

ORDINANCE NO. 590

AN ORDINANCE OF THE CITY OF SUNDOWN, TEXAS CALLING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023, FOR REDUCING THE TAX RATE IN CITY OF SUNDOWN FOR THE CURRENT YEAR FROM \$0.712811 PER \$100 TO \$0.629288 PER \$100; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Sundown (City) adopted a tax rate of \$0.712811 per \$100, greater than the voter-approval tax rate of \$0.629288 per \$100 but not greater than the de minimus tax rate of \$1.372372 per \$100; and

WHEREAS, Texas Senate Bill 2, which became effective on January 1, 2020, permits qualified voters of the City to petition the City to require an election to be held to determine whether to reduce the adopted tax rate under Texas Code § 26.075 when the adopted tax rate is greater than the voter-approval tax rate but less than the de minimus tax rate; and

WHEREAS, sufficient qualified voters of the City did petition the City under Texas Tax Code § 26.075 to require an election to be held to determine whether to reduce the adopted tax rate; and the City did validate the petition; and

WHEREAS, the City Council wishes to give the voters the opportunity provided Senate Bill 2 to hold an election to determine whether to reduce the adopted tax rate from \$0.712811 per \$100 to \$0.629288 per \$100; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether to reduce the adopted tax rate from \$0.712811 per \$100 to \$0.629288 per \$100; described by the attached Exhibit "A", which is incorporated herein for all purposes; and

WHEREAS, in accordance with state law, the City Council of the City of Sundown, Texas, calls a special election to be held on May 6, 2023, and adds to the ballot for voter consideration the ballot measure on the attached Exhibit "A";

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

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Date of Election. A Special Election ("Election" or "Special Election") shall be held in the City of Sundown on the 6th day of May, 2023, which is the next succeeding uniform election date after the passage of this ordinance. At such Election the

ballot shall be printed to provide for voting for or against the ballot measure on the attached Exhibit "A".

Section 3. Conduct of Election. Pursuant to Chapter 31 of the Texas Election Code, the Council orders that the Election be held under an Election Services Contract with the Hockley County Clerk.

Pursuant to Chapter 271 of the Texas Election Code, the Council orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections with other political subdivisions holding an election on the same date.

The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. The Hockley County Elections Administrator is hereby authorized and directed to furnish all necessary election supplies to conduct such election. Applicable ballots and accessible voting systems, as defined and described in the Texas Election Code, shall be utilized for the Election.

Section 4. Election Day Precincts, Polling Places, Precinct Officials and Voting Times. The presently existing boundaries and territory of the respective Hockley County Election Precincts that are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts of the City for the Election.

On election day, the polls shall be open from 7:00 AM to 7:00 PM.

The returns for precincts in Hockley County will be provided by precinct for the Special Election, and the Hockley County Elections Administrator shall tabulate and provide the election returns for all remaining election items.

Section 5. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Hockley County Elections Administrator who is designated and appointed as the Early Voting Clerk, in accordance with the Texas Election Code. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Hockley County Elections Administrator.

The main early voting polling place shall be Sundown City Hall, located at 809 S. Slaughter Ave., Sundown, Texas, 79372. Early voting by personal appearance shall commence on April 24th, 2023, and continue through May 2nd, 2023. Early voting hours shall be on weekdays from 8:00 AM to 5:00 PM.

Section 6. Appointment of Election Officials. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the Hockley County Elections Administrator subsequent to adoption of this Ordinance.

Section 7. Notice of Election: The City Secretary is hereby authorized and directed

EXHIBIT "A"

PROPOSITION 1: Reducing the tax rate in CITY OF SUNDOWN for the current year from \$0.712811 per \$100 to \$0.629288 per \$100.

to prepare a form titled "Notice of Election," the contents and form of which shall comply with the requirements of the Texas Election Code and other law. The City Secretary is directed to publish notice of the election in the City's official newspaper. The notice shall be published the same day in each two successive weeks, with the first publication occurring before the tenth (10th) day before the date of the election. To the extent applicable, the City Secretary shall also provide public notice of the election in accordance with the Texas Election Code.

Section 9. Severability: Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 10. Repealer: The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

Section 11. Authorization to Execute: The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.


Section 12. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 13. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED THIS THE 14th DAY OF FEBRUARY, 2023.


HON. JONATHAN STRICKLAND, MAYOR
CITY OF SUNDOWN, TEXAS

ATTEST:


SYLVIA GARZA, CITY SECRETARY
CITY OF SUNDOWN, TEXAS