ORDINANCE NO. 2022-08-01

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS ORDERING A JOINT SPECIAL ELECTION TO BE HELD ON NOVEMBER 8TH, 2022 IN THE TOWN OF POETRY WITH BOTH HUNT AND KAUFMAN COUNTY TO DETERMINE WHETHER THE VOTERS OF THE TOWN DESIRE TO ADOPT THE LEVY OF A SALES AND USE TAX FOR STREET MAINTENANCE AT A RATE OF ONE AND A HALF PERCENT (1.5%) TO PROVIDE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR ELECTION NOTICE; PROVIDING FOR EARLY VOTING; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Poetry is a Type A General Law municipality, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Tax Code, Chapter 327.001 *et seq.* (the "Act"), provides that municipalities may adopt a sales and use tax to provide for street maintenance, if the tax is authorized by a majority of the qualified voters; and

WHEREAS, the Town Council authorized an election in November 2021 on the same matter, which was approved by the voters; and

WHEREAS, however, the rate that was approved in the November 2021 election exceeded the maximum rate allowed by law in conjunction with Hunt County's rate; and

WHEREAS, the Town Council of the Town of Poetry now desires to order a special election to be held to in accordance with Chapter 321 of the Texas Tax Code and the Texas Election Code to determine whether the voters of the Town desire to authorize the levy of a sales and use tax for street maintenance at a rate in compliance with the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. A special election shall be held on Tuesday, November 8, 2022, to submit to the qualified voters of the Town of Poetry, Texas, a proposition to determine whether to authorize the adoption of a one and half percent (1.5%) sales and use tax for street maintenance purposes.

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

PROPOSITION

FOR	( )	**THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE TOWN OF POETRY, TEXAS AT THE RATE OF ONE AND A HALF PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.**
AGAINST	( )	

Section 4. By contract with Kaufman County and Hunt County respectively, the Town Council has agreed that Kaufman County and Hunt County shall conduct the special election. The Town Council hereby authorizes the Mayor or designee to enter into any necessary election agreements with Kaufman County and Hunt County.

Section 5. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code.

Section 6. Both early voting and Election Day voting by personal appearance will be conducted as designated by the Kaufman and Hunt Counties Elections Divisions and approved by the Kaufman and Hunt Counties Commissioners Courts and shall be incorporated herein once set by each county, without further need to amend this Ordinance.

Section 7. Notice of this election shall be given in accordance with the Election Code. Returns of the election shall be made to the Town Council as soon as practicable after the closing of the polls.

Section 8. Upon adoption of this Ordinance, the Mayor or designee is directed to immediately give notice of the election to the Texas Comptroller of Public Accounts, by delivering to him a copy of this Ordinance.

Section 9. The Town Attorney is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance as to the extent required by law.

Section 10. The Mayor, in consultation with the Town Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Election Code

and Chapters 327 and 321 of the Tax Code in carrying out and conducting the election, whether or not expressly authorized by this Ordinance. In accordance with the Code, immediately after the closing of the polls on the day of the election, the election officers shall make and deliver the returns of the election in accordance with the provisions of the Election Code.

Section 11. The Mayor is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

Section 12. This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED on this 16th day of August, 2022.

APPROVED:

Tara Senkevech

Tara Senkevech, Mayor

ATTEST:

Theresa R Scholander

Town Secretary

NOTARY PUBLIC STATE OF TEXAS
Theresa Rita Scholander
My Commission Expires
04/19/2023
ID No. 8055418

THERESA RITA SCHOLANDER NOTARY PUBLIC STATE OF TEXAS 04-19-2023 ID NO. 8055418

APPROVED AS TO FORM:

Emily Bowlin

Emily Bowlin, Town Attorney