

**ORDINANCE NO. 20240212-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS, CALLING FOR AND ORDERING A SPECIAL ELECTION TO BE HELD ON THE MAY 4, 2024 UNIFORM ELECTION DATE WITH A COMBINED BALLOT PURSUANT TO SECTION 321.409 OF THE TEXAS TAX CODE TO DETERMINE WHETHER THE CITIZENS DESIRE TO REDUCE THE CURRENT ONE-HALF OF ONE PERCENT SALES AND USE TAX ALLOCATED FOR PROPERTY TAX RELIEF TO ONE-FOURTH OF ONE PERCENT AND TO ADOPT A SALES AND USE TAX OF ONE-FOURTH OF ONE PERCENT TO FUND ECONOMIC DEVELOPMENT IN ORDER TO UNDERTAKE PROJECTS FOR THE PURPOSE OF ECONOMIC DEVELOPMENT AS DESCRIBED IN SECTION 501 AND 505, TYPE B CORPORATIONS, OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING PROCEDURES FOR THE CONDUCT OF THE ELECTION; ESTABLISHING LOCATIONS FOR VOTING AND PROVIDING FOR THE DESIGNATION OF COUNTY POLLING PLACES AS VOTING LOCATIONS; SETTING THE HOURS FOR EARLY VOTING AND EARLY VOTING LOCATIONS; APPOINTING AN EARLY VOTING CLERK AND PROVIDING FOR THE APPOINTMENT OF ELECTION OFFICIALS; PROVIDING A SEVERABILITY EFFECTIVE DATE CLAUSES; FINDING OF AN EMERGENCY AND PROVIDING FOR THE IMMEDIATE ADOPTION AND PASSAGE OF THIS ORDINANCE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the Development Corporation Act of 1979, formerly Article 5190.6 of the Texas Revised Civil Statutes, was codified at title 12, Subtitle C1, Section 501, et seq., providing for the creation of economic development corporations by municipalities for the purposes specified in the applicable provisions of the Development Corporation Act;

**WHEREAS**, by resolution of the City Council for the City of Daingerfield (the "City"), the City Council authorized the creation and formation of a Type B economic development corporation in the City of Daingerfield which is named as follows: Daingerfield 4-B Economic Development Corporation;

**WHEREAS**, the Daingerfield 4-B Economic Development Corporation was created to promote economic development within the City of Daingerfield in order to eliminate unemployment and underemployment, and to promote and encourage employment and the public welfare of, for, and on behalf of the City of Daingerfield by developing, purchasing, leasing, implementing, providing, and financing Projects under the Act and as Projects is defined in Chapter 505 of the Texas Local Government Code;

**WHEREAS**, Texas Local Government Code Chapter 505, Type B Corporations, is applicable to Type B Economic Development Corporations, provides for the levy of a sales and use tax for the benefit of a Type B Economic Development Corporation if the adoption of the sales and use tax is authorized by a majority of the qualified voters of the City of Daingerfield;

**WHEREAS**, the City has previously adopted by election, a sales and use tax of one-half (1/2) of one percent dedicated to property tax reduction;

**WHEREAS**, the City Council for the City (the “City Council”) has determined that it is the best interest of the citizens of the City of Daingerfield to re-allocate the one-half (1/2) of one percent sales tax dedicated to property tax reduction by lowering that tax dedicated to property tax relief to one-fourth (1/4) of one percent and adopting a new sales and use tax of one-fourth (1/4) of one percent to support economic development projects of a Type B Corporation as described in the Development Corporation Act;

**WHEREAS**, due to the limitations on sales and use tax under the law, the City cannot legally collect sales and use taxes for the benefit of Daingerfield 4-B Economic Development Corporation and continue collection of the current sales and use taxes of one-half (1/2) of one percent for property tax relief;

**WHEREAS**, Section 321.409 of the Texas Tax Code requires the City Council of the City of Daingerfield to call a special election with a combined ballot for the purpose of determining if a majority of the citizens of the City of Daingerfield desire to reduce that tax dedicated to property tax relief to one-fourth (1/4) of one percent and adopting a sales and use tax of one-fourth (1/4) of one percent for the purpose of economic development as described in the Development Corporation Act; and,

**WHEREAS**, Article X, Section 8 of the Home Rule Charter for the City of Daingerfield, Texas, (the “City”) authorizes the City Council to authorize to submit a proposition to the qualified voters of the City to consider the approval of the proposition to amend current Sales and Use Tax;

**NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS:**

**Section 1. Findings of Fact.** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2. Order of Special Election.** The City Council orders a special election with a combined ballot to be held on Saturday, May 4, 2024, such date being a Uniform Election Date as set forth in the Texas Election Code, for the purpose of submitting to the qualified voters of the City the proposition on whether a majority of the citizens of Daingerfield desire to lower the current one-half (1/2) of one percent sales and use tax dedicated to property tax relief to a one-fourth (1/4) of one percent sales and use tax dedicated to property tax relief and to adopt a one-fourth (1/4) of one percent sales and use tax for the purpose of economic development as described in the Development Corporation Act. This election shall be held and conducted in accordance with the provisions of the Texas Election Code.

**Section 3. Submission of Proposition.** A proposition of whether desire to reduce the current one-half of one percent sales and use tax dedicated to property tax relief to one-fourth (1/4) of one percent and to adopt a one-fourth (1/4) of one percent sales and use tax for the purpose of economic development as described in the Development Corporation Act shall be submitted to the City’s qualified voters for their approval or disapproval at an election to be held concurrently with the regular City election of City Council members on Saturday, May 4, 2024.

**Section 4. Levy of Sales and Use Taxes if Approved by Voters.** If a majority of the qualified voters shall vote in favor of the proposition and in favor of reducing the current one-half (1/2) of one percent sales and use tax dedicated to property tax relief to one-fourth (1/4) of one percent and to adopt a one-fourth (1/4) of one percent sales and use tax for the purpose of economic development as described in the Development Corporation Act, the City Council shall adopt ordinances levying the sales and use tax as lowered and adopted, if approved by the voters, in accordance with Texas Tax Code Chapter 321, the Development Corporation Act, and other applicable Texas state law, which shall, at the time fixed therein, become effective as law.

**Section 5. Election Held in Accordance with Election Code.** The special election ordered by this Ordinance shall be held in compliance with the provisions of Chapter 321 of the Texas Tax Code, and, to the extent not in conflict therewith, the Texas Election Code.

**Section 6. Proposition.** The official ballot shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "For" or "Against" the proposition, with the ballots to contain such provision, markings, and language as required by law, and with such proposition as set forth in the attached draft ballot, or to be expressed substantially as follows:

**PROPOSITION:**

"The lowering of the current one-half (1/2) of one percent sales and use tax allocated for property tax relief to one-fourth (1/4) of one percent and to thereby adopt a sales and use tax of one-fourth (1/4) of one percent to be used to reduce the property tax rate and the adoption of a Local Government Code Section 505.251 sales and use tax of one-fourth (1/4) of one percent to undertake projects authorized by and described in Section 505 of the Development Corporation Act"

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_

**Section 7. Ballots.** The ballots used for the general election shall comply with the Texas Election Code and shall be in the form provided by the City for use on the respective voting devices used by the City.

**Section 8. Printed Materials.** The official ballots, together with such other election materials as is required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

**Section 9. Notice of Election.** Notice of the election shall be given in the manner as provided in the Texas Election Code and the City Charter. The notice of election shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at other locations required by state law not later than the twenty-first (21st) day before the election, and by publishing said notice of the election in a newspaper of general circulation, not earlier than thirty (30) days nor later than ten (10) days prior to said election. The City Secretary is authorized and shall give all notices required for the election.

**Section 10. Conduct of Election.** The City Secretary and his/her designees and appointees, and the election judges, alternate judges and clerks properly appointed for the election,

shall hold and conduct the election for the City. The election shall be held and conducted in compliance with the City Charter and state law.

**Section 11. Election Precincts and Election Day Polling Places.** The City has one (1) election precinct and said election shall be at the following place in said City:

J. D. Parrish Administration Building,  
200 Tiger Drive  
Daingerfield, Texas.

**Section 12. Designation of Polling Place(s).** The polls at the designated polling place(s) shall on said Election Day to be opened from 7:00 A.M. to 7:00 P.M. in the J. D. Parrish Administration Building, 200 Tiger Dr., Daingerfield, Texas. The City Secretary shall tabulate and provide the election returns for votes cast for the propositions presented to the voters to amend the City Charter.

**Section 13. Early Voting.** (a) Early voting by personal appearance shall commence on Monday, April 22, 2024, and continue through Tuesday, April 30, 2024, and early voting polls shall remain open for the time specified by the Texas Election Code and the respective Elections Administrator.

(b) The period to apply for a ballot by mail is January 1, 2024, through April 23, 2024. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on April 23, 2024.

(c) The period to apply for a federal postcard application (FPCA) is January 1, 2024, through April 23, 2024. An FPCA must be received by the Early Voting Clerk no later than the close of business on April 23, 2024.

(d) Early Voting Conducted by the City:

1. Early voting, both by personal appearance and by mail will be conducted by the City Secretary in accordance with the Texas Election Code for the qualified voters of the City residing in the City. The City Secretary is hereby designated and appointed as an Early Voting Clerk for the general election for qualified voters of the City.

2. Applications for ballot by mail for qualified voters of the City residing in the City shall be mailed to:

Michelle Jones  
City Secretary  
Mailing and Physical Address:

101 Linda Drive  
Daingerfield, Texas 75638  
Telephone Number: (903) 645-3906  
Email Address: michelle.jones@cityofdaingerfield.com  
Website: <https://www.cityofdaingerfield.com/city-secretary>

3. The main early voting location for qualified voters of the City is: the City Council Chambers in the Daingerfield City Hall located at 101 Linda Drive, Daingerfield, Texas 75638.
4. Early voting for qualified voters of the City shall be held at the dates, times, and location authorized by the City Secretary. Any early voting polling place may be added or changed by the City Secretary upon compliance with applicable law. Early voting by personal appearance shall only be conducted on one or more Saturdays or Sundays during the early voting period upon receipt of a written request submitted by at least 15 registered voters of the territory covered by the election as required by state law.

**Section 14. Election Judges and Clerks.** Prior to the Election Day, the election judges, alternate judges, clerks, and other personnel necessary for conducting the Election shall be appointed by the City Council or selected and appointed by the City Secretary, as authorized by the Texas Election Code, all in compliance with the requirements of state law, and they are hereby designated and appointed election officers for the holding of said election and such appointments are approved. 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 Secretary is authorized to appoint any such other officials not designated or appointed herein as are necessary and appropriate to conduct the Election in accordance with the Code.

**Section 15. City Secretary Assistance.** The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to any applicable election services contracts, the City Secretary or the Elections Administrator, shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in any applicable election services contracts.

**Section 16. Necessary Actions.** The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, proposition language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance, or as otherwise required in order to comply with state law. The City Secretary is further authorized to give notice of the election as required by the Texas Election Code. The Mayor is further authorized to sign any subsequent orders adjusting the polling locations, dates, and times that are subject to change due to any applicable joint election agreement, if any, up until the final posting deadline of such notice pursuant to Texas Election Code Sec. 4.003(a)(b) and (c).

**Section 17. General.** The general election shall be held and conducted by the City in compliance with the Texas Election Code and, to the extent not inconsistent therewith, the City Charter, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies, materials, and equipment to conduct said election. Returns of the election shall be made

known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 7, 2024, nor later than May 15, 2024.

**Section 18. Authorization to Execute.** The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**Section 19. Effective Date; Election Code; Preamble.** This Ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the City Secretary shall comply with the Texas Elections Code. 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 as part of the findings of Council.

**Section 20 Severability.** If any provision, section of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.


**Section 21. Open Meetings.** It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code.*

**PASSED, ADOPTED AND APPROVED** on this the 12<sup>th</sup> day of February, 2024.

**ATTEST:**

**CITY OF DAINGERFIELD, TEXAS**

  
\_\_\_\_\_  
Michelle Jones, City Secretary

  
\_\_\_\_\_  
Wade Kerley, Mayor



**DRAFT OFFICIAL BALLOT**

**AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF DAINGERFIELD, TEXAS, THE PROPOSITION ON THE LOWERING OF THE CURRENT ONE-HALF (1/2) OF ONE PERCENT SALES AND USE TAX ALLOCATED FOR PROPERTY TAX RELIEF TO ONE-FOURTH (1/4) OF ONE PERCENT AND THE ADOPTION OF A LOCAL GOVERNMENT CODE SECTION 505.251 SALES AND USE TAX OF ONE-FOURTH (1/4) OF ONE PERCENT TO UNDERTAKE PROJECTS AUTHORIZED BY AND DESCRIBED IN SECTION 505 OF THE DEVELOPMENT CORPORATION ACT.**

“The lowering of the current one-half (1/2) of one percent sales and use tax allocated for property tax relief to one-fourth (1/4) of one percent and to thereby adopt a sales and use tax of one-fourth (1/4) of one percent to be used to reduce the property tax rate and the adoption of a Local Government Code Section 505.251 sales and use tax of one-fourth (1/4) of one percent to undertake projects authorized by and described in Section 505 of the Development Corporation Act”

(A vote For the Proposition is a vote to reduce the current one-half (1/2) of one percent sales and use tax allocated for property tax relief to one-fourth (1/4) of one percent and to adopt a Local Government Code Section 505.251 sales and use tax of one-half (1/2) of one percent to undertake economic development projects authorized by and described in Section 505 of the Development Corporation Act)

(A vote Against the Proposition is a vote against reducing the current one-half (1/2) of one percent sales and use tax allocated for property tax relief to one-fourth (1/4) of one percent and a vote against adopting a Local Government Code Section 505.251 sales and use tax of one-fourth (1/4) of one percent to undertake economic development projects authorized by and described in Section 505 of the Development Corporation Act).

**PROPOSITION**

“The lowering of the current one-half (1/2) of one percent sales and use tax allocated for property tax relief to one-fourth (1/4) of one percent and to thereby adopt a sales and use tax of one-fourth (1/4) of one percent to be used to reduce the property tax rate and the adoption of a Local Government Code Section 505.251 sales and use tax of one-fourth (1/4) of one percent to undertake projects authorized by and described in Section 505 of the Development Corporation Act”

FOR \_\_\_\_\_

AGAINST \_\_\_\_\_