

ORDINANCE NO. 66-2003

AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, ORDERING A SPECIAL CITY ELECTION FOR MAY 3, 2003, TO CONSIDER ADOPTION OF AN ADDITIONAL ONE-HALF OF ONE PERCENT LACAL SALES AND USE TAX WITHIN THE CITY TO BE USED FOR ECONOMIC DEVELOPMENT AS AUTHORIZED BY SECTION 4B, ARTICLE 5190.6, V.T.C.S., AS AMENDED; ESTABLISHING PROCEDURES THEREFORE: APPOINTING THE JUDGES; AND CONTAINING OTHER RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS:

Section 1. In accordance with the Texas Election Code, it is ordered that a special election will be held in the City of Orchard on the 3rd day of May 2003, a uniform election date established by Chapter 41.001 of the Texas Election Code. At this special election the following proposition shall be submitted to the resident qualified voters of the City for action, regarding authorizing the City to levy and collect additional sales and use taxes within the City pursuant to the provisions of Section 4B Article 5190.6, V.T.C.S., as amended, the Development Corporation Act of 1979. The ballot for the special election on the proposition shall conform to the requirements of the Texas Election code, with provisions permitting voters to vote "For" or "Against" the proposition, in accordance with the Sections 52.072 and 52.073 of the Texas Election code. The proposition shall be stated as follows:

The adoption by the City of Orchard of an additional one-half of one percent sales and use tax to be used for any purpose authorized by Section 4B, Article 5190.6, V.T.C.S., as amended (the Development Corporation Act of 1979), including but not limited to projects for the promotion and development of new or expanded enterprises, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements, as well as any improvements or facilities that are related to any of those projects and any other project that promotes or develops new or expanded business enterprises, as well as projects required or suitable for use for professional and amateur sports, athletic, entertainment, amphitheaters, concert halls, tourist, convention and public park purposes and events, including stadiums, ball parks auditoriums learning centers, parks and park facilities, open space improvements, municipal buildings, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets and water and sewer facilities and other related items that enhance any of those items.

SECTION 2. The entire City shall constitute one election precinct for holding the election. The polling place designated for holding the election shall be the City Hall, 9921 Galveston Street, Orchard, Texas 77464. The presiding Judge and the Alternate Presiding Judge shall be appointed by written order of the Governing Body.

The Presiding Judge shall appoint not less than two (2) or more than four (4) resident qualified electors of the City to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

Oral assistance in Spanish shall be made available to all persons requiring such assistance. Any person requiring oral assistance in Spanish should contact the Presiding Judge or the Early Voting Clerk.

The election shall be held in the City as prescribed by the applicable law and on the day of the election, the polls shall be open from 7:00 a.m. to 7:00 p.m.

Early voting shall be conducted at the City Hall of the City of Orchard located at 9921 Galveston Street, Orchard, Texas 77464. Wanda Andel, the City Secretary, whose mailing address is P.O. Box 59, Orchard, Texas 77464, shall serve as the Early Voting Clerk. The Early Voting Clerk shall appoint not less than two (2) Deputy Early Voting Clerks in accordance with the provisions of the Texas Election Code. This office or place shall remain open to permit early voting from 8:00 a.m. to 4:00 p.m. Monday and Tuesday, and 8:00 a.m. to 2 p.m. Wednesday, Thursday and Friday, each day with the exception of Saturdays, Sundays, and official State holidays. Early voting shall commence on the 17th day before the election and continue through the 4th day preceding the date of the election all as provided by the provisions of the Texas Election Code.

The Early Voting Ballot Board shall consist of the Presiding Judge and Alternate Presiding Judge and other members, appointed by the Presiding Judge, who are eligible to serve in accordance with the Election Code.

SECTION 3. Voting in the election for the propositions shall be by the use of paper ballots, which will be printed in both English and Spanish and which shall conform to the requirements of the Texas Election Code. The ballots shall be printed to permit electors to vote "For" or "Against" the aforesaid proposition.

SECTION 4. That said election shall be held in accordance with the Constitution and laws of the State of Texas, and all duly qualified resident electors of the City of Orchard, Texas shall be entitled to vote.

SECTION 5. All resident qualified electors of the City shall be permitted to vote at the election and on the day of the election, such electors shall vote at the designated polling place. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and the provisions of the Local Government Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

SECTION 6. Not later than the 21st day before Election Day, a copy of the notice, which must include the location of each polling place, shall be posted on the bulletin board used for posting notices of the meetings of the Governing Body of the City of Orchard; the notice shall remain posted continuously through Election Day. Notice of the election shall be given by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before election day in the official newspaper of the City.

Notice of the election shall be published in English and Spanish, in the manner required by law.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

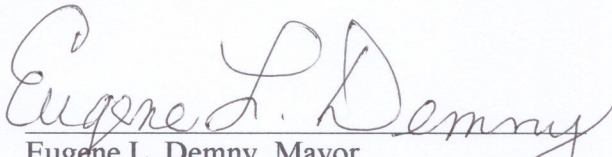
SECTION 10. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11. 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 at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

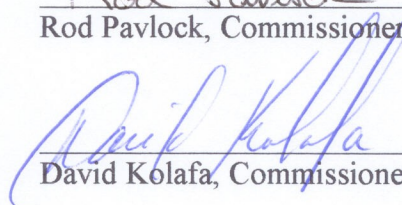
SECTION 12. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND ADOPTED, this the 12th day of February 2003.

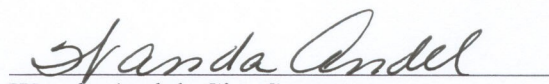
City of Orchard, Texas


Eugene L. Demny, Mayor


Rod Pavlock, Commissioner


David Kolafa, Commissioner

Attest:


Wanda Andel, City Secretary