

ORDINANCE NO. 210208

**AN ORDINANCE OF THE CITY OF MAYPEARL, TEXAS, CALLING FOR A GENERAL ELECTION FOR THE OFFICES OF MAYOR AND THREE CITY COUNCIL PLACES, SUCH GENERAL ELECTION TO BE HELD ON SATURDAY MAY 1, 2021; CALLING FOR A SPECIAL ELECTION TO REAUTHORIZE THE SALES AND USE TAX FOR STREET MAINTENANCE AND REPAIR; ESTABLISHING PROCEDURES FOR THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Maypearl, Texas ("City") is a Type A General Law Municipality located in Ellis County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the general election for City Council members of the City of Maypearl is required to be held on May 1, 2021, a uniform election date, at which time the voters will elect persons to fill the offices of Mayor and three City Council member seats; and

**WHEREAS**, the Texas Tax Code, Chapter 327.001 et seq, (the "Act"), provides that certain eligible cities or towns 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**, once approved by the voters, the sales and use tax for street maintenance expires unless reauthorized by a majority of the qualified voters at an election called reauthorize the tax.

**WHEREAS**, the City Council desires to call a special election for May 1, 2021, a uniform election date, and present to the voters a proposition to reauthorize a one-fourth of one percent sales and use tax in the City of Maypearl to provide revenue for municipal street maintenance and repair;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAYPEARL, TEXAS, THAT:**

**Section 1. General Election Called.** An election is hereby called to elect the offices of Mayor and the three City Council seats whose current term expires in May 2021 to serve from May 2021 until May 2023 or until their successors are duly elected and qualified. The election shall be held on May 1, 2021 between the hours of 7:00 a.m. and 7:00 p.m. at First Baptist Church, 5744 FM 66, Maypearl, Texas 76064. The City shall constitute a single precinct for said election.

**Section 2. Special Election Called.** In accordance with Section 327.007 of the Texas Tax Code, a Special Election is hereby called and ordered for May 1, 2021, to submit to the voters a proposition to determine whether to reauthorize the of a one-quarter of one percent sales and use tax for street maintenance purposes.

**Section 3. Ballot Proposition.** The official ballots for the special 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:

<p>FOR <input type="checkbox"/></p> <p>AGAINST <input type="checkbox"/></p>	<p>THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF MAYPEARL, TEXAS AT THE RATE OF ONE-FOURTH (1/4<sup>TH</sup>) OF ONE PERCENT (1%), 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 REATHORIZED.</p>
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**Section 2. Joint Election Agreement Approved.** Prior to the election, the Town anticipates that it will enter into a joint election agreement and contract for election services with Ellis County, conducted under the authority of Chapter 271 of the Election Code (the "Agreement").

**Section 4. Application for Place on Ballot for General Election.** Qualified persons may file as candidates for the General Election by filing applications in the office of the City Secretary located at Maypearl City Hall, 104 East Second Street, Maypearl, Texas 76064 from 8:00 a.m. to 5:00 p.m., on all regular business days from January 13, 2021 through February 12, 2021.

**Section 5. Early Voting.**

**a. Early voting by personal appearance.** Early voting by personal appearance shall commence April 19, 2021 and shall continue until April 27, 2021. Specific days, times and locations shall be designated in the Agreement and shall be in compliance with state law. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.

**b. Early voting by mail.** The Ellis County Election Administrator ("Elections Administrator") is hereby designated as Early Voting Clerk for the general and special election. Applications for early voting by mail may be delivered to the Elections Administrator at the following address: Jana Onyon, Early Voting Clerk, 204 E Jefferson Street, Waxahachie, Texas 75165 not later than the close of business on April 20, 2021. Early voting by ballots shall be mailed to the Early Voting Clerk at the same address. The City Secretary is directed to forward applications and ballots she may receive to the Elections Administrator, as provided in the Agreement.

**c. Early voting by Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board which is hereby created. The election judge, alternate election judge, and ballot board will be appointed by the Elections Administrator,

as permitted by law. The presiding judge shall appoint elections clerks as may be necessary for the proper conduct of the election. The election judge, or the alternate election judge in the absence of the election judge, and the election clerks shall constitute the early voting ballot board to process early voting results from the election. The election judge, and alternate election judge, and election clerks shall be qualified voters of the City. To the extent required by law, those persons designated by Ellis County as election officers and clerks are hereby appointed by the City

**Section 6. Method of Voting.** Early voting by personal appearance and on Election Day, shall be conducted by Ellis County in accordance with the Agreement. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Agreement and applicable law. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary pursuant to state law. Notice of the time and place for such drawing shall be given in accordance with the Texas Election Code.

**Section 7. Governing Law and Qualified Voters.** The election shall be held in accordance with the Constitution of the State of Texas and the Texas Elections Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 8. Publication and Posting of Notice of Election.** This ordinance shall serve as Order of the Election, as required by Section 3.001 of the Texas Election Code for the General and Special Election. Notice of said election shall be given by publishing the caption of this Ordinance, in English and in Spanish, at least once, not earlier than the 30<sup>th</sup> day and later than the 10<sup>th</sup> day before election day in a newspaper published in the City. A copy of this ordinance shall be posted on the city's board used for posting notices of City meetings not later than the 21<sup>st</sup> day before election day.

**Section 9. Necessary Actions.** The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code in carrying out and conducting the election, whether or not expressly authorized herein.

**Section 10. Severability Clause.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this order are severable and if any phrase, clause, sentence, paragraph, or section shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this order, since the same would have been enacted by the City Council without the incorporation in this order of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

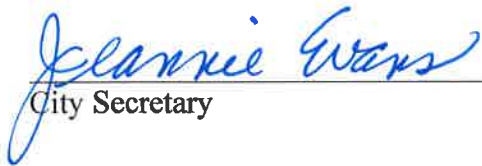
**Section 11. Effective Date.** This Ordinance shall be effective upon its adoption.

PASSED AND APPROVED this 8<sup>th</sup> day of February, 2021.

**CITY OF MAYPEARL, TEXAS**

  
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Mayor

ATTEST:

  
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City Secretary