

**ORDINANCE NO. 2022-O-013**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON MAY 7, 2022 FOR THE PURPOSE OF VOTER CONSIDERATION FOR A REDUCTION OF THE LOCAL SALES AND USE TAX IN THE CITY OF ATHENS DEDICATED FOR THE BENEFIT OF A SECTION 4B ECONOMIC DEVELOPMENT CORPORATION FROM ONE-HALF (1/2) OF ONE PERCENT TO ONE-FOURTH (1/4) OF ONE PERCENT AND INCREASING THE SALES AND USE TAX DESIGNATED FOR PROPERTY TAX RELIEF FROM ONE-HALF (1/2) OF ONE PERCENT TO FIVE-EIGHTHS (5/8) OF ONE PERCENT AND INCREASING THE SALES AND USE TAX DESIGNATED FOR GENERAL REVENUE FROM ONE-PERCENT (1) TO ONE AND ONE-EIGHTHS (1- 1/8) OF A PERCENT AND DESIGNATING THE PLACE OF HOLDING SUCH ELECTION; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Athens is a Home Rule Municipality located in Henderson County, created in accordance with statutes of the State of Texas; and

**WHEREAS**, on May 7, 2005, a Special Election was held for the purpose of voter consideration of dissolution of A.E.D.C. and adopting of Section 4B Sales and use Tax; and

**WHEREAS**, in accordance with the requirements of Chapter 321 of the Texas Tax Code, the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this state having territory in the municipality will not exceed two (2) percent; and

**WHEREAS**, Section 41.001(a), Election Code, provides that except as otherwise provided for, each general or special election in this state shall be held on the first Saturday in May or the first Tuesday after the first Monday in November; and

**WHEREAS**, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

**WHEREAS**, the Council hereby finds and determines that it is in the best interest of the citizens of Athens to hold this election on May 7, 2022.

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

**SECTION I**

## **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

### **SECTION II ELECTION ORDERED**

The City of Athens hereby orders that a Special Election be held on May 7, 2022, being the first Saturday in May, for the purposes of reducing the local sales and use tax dedicated for the benefit of a Section 4B Economic Development Corporation from one-half (1/2) of one percent to one-fourth (1/4) of one percent and increasing the sales and use tax designated for property tax relief from one-half (1/2) of one percent to five-eighths (5/8) of one percent and increasing the sales and use tax designated for general revenue from one-percent (1) to one and one-eighths (1- 1/8) of a percent.

### **SECTION III BALLOT LANGUAGE**

The ballots for said election shall be prepared in accordance with the applicable provisions of the Texas Election Code so that voters may cast their ballots either **“FOR”** or **“AGAINST”** the following proposition which shall appear on the ballot in substantially the following form:

"THE REDUCTION OF THE LOCAL SALES AND USE TAX IN THE CITY OF ATHENS DEDICATED FOR THE BENEFIT OF A SECTION 4B ECONOMIC DEVELOPMENT CORPORATION FROM ONE-HALF (1/2) OF ONE PERCENT TO ONE-FOURTH (1/4) OF ONE PERCENT AND INCREASING THE SALES AND USE TAX DESIGNATED FOR PROPERTY TAX RELIEF FROM ONE-HALF (1/2) OF ONE PERCENT TO FIVE-EIGHTHS (5/8) OF ONE PERCENT AND INCREASING THE SALES AND USE TAX DESIGNATED FOR GENERAL REVENUE FROM ONE-PERCENT (1) TO ONE AND ONE-EIGHTHS (1- 1/8) OF A PERCENT

LA REDUCCIÓN DEL IMPUESTO LOCAL SOBRE LAS VENTAS Y EL USO EN LA CIUDAD DE ATHENS DEDICADO AL BENEFICIO DE UNA CORPORACIÓN DE DESARROLLO ECONÓMICO DE LA SECCIÓN 4B DE LA MITAD (1/2) DEL UNO POR CIENTO A UN CUARTO (1/4) DEL UNO POR CIENTO Y EL AUMENTO DEL IMPUESTO SOBRE LAS VENTAS Y EL USO DESIGNADO PARA LA DESGRAVACIÓN DEL IMPUESTO A LA PROPIEDAD DE LA MITAD (1/2) DEL UNO POR CIENTO A CINCO OCTAVOS (5/8) DEL UNO POR CIENTO Y EL AUMENTO DEL IMPUESTO SOBRE LAS VENTAS Y EL USO DESIGNADO PARA LOS INGRESOS GENERALES DEL UNO POR CIENTO (1) A UNO Y UN OCTAVO (1-1/8) DE UN POR CIENTO

**SECTION IV  
PRECINCTS**

The election precinct for said election shall be the regular precinct of Henderson County to the extent that they are within the corporate limits of the City of Athens.

**SECTION V  
ADMINISTRATION OF ELECTION**

The Special Election shall be conducted in accordance with the provisions of the Texas Election Code. The City Manager is hereby authorized and directed to execute such election agreement for the election for and on behalf of the City, with all expenses of the joint election borne as outlined in the election agreement. The City of Athens will contract with Henderson County for a joint election.

**SECTION VI  
EARLY VOTING CLERKS**

- (a) In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk for the purposes of conducting said election:

Paula Ludtke, Henderson County Election Administrator, Early Voting Clerk  
201 East Larkin Street  
Athens, TX 75751

- (b) Presiding Judge of the Early Voting Ballot Board: to be determined by Paula Ludtke Henderson County Election Center, 201 East Larkin Street, Athens Texas 75751
- (c) Any permanent county employee serving under the Elections Administrator shall serve as deputy early voting clerks.

**SECTION VII  
NOTICE AND PUBLICATION**

Notice of the Election shall be given by posting a notice of election in both English and Spanish at City Hall located at 508 E. Tyler St. Athens, Texas on the bulletin board not later than twenty-one (21) days prior to the date upon which the Election is to be held, and by publication of said notice at least once in the official newspaper of the City of Athens being a newspaper of general circulation within the City the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the Election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit.

In addition, thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the Election.

## EXHIBIT A

**On Election Day, Registered Henderson County Voters may vote at any Vote Center within the County.**

*(El Día de Elección, Los votantes registrados del condado de Henderson pueden votar en cualquier centro de votación dentro del condado.)*

Election Day: Saturday, May 7, 2022

Election Day Polling Locations open from 7: a.m. to 7 p.m.

Presiding Judge (s) and Alternate (s): to be determined by the Administrator

### VOTE CENTER LOCATIONS AND ADDRESSES

1A – 1TC Lakeview Assembly of God Church 700 E.Cedar Creek Pkway Seven Points, TX 75143	2M - 2GBN - 2GBS Gun Barrel City Hall 1716 W. Main GBC, TX 75156	3 – 3N – 3NW Henderson County Election Center 201 East Larkin Street Athens, Texas 75751	4 - 4A - 4W - 4B Cain Center 915 South Palestine Athens, Texas 75751
1 - 1M - 1MN – 1CR Malakoff ISD Learning Center 110 Jackson Street Malakoff, TX 75148	2PSN - 2PSS Payne Springs FD 12650 TX-198 GBC, TX 75156	3B – 3M Faith Baptist Church 13567 TX-31 Brownsboro, TX 75756	4MS – 4LP Moore Station Community Center 4720 CR 4319 LaRue, Texas 75770
1T Trinidad Community Center 111 E. Front Street Trinidad , TX 75163	2 - 2E Eustace School 318 Hwy 316 South Eustace, TX 75124	3C - 3CS - 3WS First United Methodist Church 204 St. Hwy 31 West Chandler, TX 75758	4NLP - 4SE Henderson Co. Larue Complex 9551 County Road 4719 Larue, TX 75770

## EXHIBIT B

### EARLY VOTING

Early voting begins Monday, April 25, 2022, and ends on Friday, May 3, 2022.

Applications for voting by mail should be received no later than the close of business (5:00 pm) on Tuesday, April 26, 2022. If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site in the County.

Early Voting Clerk: Paula Ludtke, Henderson County Election Administrator, P.O. Box 2720, Athens, TX 75751

Presiding Judge of the Early Voting Ballot Board: to be determined by Paula Ludtke  
Henderson County Election Center, 201 East Larkin Street, Athens, Texas 75751

#### Early Voting By Personal Appearance Dates and Hours:

**For early voting, a voter may vote at any of the locations listed below:**

*(Para Votación Adelantada, los votantes podrán votar en cualquiera de las ubicaciones nombradas abajo.)*

<b>Locations for Early Voting Polling Places</b> <b>Include Name of Building and Address</b> <i>(Ubicación de las casillas electorales de votación adelantada)(Incluir Nombre del Edificio y Dirección)</i>	<b>Days and Hours of Operation</b> <i>Días y Horas Hábiles</i>
Lakeview Assembly of God Church 700 East Cedar Creek Parkway Seven Points, TX 75143	April 25, 2022 – April 29, 2022 8:00 AM – 5:00 P.M. May 2, 2022 – May 3, 2022 7:00 A.M. – 7:00 P.M.
First United Methodist Church 204 State Hwy 31 West Chandler, TX 75758	April 25, 2022 – April 29, 2022 8:00 AM – 5:00 P.M. May 2, 2022 – May 3, 2022 7:00 A.M. – 7:00 P.M.
Brownsboro ISD Admin. Building 14134 TX-31 Brownsboro, TX 75756	April 25, 2022 – April 29, 2022 8:00 AM – 5:00 P.M. May 2, 2022 – May 3, 2022 7:00 A.M. – 7:00 P.M.
<b>Main Early Voting Location</b> Henderson County Election Center 201 East Larkin Street Athens, Texas 75751	April 25, 2022 – April 29, 2022 8:00 A.M. – 5:00 P.M. April 30, 2022 7:00 A.M. – 7:00 P.M. May 1, 2022 12:00P.M. – 6:00 P.M. May 2, 2022 – May 3, 2022 7:00 A.M. – 7:00 P.M.

**\*\*Locations Subject to Change Updated January 26, 2022\*\***

Website: [www.athenstx.gov](http://www.athenstx.gov)  
Website: [www.henderson-county.com](http://www.henderson-county.com)

First reading on the 24<sup>th</sup> day of January 2022.

**PASSED, APPROVED and ADOPTED** this the **14<sup>th</sup>** day of **February 2022** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Toni Clay, Mayor	Nay
Aaron Smith, Mayor Pro Tem	Nay
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye

Voted in favor of the motion	3
Voted against the motion	2
Motion carried	3-2

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary