

ORDINANCE NO. 95-2011

AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS ORDERING AN ELECTION ON THE REAUTHORIZATION OF A LOCAL SALES AND USE TAX IN THE CITY OF ORCHARD, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orchard, Texas hereby finds and determines that an election should be held to determine whether it shall be reauthorized to impose a local sales and use tax at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

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

SECTION 1. An election shall be held on the 14th day of May, 2011, the next uniform election date, in the City of Orchard, Texas, which date is not less than 45 days from the date of the adoption of this ordinance for the purpose of submitting the following measure to the qualified voters of the City:

MEASURE

Shall the City Council of the City of Orchard, Texas be reauthorized to impose a local sales and use tax in the City of Orchard, Texas at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

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, 9714 Kibler 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 by personal appearance shall be conducted at the City Hall of the City of Orchard located at 9714 Kibler Street, Orchard, Texas 77464. Merry Sue Hajdik, 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 shall remain open to permit early voting from, 8:00 a.m to 12:00 p.m. May 2, 2011 through May 6, 2011, and 7:00 a.m. to 7:00 p.m. May 9, 2011 and May 10, 2011, in accordance with Sections 31.097 and 271.006 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 an electronic voting system, the Hart InterCivic eSlate 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, which shall appear on the ballot substantially as follows:

PROPOSITION

"THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF ORCHARD, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONUINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

SECTION 4. That said elections 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.

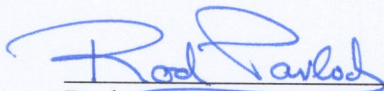
SECTION 10. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares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

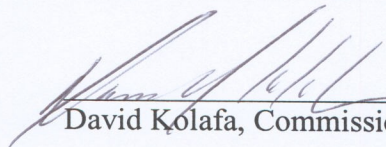
SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

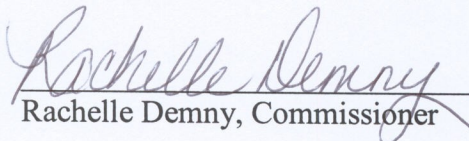
SECTION 12. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND ADOPTED, this the 9th day of February 2011.

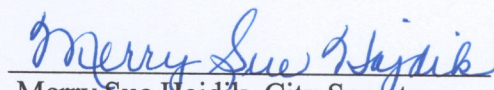
City of Orchard, Texas


Rodney Pavlock, Mayor


David Kolafa, Commissioner


Rachelle Demny, Commissioner

Attest:


Merry Sue Hajdik, City Secretary

2-11

City of Orchard

PUBLISHER'S AFFIDAVIT

95-2011

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

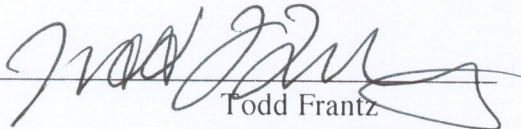
Before me, the undersigned authority, on this day personally appeared Todd Frantz who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

2-11

_____, A.D. 2011

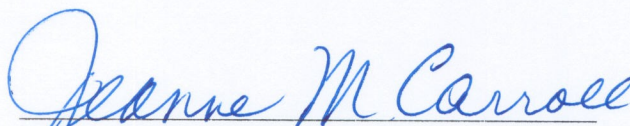

Todd Frantz
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME by Todd
Frantz who

X a) is personally known to me, or

_____ b) provided the following evidence to establish
his/her identity, _____

on this the 11th day of February, A.D. 2011
to certify which witness my hand and seal of office.


Notary Public, State of Texas

(CLIPPING) (S)

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City.
Ordinance passed: 02/09/2011

