

ORDINANCE NO. 2023-0814-06

AN ORDINANCE OF THE CITY OF BARTLETT, TEXAS, ORDERING A SPECIAL ELECTION TO CONSIDER DISSOLVING THE TYPE B ECONOMIC DEVELOPMENT CORPORATION AND ITS ASSOCIATED SALES TAX AND ADOPTING A ONE-HALF PERCENT (0.5) SALES TAX TO BE DEPOSITED IN THE GENERAL FUND RESULTING IN NO NET CHANGE IN THE TOTAL SALES TAX RATE; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Bartlett, Texas (the "City") hereby finds and determines that an election should be held to submit to the voters the question of dissolving its economic development corporation under *Chapter 505, Texas Local Government Code*, and reallocate the current one-half of one percent sales and use tax collected for the Economic Development Corporation to go towards the general fund;

WHEREAS, the City Council established the Economic Development Corporation in 2014, but never appointed a board since that time to the Economic Development Corporation;

WHEREAS, the Bartlett Economic Development Corporation (Type B) has accrued funds since its inception that have not been used due to there not being appointed members to its board;

WHEREAS, the City of Bartlett identifies the higher need of those funds for its annual operating budget in the general fund;

WHEREAS, the City of Bartlett, Texas (hereinafter the "City") intends to contract with Williamson County to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract"), and such contract provides for political subdivisions subject to the contract that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271, Tex. Elec. Code*;

WHEREAS, the City Council desires to conduct the election on the recommended proposition at the next uniform election date on November 7, 2023.

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

Section 1. Special Elections Ordered. The following special elections are called and ordered to be held on the 7th day of November, 2023, the next uniform election date, in the City of Bartlett, Texas, for the purpose of submitting to the qualified voters of the City the following questions.

- (a) "Shall the City Council of the City of Bartlett be authorized to terminate its economic development corporation and is associated 1/2 of 1% sales and use tax for economic development and expenditures as permitted and authorized under the provisions of Article 5190.6 Section 4b, Vernon's Annotated Civil Statutes?"

Section 2. Effective Date of Taxes If Approved. (a) If approved by a majority vote of the registered voters of the City at such election, the sales and use taxes previously collected to finance development projects for the Bartlett Economic Development Corporation shall be transferred to the City of Bartlett as provided in Section 505.354(b), Texas Local Government Code.

(b) The Bartlett Economic Development Corporation may continue operations only as necessary to meet the obligations the corporation incurred before the date of the election (if any), including paying the principal of and interest on the corporation's bonds, and liquidate the corporation's assets and apply the proceeds to satisfy the corporation's obligations, to the extent practicable.

Section 3. Effective Date of Change in Tax Collection. If approved by a majority vote of the registered voters of the City at such election, any tax previously collected under Chapter 505, Texas Local Government Code, may not be collected after the last day of the first calendar quarter that begins after the City of Bartlett provides notice to the Texas Comptroller and the Secretary of State of the date the existence of the Type B corporation was terminated.

Section 4. Ballots and Propositions. The ballots for the election on the proposed sales and use tax for economic development imposed under Chapter 505, Texas Local Government Code shall comply with the *Tex. Elec. Code, Chaps. 321 and 327, Tex. Tax Code*, and the Act, and be in the form provided by the City to the Williamson and Bell County Election Officers for use on the voting devices and ballots used by Williamson or Bell County, provided that the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote "For" or "Against" the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

"TERMINATION OF THE BARTLETT ECONOMIC DEVELOPMENT CORPORATION (TYPE B) AND ITS ASSOCIATED SALES TAX; AND THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE CITY OF BARTLETT AT A RATE OF ONE-HALF OF ONE PERCENT. THIS WOULD RESULT IN NO CHANGE IN THE TOTAL SALES TAX RATE.

For 5 Against 0

Section 5. Notice. Notice of the elections shall be given and the elections shall be held in compliance with the provisions of the *Tex. Elec. Code*, the *Tex. Local Gov't Code*, and the *Texas Tax Code* in all respects. The ballots for the elections shall comply with the *Tex. Elec. Code* and other applicable state law and be in the form provided by the City to the Williamson and Bell County Election Officers for use on the voting devices and ballots used by the Williamson and Bell County Election Officers. The proposed ballot language may be revised as necessary to comply with applicable statute, and with respect to the proposed sales tax and use tax for economic development under the Act, the ballot language may be revised as necessary to authorize all projects authorized for Type B corporations under the Act, as amended from time to time.

Section 6. The Williamson and Bell County Election Officers and their employees and appointees, and the election judges, alternate judges and clerks properly appointed for the elections, shall hold and conduct the elections in the manner provided by the Election Agreement and the law governing the holding of the special elections by general law cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 7. Early voting, both by personal appearance and by mail, will be conducted by the Williamson and Bell County Election Officers, who are designated and appointed as the Early Voting Clerks, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Williamson and Bell County Election Officers. Early voting shall commence on Monday, October 23, 2023, and continue through Friday, November 3, 2023, and early voting polls shall remain open for the time specified by the *Texas Election Code*. Early voting shall also be held at any time and location authorized by the Williamson and Bell County Election Officers.

Section 8. The election precincts for the elections shall be the election precincts established by Williamson County and Bell County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Williamson or Bell County for such election precincts in Williamson or Bell County voting by residents of the City. The polls shall remain open on the day of the elections from 7:00 a.m. to 7:00 p.m. The returns for precincts will be provided by precinct and the Williamson and Bell County Election Officers shall tabulate and provide the election returns for the elections.

Section 9. The City agrees to conduct a joint election with other political subdivisions within Williamson County or Bell County, as appropriate, provided that such political subdivision holds an election on November 7, 2023 in all or part of the same territory as the City (the "Political Subdivisions"). The joint election shall be conducted in accordance with state law, this ordinance, and the contract for election services with Williamson County and Bell County.

Section 10. The City Secretary, or designee, is instructed to aide the Williamson and Bell County Election Officers in the acquisition and furnishing of all election supplies and materials necessary to conduct the elections as provided by the Election Agreements. The City Secretary is further authorized to give or cause to be given notices required for the elections, and to take such other and further action as is required to conduct the elections in compliance with the *Tex. Elec. Code*; provided that, pursuant to the Election Agreements between Williamson and Bell Counties and the City, the Williamson and Bell County Election Officers shall have the duty and be responsible for organizing and conducting the elections in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreements. The Williamson and Bell County Election Officers shall give the notices required by the *Tex. Elec. Code* to be given for the elections not required to be given by the City under the Election Agreements.

Section 11. The presiding judges, alternate presiding judges and clerks for the elections shall be selected and appointed by Williamson and Bell Counties and their appointees in compliance with the requirements of state law, and such judges and clerks so selected by Williamson or Bell County and their appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said elections. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Williamson or Bell County for the elections.

Section 12. Notice of the elections shall be given by posting a notice that complies with the Texas Election Code at the location used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the elections, and by publishing said Notices of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said elections, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

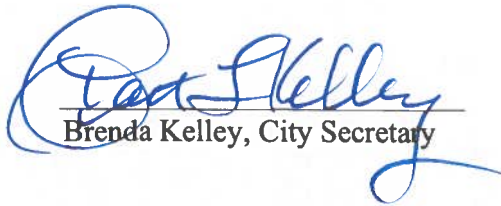
Section 13. The elections shall be held and conducted by the Williamson and Bell County Election Officers in compliance with state law and the Election Agreement. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 14. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED, this the 14th day of August, 2023.

ATTEST:

CITY OF BARTLETT, TEXAS


Brenda Kelley, City Secretary


Chad Mees, Mayor