

CITY OF TUSCOLA, TEXAS

ORDINANCE NO. 84

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSCOLA , TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 10TH, 2014 , FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF TUSCOLA , TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TUSCOLA, TEXAS, ONE BALLOT PROPOSITION ON THE ADOPTION OF THE MUNICIPAL DEVELOPMENT DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT; DEFINING THE BOUNDARIES OF THE TUSCOLA MUNICIPAL DEVELOPMENT DISTRICT; PROVIDING THE BOUNDARIES OF SAID DISTRICT SHALL CONFORM TO THE BOUNDARIES OF THE CITY OF TUSCOLA , TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TUSCOLA , TEXAS; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the "Code") establishes Saturday, MAY 10TH, 2014 , as a "uniform election date" for the purposes of conducting an election; and

WHEREAS, the City Council of the City of TUSCOLA, Texas, has on its own motion, determined to submit to the qualified voters of said City of TUSCOLA, Texas, and the extraterritorial jurisdiction ("ETJ") of the City of TUSCOLA , Texas, a ballot proposition to consider the adoption of a municipal development district sales and use tax, at the rate of one-fourth of one percent, authorized pursuant to Chapter 377 of the Texas Local Government Code.

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

Section 1. Findings.

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

Section 2. Election Order; Election Date; Purpose of Election.

That a special election in the City of TUSCOLA , Texas, and the extraterritorial jurisdiction of the City of TUSCOLA , Texas, shall be held on the 10THth day of MAY, 2014 , between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.), to consider one (1) ballot proposition on the adoption of the municipal development district sales and use tax, at the rate of one-fourth of one percent, authorized by chapter 377 of the Texas Local Government Code.

Section 3. Defining Boundaries of the TUSCOLA Municipal Development District.

That the boundaries of the TUSCOLA Municipal Development District shall include all of the municipal boundaries of the City of TUSCOLA , Texas, and the extraterritorial jurisdiction of the City of TUSCOLA, Texas, as depicted in ***Exhibit A***, which is attached hereto and incorporated herein for all purposes. Pursuant to Section 377.021(g) of the Texas Local Government Code, should the eligible voters approve the ballot proposition on the TUSCOLA Municipal Development District, the boundaries of the TUSCOLA Municipal Development District shall conform automatically to any subsequent changes in the boundaries of the city limits of the City of TUSCOLA , Texas, or the boundaries of the extraterritorial jurisdiction of the City of TUSCOLA , Texas.

Section 4. Voting System, Ballot Proposition.

Voting on the date of the election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the election shall conform to the Texas Election Code, as amended, so as to permit the electors of the City of TUSCOLA, Texas, and the extraterritorial jurisdiction of the City of TUSCOLA, Texas, to vote "For" or "Against" the ballot proposition. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Proposition shall be set forth on said ballots in substantially the following form and language:

**SPECIAL ELECTION
City and ETJ of the City of TUSCOLA, Texas
MAY 10TH, 2014**

OFFICIAL BALLOT

PROPOSITION NO. 2

**FOR
AGAINST**

"Authorizing the creation of the TUSCOLA Municipal Development District and the imposition of a sales and use tax at the rate of one-fourth of one percent for the purpose of financing development projects beneficial to the district."

Section 5. Election Precincts; Polling Place.

That the City of TUSCOLA , Texas, does hereby designate Election Day polling locations for the voters of the City of TUSCOLA , Texas, and the voters of the ETJ of the City of TUSCOLA, Texas. The Election Day polling places are hereby designated to be at the following location: CITY HALL, 418 GRAHAM STREET, TUSCOLA, TX

Section 6. Early Voting; Early Voting Polling Place.

That the early voting by personal appearance shall be conducted on the following dates and times:

Monday, 4/28/14	8:00 a.m. – 5:00 p.m.
Tuesday, 4/29/14	8:00 a.m. – 5:00 p.m.
Wednesday, 4/30/14	8:00 a.m. – 5:00 p.m.
Thursday, 5/1/14	8:00 a.m. – 5:00 p.m.
Friday, 5/2/14	8:00 a.m. – 5:00 p.m.
Monday, 5/5/14	7:00 a.m. – 7:00 p.m.
Tuesday, 5/6/14	7:00 a.m. – 7:00 p.m.

Section 7. Election Compliance.

This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary, or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

Section 8. Voting Qualification; Voting Materials.

That all registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the Election.

Section 9. Notices.

That the City Secretary is hereby ordered and directed to give notice of the election by:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in the official newspaper of the City, or between APRIL 10TH, 2014 and APRIL 30TH, 2014;
- (b) Filing with the City Secretary, a copy of the notice of the election;
- (c) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election, by APRIL 18TH, 2014; and
- (d) Delivering notice of the election to the TAYLOR County clerk not later than the 60th day before election day, or MARCH 11TH, 2014 .

The City Secretary shall file with the City Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

Section 10. Severability Clause.

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 11. Effective Date.

This Ordinance shall take effect immediately upon its adoption and passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF _TUSCOLA, TEXAS ON THIS 3RD DAY OF MARCH, 2014.

THE ABOVE AND FOREGOING ORDINANCE WAS READ, PASSED AND ADOPTED AT A REGULARLY SCHEDULED MEETING OF THE GOVERNING BODY OF THIS CITY ON THE 7TH DAY OF NOVEMBER, 2013, BY THE FOLLOWING VOTE:

STATE OF TEXAS:

COUNTY OF TAYLOR:

I, THE UNDERSIGNED, CITY SECRETARY OF THE CITY OF TUSCOLA, TEXAS, DO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE #84, PASSED AND APPROVED THE 3RD DAY OF MARCH, 2014, AS SAME APPEARS IN THE OFFICIAL RECORDS OF THE CITY OF TUSCOLA, TEXAS, OF WHICH RECORDS I AM LAWFUL CUSTODIAN.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF TUSCOLA, TEXAS, THIS 3RD DAY OF MARCH, 2014

~~GENNY~~ GENNY ABERCROMBIE,
SECRETARY FOR THE CITY OF TUSCOLA
PASSED AND APPROVED

Exhibit A

Boundaries of the
TUSCOLA Municipal Development District

Google Maps

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