

**CITY OF NEWARK
ORDINANCE NO. A-509**

AN ORDINANCE OF THE CITY COUNCIL OF NEWARK, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF NEWARK, FOR ADOPTION OR REJECTION, A PROPOSITION ADOPTING A CEILING OR LIMITATION ON THE CITY'S AD VALOREM TAX LEVY, APPLYING TO PERSONS WHO ARE DISABLED OR PERSONS WHO ARE SIXTY-FIVE (65) YEARS OF AGE OR OLDER, WHO RECEIVE A HOMESTEAD EXEMPTION ON THE PROPERTY SUBJECT TO THE TAX CEILING OR LIMITATION; PROVIDING FOR THE INCORPORATION OF PREMISES; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH THE WISE COUNTY ELECTIONS DEPARTMENT FOR ELECTION SERVICES; ESTABLISHING PROCEDURES FOR THE ELECTION; PROVIDING FOR PUBLICATION AND POSTING OF NOTICE OF ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Newark, Texas ("Newark") is a Type A General Law City governed by Chapter 6 of the Texas Local Government Code; and

WHEREAS, Article VIII, Section 1-b(h) of the Texas Constitution authorizes a city to provide a tax limitation on the total amount of Ad Valorem Taxes imposed on the homesteads of persons with disabilities or persons sixty-five (65) years of age or older; and

WHEREAS, pursuant to the Texas Constitution on receipt of a petition signed by five percent (5%) of the registered voters of a city, the city's governing body shall then call an election to determine by majority vote whether to establish a tax limitation on the homesteads of persons with disabilities or persons sixty-five (65) years of age or older; and

WHEREAS, the City Secretary received a petition with over five percent (5%) of the required number to call an election pursuant to Article VIII, Section 1-b(h) of the Texas Constitution; and

WHEREAS, the City Council of the City of Newark, Texas (the "City Council") in the exercise of the discretion reposed in it by the Constitution and laws of this State, has determined that the City may and shall submit the following proposition at a special election to be held on November 3, 2020, between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.) for the purposes of determining by majority vote whether to establish a homestead property tax freeze for residents that are 65 years of age or older or disabled; and

WHEREAS, the City Council wishes to enter into agreements with the County Elections Department wherein the eligible voters reside to conduct the Elections in accordance with applicable law, including but not limited to the Texas Elections Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWARK, TEXAS:

SECTION 1

INCORPORATION OF PREMISES. The above recitals are true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

SPECIAL ELECTION ORDERED: The City Council of the City of Newark, Texas, hereby orders that a special election shall be held on November 3, 2020, between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.), to determine by majority vote whether the City of Newark will establish a homestead property tax freeze for residents that are 65 years of age or older or disabled.

The ballot for Proposition "A" shall have printed thereon to be expressed substantially as follows:

PROPOSITION "A"

FOR	"Authorize the adoption of a ceiling of limitation on the city Ad Valorem tax levy of a person who is disabled or a person who is sixty-five (65) years of age or older who makes application for and receives a homestead exemption."
AGAINST	

The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, and other applicable State law, and shall state the proposition distinctly so that each voter may vote "Yes" or "No". Any non-substantive changes that need to be made for the ballot are hereby approved.

SECTION 3

AGREEMENT WITH THE WISE COUNTY ELECTION DIVISION TO PROVIDE ELECTION SERVICES: The Elections shall be conducted in accordance with the Election Code under the jurisdiction of the Wise County Elections Administrator, pursuant to an Election Services Agreement between the City and Wise County, and other participating entities, if any, as described therein, (the "Agreement"). Upon final approval of the Agreement, including approval as to form by the City Attorney, the Mayor is authorized to execute said Agreement, a copy of which shall then be incorporated herein as Exhibit "A". In the event of a conflict, the terms of the Agreement shall control.

SECTION 4

ELECTION DAY POLLING PLACE: The election day polling place for the Election shall be the per the information found in the Agreement with Wise County Election Services Division and as set by the County Elections Administrator. The information for the Election Day Polling Place(s) will also be listed on the bulletin board located at the Newark Municipal Building, 209 Hudson Street, Newark, Texas, 76071. Locations and times are subject to change and shall be included in the notice of election in accordance with the Texas Election Code and other applicable State law.

SECTION 5

COMPENSATION OF THE ELECTION JUDGES AND ELECTION CLERKS: The presiding election judge, alternate presiding judge and each election clerk shall be entitled to compensation for services rendered at a precinct polling place at the hourly rate established by the Election Code and in accordance with the Agreement. The presiding election judge shall also be paid the additional rate for delivering the return of the Elections, as provided by the Election Code and in accordance with the Agreement.

SECTION 6

GOVERNING LAW AND QUALIFIED VOTERS: The Elections shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote.

SECTION 7

PUBLICATION AND POSTING OF NOTICE OF ELECTION: Notice of the Elections shall be given as required by Title 1, Chapter 4 of the Election Code.

SECTION 8

EARLY VOTING:

a. **Early voting by personal appearance.** Early voting by personal appearance shall commence on Tuesday, October 13, 2020 and continue until Friday, October 30, 2020 from 8:00 a.m. to 5:00 p.m., Monday through Friday and/or on such other days if provided for in the Agreement and posted on the bulletin board located at the Newark Municipal Building, 209 Hudson Street, Newark, Texas 76071. Locations and times are subject to change and shall be included in the notice of election in accordance with the Texas Election Code and other applicable State law.

b. **Early voting by mail.** Applications for early voting by mail may be delivered to the Wise County Elections Administrator, P.O. Box 1597, 200 S. Trinity Street, Decatur, Texas 76234, not earlier than January 1, 2020 and must be received no later than the close of business on October 20, 2020. Early voting ballots shall be mailed to the Elections Administrator, P.O. Box 1597, Decatur, Texas 76234.

c. **Early voting by ballot board.** Early voting, both by personal appearance and by mail, shall be canvassed by the early voting ballot board, which is hereby created. The presiding election judge and alternate presiding election judge appointed herein shall serve as the presiding officer and alternate presiding officer, respectively, of the early voting ballot board. The other election officers serving at the Elections shall serve as the other members of the early voting ballot board.

SECTION 9

METHOD OF VOTING: Paper ballots shall be used for voting by mail. The Hart InterCivic Verity electronic voting system shall be used for early voting by personal appearance and for voting by personal appearance on election day for Wise County. The City Council hereby adopts for use in early voting and on election day the Hart InterCivic Verity electronic voting system, leased from Wise County by the City. All expenditures necessary to conduct the Elections, the purchase of materials therefore, and the

employment of all election officials is hereby authorized and shall be conducted in accordance with all applicable laws, including the Election Code.

SECTION 10

DELIVERY OF RETURNS: In accordance with the Election Code, immediately after the closing of the polls on the day of the Elections, the election officers shall make and deliver the returns of the Elections as an original and three copies as follows: one copy shall be retained by the presiding judge; one copy shall be delivered to the Mayor of the City; and one copy of the returns and all election supplies shall be delivered to the Elections Administrator. All records and supplies of the Elections shall be preserved by the Elections Administrator in accordance with the Election Code.

SECTION 11

CANVASSING OF RETURNS: The City Council of the City shall canvass the returns of the election at a special called meeting on Tuesday, November 10, 2020 with a time to be announced once a quorum of two (2) is established. In the event that the final returns are not available by Tuesday, November 10, 2020, the canvass will be rescheduled, and notice shall be posted in accordance with the Chapter 551, Open Meetings Act of the Government Code.

SECTION 12

NECESSARY ACTIONS: The Mayor and the City Secretary, 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 Election Code in carrying out and conducting the Elections, whether or not expressly authorized herein.

PASSED AND APPROVED AND EFFECTIVE ON THIS 16TH DAY OF JULY, 2020.

Mark Wondolowski, Mayor

ATTEST:

Jeanine Inman, City Secretary



EXHIBIT A

CONTRACT FOR ELECTION SERVICES

CITY OF NEWARK

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES BETWEEN THE CITY OF NEWARK AND THE WISE COUNTY ELECTIONS OFFICE FOR ELECTION SERVICES FOR AN ELECTION TO BE HELD ON NOVEMBER 3, 2020.

Section 1. Wise County Elections, hereinafter designated as “the contracting officer,” represented in this agreement by Sabra Srader, Elections Administrator, hereby agrees to provide election services and equipment on the terms stated below.

Section 2. The City of Newark, hereinafter designated as “governing body,” or “renter”, has requested to rent voting equipment and certain election services from the contracting officer.

Section 3. Duties of the contracting officer:

- A) Serve as the administrator for the General and Special Election to be held on November 3, 2020;
- B) Serve as the Early Voting Clerk on behalf of the City of Newark for the General and Special Election to be held on November 3, 2020;
- C) Prepare and distribute all necessary election supplies including
 - 1) Ballots and ballot programming,
 - 2) List of registered voters (electronic poll books will be provided),
 - 3) Election kits, and
 - 4) Voting equipment.
- D) Publish required notice of Logic and Accuracy testing of voting equipment;
- E) Hire and supervise election workers for early voting, election day, and a runoff, if needed, and provide training on all election equipment and current state and federal laws governing the conduct of elections in the State of Texas.
- F) Tally all electronic ballots cast on the equipment provided and prepare all reports and backup documentation required/requested by the governing body.
- G) Comply with all applicable laws regarding administration of the General and Special Election, including but not limited to Texas Election Code Chapters 31, 32, 43, 86, and 271.

Section 4. Duties of the governing body:

- 1) Provide English and Spanish copies of the ballot to Sabra Srader, Elections Administrator, Wise County, PO Box 1597, 200 S Trinity St., Decatur TX 76234, elections@co.wise.tx.us, as soon as the candidates have filed and ballot order has been determined. English, Spanish and Audio ballot proofs will be provided by the Elections Administrator, and the

governing body will review and return said proofs, with any needed changes within 1 business day of proofing the ballot. The governing body accepts full responsibility for the accuracy of the ballot.

- 2) Prepare and post all required notices and postings for said election, other than those being posted by the contracting officer (Public Logic and Accuracy Testing Notice).
- 3) Canvass the votes in the time and manner required by law.
- 4) Pay its pro rata share of the election cost as estimated on Annex A.

Section 5. Only voting machines that the County (and the contracting officer) believes to be in safe operating condition will be used in the joint election, and the governing body agrees to hold the County harmless for any damages arising from the governing body's use of voting machines.

Section 6. The City of Newark agrees to compensate Wise County Elections for services performed under this Contract in the amount of \$450.00 (see annex A). Payment shall be made within 30 days after the election.

Section 7. That this Agreement shall become effective from and after its date of passage.

Section 8. Wise County Elections Administration certifies that a criminal background check on all employees, including temporary employees, who may program, test, perform maintenance, transport equipment, or perform technical support on the voting system equipment for the City of Newark has been performed. Wise County Elections Administration has determined there are no findings that would prevent the employees from performing their assigned duties.

[REMAINDER OF PAGE LEFT BLANK]

Section 9. In witness of this Agreement, the contracting officer and the governing body affix their signatures on this the 14 day of September, 2020.


Mark Wondolowski
Mayor, City of Newark

[Seal]



ATTEST:


Jeanine Inman
City Secretary, City of Newark

APPROVED:


Sabra Srader, Elections Administrator
Wise County, TX

[Seal]



ANNEX "A" November 3, 2020

City of Newark

	Actual Cost
Programming JBC's/eSlates per Election	\$300.00
1 Eslate Unit	150.00
Total Election Cost	\$450.00