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## Ordinance 021417

### **AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF FRANKSTON, TEXAS TO SUBMIT A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF A LOCAL SALES AND USE TAX IN FRANKSTON, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS**

WHEREAS, the City Council (the "Council") of the City of Frankston, Texas, (the City) hereby finds that a special election should be held for the purposes of submitting a proposition on the levy and collection of the adoption of a local sales and use tax in Frankston, Texas at the rate of one-fourth of one percent to provide revenue for the maintenance and repair of municipal streets; and

WHEREAS, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed two percent (2%); and

WHEREAS, the Council finds and determines that the holding of this special election on the date set forth below, a special election date, is in the public interest; NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

Section 1. A special election shall be held on the 6<sup>th</sup> day of May, 2017, a special election date, in the City of Frankston, Texas, which date is not less than sixty-two (62) days from the date of the adoption of this Ordinance (the "Ordinance"), for the purpose of submitting the following proposition to the electors of the City:

#### **PROPOSITION**

The reauthorization of the local sales and use tax in the City of Frankston at the rate of one-quarter of one percent to continue providing revenue for maintenance and repair of the municipal streets.

#### **Section 2. Election Day Poll**

The poll for the Election shall be at the following location:

Frankston Courthouse Annex  
320 S. Commerce St.  
Frankston, TX 75763

The poll shall be open on Election Day from 7:00 a.m. to 7:00 p.m. Voting shall include an ES&S Automark Machine to be in compliance with Texas' Help America Vote Act.

#### **Section 3. Appointment of Election Administrator**

The Anderson County Elections Department shall conduct, supervise, and administer said election. Anderson County Elections Administrator Casey Brown is appointed as Elections Administrator and shall appoint the election officials including the Presiding Judge and Clerks.

**Section 4. Appointment of Early Voting Clerk**

The City Administrator/Acting City Secretary designates Anderson County Elections Administrator Casey Brown as Early Voting Clerk. The Early Voting Clerk may appoint Deputy Clerks. The Early Voting Clerk's mailing address is as follows:

Casey Brown  
Early Voting Clerk  
Anderson County Elections Administrator  
703 N. Mallard, Suite 116  
Palestine, TX 75801

**Section 5. Appointment of Early voting Ballot Board**

The Early Voting Clerk shall designate individuals to serve as the Early Voting Ballot Board.

**Section 6. Early Voting Poll Locations**

The early voting shall be held at the following location and times:

Frankston Courthouse Annex  
320 S. Commerce  
Frankston, TX 75763  
(directly across from Frankston City Park)

Monday, April 24, 2017 8:00 a.m. to 4:00 p.m.

Tuesday, April 25, 2017 **7:00 a.m. to 7:00p.m. (Extended Hours)**

Wednesday, April 26, 2017 8:00 a.m. to 4:00p.m.

Thursday, April 27, 2017 8:00 a.m. to 4:00 p.m.

Friday, April 28, 2017 8:00 a.m. to 4:00 p.m.

Saturday, April 29, 2017 Closed

Sunday, April 30, 2017 Closed

Monday, May 1, 2017 8:00 a.m. to 4:00 p.m.

Tuesday, May 2, 2017 **7:00 a.m. to 7:00 p.m. (Extended Hours)**

**Section 7. Voting by Mail**

The Early Voting Clerk mailing address to which ballot applications and ballots voted by mail may be sent is as follows:

Casey Brown  
Early Voting Clerk  
Anderson Count Elections Administrator  
703 N. Mallard, Suite 116  
Palestine, TX 75801  
cbrown@co.anderson.tx.us

Early voting by mail shall be by paper ballots.

**Section 8. Applicable Law**

Said election shall be held in accordance with the Election Code of the State of Texas and only qualified registered voters of the City shall be eligible to vote at said election. The City of Frankston is located entirely within Anderson County Election Precinct Number 3.

**Section 9. Notice of Election, Publication, and Reporting**

Notice of said election will be given in accordance with the terms and provisions of the Texas Elections Code. The Anderson County Elections Administrator is hereby instructed to have said notice published at least once in accordance with said Code not earlier than Thursday April 6, 2017 the 30<sup>th</sup> day before the election or no later than Wednesday, April 26, 2017, the 10<sup>th</sup> day before the election. Notice shall also be posted at the City of Frankston City Hall, 240 W. Main St., Frankston, TX 75763 no later than Monday April 17, 2017 the 19<sup>th</sup> day before Election Day.

Immediately after said election is held, the officers holding the same shall make returns of the results to the Mayor of this City as required by the Texas Election Code.

**Section 10. Writ of Election**

A copy of this order shall also serve as a writ of election, which shall be delivered to the Presiding Judge for said election.

**Section 11. Other**

The City Administrator/Acting City Secretary of Frankston shall be authorized to execute any and all contracts, agreements, certificates, notices, or documents necessary to effectuate this election order.

By approving and signing this ordinance, the Mayor officially confirms, as in action all matters recited in the ordinance, which by law come within his jurisdiction.

**Section 12.**

All ordinances and resolutions, or parts thereof, which are in conflict or which are inconsistent with any provision of this Ordinance are repealed to the extent of such conflict or inconsistency, and the remaining provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

Section 13.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America

Section 14.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Ordinance would have been enacted without such invalid provision.

Section 15.

It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered as such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 16.

This Ordinance shall be in force and effect from and after the date of its adoption and, it is so ordained.

**PASSED AND APPROVED THE 14<sup>TH</sup> DAY OF FEBRUARY, 2017**

  
Sharyn Harrison  
Mayor

ATTEST:

  
Jan Hamilton  
City Secretary