

ORDINANCE NO. 040920

AN ORDINANCE OF THE CITY OF SELMA, TEXAS POSTPONING THE MAY 2, 2020 SPECIAL ELECTION ON THE REAUTHORIZATION OF A LOCAL SALES AND USE TAX IN THE CITY OF SELMA, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS TO THE NEXT UNIFORM ELECTION DATE OCCURRING ON NOVEMBER 3, 2020; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Selma, Texas (the City) hereby finds and determines that a Special Election should be held to determine whether it shall be reauthorized to continue to impose a local sales and use tax at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID- 19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster; and

WHEREAS, on March 18, 2020, the Governor issued a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date; and

WHEREAS, the City Council of the City of Selma, Texas is exercising the authority granted by the proclamation issued by the Governor of Texas to postpone the Special Election to the November 3, 2020 uniform election date in view of the COVID-19 public health emergency.

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

SECTION 1. A Special Election shall be held on the 3rd day of November, 2020, the next uniform election date in the City of Selma, Texas, which is not less than thirty (30) days from the date of the adoption of this ordinance, for the purpose of submitting the following measure to qualified voters of the City:

MEASURE

The reauthorization of the local sales and use tax in the City of Selma, Texas at the rate of one-fourth of one percent 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 reauthorized.

SECTION 2. All applications for a ballot by mail (ABBM) for voters who are voting by mail due to being over the age of 65 or due to disability that were submitted for the May 2, 2020 election will still be valid for the postponed election to be held on November 3, 2020, but ABBM for voters who submitted ABBM based on expected absence from the county for the May 2, 2020 election will not be valid for the postponed election.

SECTION 3. The City plans to enter into a Contract for Election Services with Guadalupe County, Comal County, and Bexar County in regard to the County Elections Administrators providing various services for the election, including, without limitation, procuring and distributing election supplies, procuring and paying election judges and clerks for early voting polling places, and for election day, procuring early voting polling places and election day polling places, providing equipment, providing overall supervision of the election, conducting early voting (including, without limitation, establishing the dates, times, and places for early voting), and providing other related services.

SECTION 4. To the extent that such Contracts for Election Services with Guadalupe County, Comal County, and Bexar County does not cover the following matters, then the following election-related matters shall apply, provided that any conflict shall be resolved by reference to such Contract for Election Services with the counties:

The entire City shall have one election precinct location for holding the election. The polling place designated for holding the election shall be City Hall, 9375 Corporate Drive, Selma, Texas 78154. The City Council shall appoint the Presiding Judge and the Alternate Presiding Judge not later than September 14, 2020. The Presiding Judge shall appoint not less than two (2) nor 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 will be conducted at locations established by the Guadalupe County, Comal County, and Bexar County Elections Division.

SECTION 5. Early voting by personal appearance will be conducted beginning on Monday, October 19th, 2020, and ending on Friday, October 30, 2020, at locations established by the Guadalupe County, Comal County, and Bexar County Elections Division. Early voting will be

conducted from 8:00 a.m. to 5:00 p.m. on October 19, 2020, through October 23, 2020; from 7:00 a.m. to 7:00 p.m. on October 24, 2020; from 1:00 p.m. to 6:00 p.m. on October 25, 2020; and from 7:00 a.m. to 7:00 p.m. on October 26, 2020, through October 30, 2020, all as provided by applicable provisions of the Texas Election Code.

Lisa Hayes, whose mailing address is 215 S. Milam, Seguin, Texas 78155 and email address lisa.hayes@co.guadalupe.tx.us, shall serve as an Early Voting Clerk for Guadalupe County.

Cythina Jaqua, whose mailing address is 396 N. Seguin, Texas 78130 and email address is jaquac@co.comal.tx.us, shall serve as an Early Voting Clerk for Comal County.

Jacque Callanen, whose mailing address is 1103 S. Frio, Suite 100 San Antonio, Texas 78207 and email address is jcallanen@bexar.org, shall serve as an Early Voting Clerk for Bexar County.

Permanent employees of the Guadalupe County, Comal County, and Bexar County Elections Administrator are hereby appointed as Deputy Early Voting Clerks.

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 Texas Election Code. Early voting ballots shall be canvassed by the Early Voting Ballot Board.

SECTION 6. Voting in the election for the proposition shall be by the use of an electronic voting system, which will be 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 which shall appear on the ballot substantially as follows:

PROPOSITION

THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF SELMA, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE FOURTH ANNIVERSARY OF THE DATE OF THE ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.

SECTION 7. All qualified resident electors of the City shall be permitted to vote at the election, and shall vote at the designated countywide 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 Texas 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 8. 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 Selma. The notice shall remain posted continuously through election day. Notice of the election shall also 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 9. 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 10. 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.

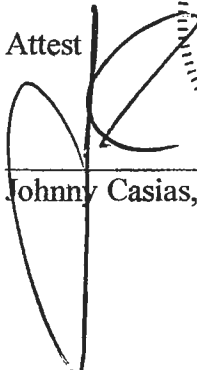
SECTION 11. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 12. If any provision of this Ordinance or the application thereof to any person or circumstances 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 13. 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 14. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED this 9th day of April 2020.

Attest


Johnny Casias, City Secretary





Tom Daly, Mayor