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March 19, 1998

Roger Fancher, Mayor
City of Kempner
P. O. Box 660
Kempner, Texas 76539

RE: Ordinance calling a Special Election

Dear Mayor Fancher:

Enclosed please find the ordinance passed by the City Council on March 17, 1998 which calls for a special election regarding the adoption of a sales and use tax. I have executed this document and am returning it to the City for their records.

Very truly yours,



Barney L. Knight

BLK:lk

Enclosure

ORDINANCE NO. 1998-03-03-005

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF A SALES AND USE TAX; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Special Election Ordered. A special election is called and ordered to be held in the City on Saturday, May 2, 1998, 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 of one percent (1%) shall be adopted pursuant to *Chapt. 321, Tex. Tax. Code*, to establish and impose a sales tax as provided for in § 321.103(a), *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 § 321.102, *et. seq.*, *Tex. Tax Code*.

Section 3. Ballots and Proposition. Paper ballots shall be used for the special 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 one percent (1%) sales and use tax on retail sales and uses.

For 33 Against 2

PROPOSICION NO. 1

Aprobación de impuestos adicionales de ventas o sobre utilización de bienes a la tasa impositiva de medio de un por ciento (0.5%) que se utilizara para promoción y desarrollo de nuevas o extendidas empresas comerciales.

A Favor 33 En Contra 2

Section 4. Printed Materials. The official ballots, together with such other election materials as are required by the *Tex. Elec. Code* and/or the *Tex. Tax Code*, as amended, shall be printed in both 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 elections 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 such election precinct shall be as follows: The Election Precinct shall contain and include all that geographic area within the city. The following location is hereby designated as the polling place for the Election Precinct: 4
Hwy 190, Kempner, Texas (City Hall)

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, Hwy. 190, Kempner, Texas, and said place of Early Voting shall remain open for Early Voting for at least three hours on each day that is not a Saturday, a Sunday, or an official holiday, beginning on the 15th day of April 1998 and continuing through the 28th day of April 1998, preceding the date of said election. Said place of voting shall remain open between the hours of 11:00 a.m. and 2:00 p.m. on each day for said Early Voting. Applications for ballot by mail shall be mailed to: Frances Spinney, City Secretary, City Hall, P.O. Box 660, Kempner, Texas 76539.

Early Voting, both by personal appearance and by mail shall be by paper ballots and shall be canvassed by an Early Ballot Board and it is hereby ordered that the above 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:

Ralph J. Holterman

Alternative Presiding Judge:

Charles J. Nagle

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 voters who are residents of the City to serve as Clerks

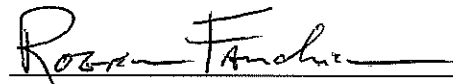
in said election; the appointment of such clerks is to include the Alternate Presiding Judge, who, if present, shall be appointed and counted as one of the election clerks. The rate of pay for Election Judges and the Clerks shall be set at \$5.60 per hour, and the payment of \$92.20 to the Election Judge who delivers the election returns is hereby authorized.

Section 9. General. Said election shall be held in accordance with both the *Texas 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.

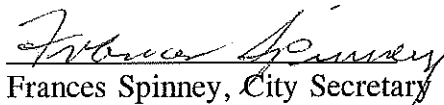
PASSED AND APPROVED this the 17th day of MARCH 1998.

City of Kempner, Texas



Roger Fancher, Mayor

Attest:



Frances Spinney, City Secretary

Approved:



Barney Knight, City Attorney