MEMORANDUM

To: Lisa Agnor, City Manager

From: Deborah Manuel, Acting City Secretary/Finance Director

Subject: Ordinance – Order and Notice of City Special Election

Date: January 22, 2016

Attached is an Ordinance ordering a Special Election to be held in the City of Marshall, Texas to submit to the qualified voters of the City a proposition on the question of the reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth of one percent to continue providing revenue for maintenance and report of municipal streets; making provisions for the conduct of the election and providing for other matters related thereto.

I recommend approval of the Ordinance.

O-16-___
ORDINANCE

ORDER AND NOTICE OF CITY SPECIAL ELECTION TO BE HELD IN THE CITY OF MARSHALL, TEXAS TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF MARSHALL AT THE RATE OF ONE-EIGHTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, in 2012, pursuant to Chapter 327 of the Texas Tax Code, the voters of the City of Marshall approved an local sales tax rate of one-eighth 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 City Commission 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-eighth of one percent to continue providing revenue for maintenance and repair of the municipal streets; and,

WHEREAS, the special election is to be submitted to the of the City at a special election to be held in the City in conjunction with the City's other elections on Saturday, May ___, 2016 and the City will establish the voting procedures and places by Ordinance as is required by the Texas Election Code; and,

WHEREAS, in accordance with the requirements of the Texas Tax Code, 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 (2) percent; and

WHEREAS, the City Commission finds that the special election proposition shall be to reauthorize a one-eighth of one percent sales and use tax for street maintenance for the four year period beginning on January 1, 2017;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL, MARSHALL, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. A special election is hereby ordered and scheduled to be held concurrent with the general City election on May __th, 2016, to determine whether the ballot proposition appearing in Section 3 hereof shall be approved by a majority of the votes cast in such election in which all qualified electors residing in the City shall participate. The referendum election shall be held and conducted in the manner prescribed by state law for all elections. The places for voting in such referendum election shall be such locations as shall otherwise be established for the general election to elect City Commissioners on May ___th, 2016. All duly qualified electors of the City of Marshall shall be entitled to participate in said election.

Section 3. There shall be submitted at said special election a proposition to reauthorize the use of one-eighth (1/8) of one percent of the sales and use tax for the maintenance and repair of municipal streets.

Section 4. The proposed proposition shall be submitted to the qualified voters at the regular election on May __th, 2016 on the ballot and in the form of the following proposition.

<u>Proposition No. 2</u>: The reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one (1) percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

_____ YES — For the proposition.
_____ NO — Against the proposition.

Section 5. That said election shall be held within the City of Marshall at the Marshall High School, 1900 Maverick Drive.

Section 6. That said election shall be held in accordance with the Constitution and laws of the State of Texas and all duly qualified resident voters of the City of Marshall, Texas shall be qualified to vote.

Section 7. The Harrison County Election Administrator will conduct and supervise the election according to the agreement between the City of Marshall and the said administrator. All voting on this Special Election shall be conducted in the same manner and times as the City's general election.

Section 8. A copy of this Ordinance signed by the Chairman of the City Commission and attested by the City Secretary shall serve as proper notice of said election. The City Secretary is authorized and directed to post a properly executed copy of said Notice of Election at City Hall and at the place where the election is to be held not less than 20 days prior to the date fixed for holding said election.

Section 9. That this ordinance shall be effective from and after its date of passage.

PASSED, APPROVED, AND ADOPTED this _____ day of January 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

_____
CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

ATTEST:

_____
CITY SECRETARY

APPROVED AS TO FORM:

_____
Todd Fitts, City Attorney