

CITY OF OAK RIDGE, TEXAS

ORDINANCE NO. 38-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, TO SUBMIT A BALLOT PROPOSITION TO THE ELIGIBLE VOTERS OF THE CITY OF OAK RIDGE, TEXAS, ON THE ADOPTION OF A SALES AND USE TAX AT THE RATE OF TWO (2) PERCENT; DESIGNATING THAT THE ELECTION SHALL BE CONDUCTED BY KAUFMAN COUNTY PURSUANT TO THE TERMS OF THE CITY'S CONTRACT FOR ELECTION SERVICES WITH THE COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Section 41.001(a) of the Texas Election Code establishes Tuesday, November 8, 2016, as a uniform election date for the City of Oak Ridge, Texas ("City"); and

WHEREAS, Section 321.101 of the Texas Tax Code authorizes the City to adopt a sales tax by majority vote of the qualified voters of the City; and

WHEREAS, the City does not currently impose any form of sales tax within the City and the City Council desires to submit to the voters the issue of whether a sales tax to raise general revenue for the City should be adopted; and

WHEREAS, Section 321.404 of the Texas Tax Code authorizes the City to submit to the eligible voters of the City a ballot proposition for or against the adoption of a sales tax at the rate of two (2) percent; and

WHEREAS, the City and Kaufman County, Texas ("County"), have entered into a contract for election services whereby the County will conduct all aspects of the sales tax election; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

Section 1. Incorporation of Premises. The above and foregoing premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Election Order; Election Date; Purpose of Election. An election of the City of Oak Ridge, Texas, shall be held on the 8th day of November, 2016, to consider a ballot

proposition, prescribed by Chapter 321 of the Texas Tax Code, for the purpose of adopting a sales tax at the rate of two (2) percent.

Section 3. Voting System. 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 all eligible voters of the City to vote “For” or “Against” the 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 of Oak Ridge, Texas
Tuesday, November 8, 2016**

PROPOSITION NO. 1

FOR _____
AGAINST _____

“A sales and use tax is adopted within the city at the rate of two (2) percent.”

Section 4. Conduct of the Election. The election shall be conducted by the County pursuant to the terms of the election contract between the City and the County, with Election Day polling location(s) for the voters in the City to be determined by the County, along with all early voting matters.

Section 5. Election Compliance. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. 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 and the City’s election contract with the County.

Section 6. Voting Qualification; Voting Materials. 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 7. Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas, the Election Code and the Tax Code.

Section 8. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have

passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 9. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Oak Ridge, Texas this the 22 day of February, 2016.

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary