mail shall be paper ballots and shall be canvassed by an Early Ballot Board and it is hereby ordered that the below named Judges and Clerks additionally serve as the Early Ballot Board.

Section 8. Election Judges and Alternates. The following persons are hereby designated and appointed election officers for the holding of said election at Election Precinct:

Presiding Judge:	<u>Duby Todd</u>
Alternate Presiding Judge	<u>Harvey Farish</u>

Each Alternate Presiding Judge above named shall, in the absence of the respective Presiding Judge, perform the duties of the respective Presiding Judge in said election. The Presiding Judge shall appoint qualified persons to serve as Clerks in said election; the appointment of such clerks is to include the Alternate Presiding Judge, who, if present, shall be appointed and counted as one of the election clerks. The rate of pay authorized for Election Judges and Clerks, shall be \$5.60 per hour, plus additional \$25.00 per day for Election Judges.

Section 9. General. Said election shall be held in accordance with both the Election Code and the Texas Tax Code, and only resident qualified voters of said City shall be eligible to vote at said election. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of said election shall be made known as soon as possible after the closing of the polls.

Section 10. Effective Date. This ordinance shall be effective upon its passage by a majority vote of the City Council.

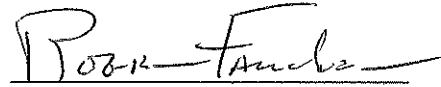
Section 11. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and findings of the City Council.

Section 12. Severability. If any provision of the 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 City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 13. Open Meetings. 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 at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

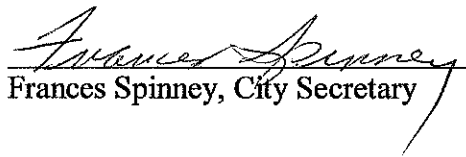
PASSED AND APPROVED this the 13th day of May, 2003.

CITY OF KEMPNER, TEXAS



Roger Fancher, Mayor

ATTEST:



Frances Spinney, City Secretary