

CITY OF WATAUGA, TEXAS  
ORDINANCE NO. 2020-041

AN ORDINANCE AMENDING ORDINANCE 2020-008 BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS CALLING FOR A SPECIAL ELECTION ON RENEWAL OF A STREET MAINTENANCE SALES TAX; AMENDING ORDINANCE 2020-015 CALLING FOR A POSTPONEMENT OF THE MAY 2, 2020 ELECTION BY THE GOVERNOR'S EXECUTIVE ORDER; AND AMENDING ORDINANCE 2020-027 CALLING FOR A SPECIAL ELECTION TO VOTE ON THE REALLOCATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF WATAUGA BY ABOLISHING THE ONE-FOURTH OF ONE PERFECT SALES TAX RATE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND INCREASING THE TYPE B SALES TAX RATE BY ONE- FOURTH OF ONE PERCENT, IN ACCORDANCE WITH TEXAS TAX CODE SECTION 321.409 AND TEXAS LOCAL GOVERNMENT CODE SECTION 505.2566; AND CALLING FOR THE EXTENSION OF THE EARLY VOTING PERIOD BY GOVERNOR'S EXECUTIVE ORDER; PROVIDING THAT ALL ORDINANCES, ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE DATE

**WHEREAS**, a special election was held in the City of Watauga, Texas (the "City") on May 12, 2012, wherein the voters of the City approved the decrease of the sales and use tax in the City for the benefit of its Parks Development Corporation to one-fourth (1/4) of one percent (1%), and adopted a local sales and use tax in the City at the rate of one-fourth (1/4) of one percent (1%) to provide for maintenance and repair of municipal streets; and

**WHEREAS**, the City Council wishes to give the voters the opportunity to reallocate that one-fourth (1/4) of one percent (1%) of the city's sales and use tax revenue currently dedicated to maintenance and repair of municipal streets to city projects focused on economic development; and

**WHEREAS**, a Special Election to would allow the voters the opportunity to abolish the one-fourth (1/4) of one percent (1%) sales tax dedicated to street repair and maintenance and reallocate those funds to a dedicated economic development fund while; and

**WHEREAS**, the City Council sought to address this issue by adopting of Ordinance 2020-008 on February 10, 2020, but additional clarity is needed; and

**WHEREAS**, it has since been determined that Tax Code Section 321.049 allows the city to combine separate sales tax propositions on the ballot but requires the city to use substantially the same language, if any, required by law for the lowering, repealing, raising, or adopting of each tax as appropriate; and

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

**WHEREAS**, On March 18, 2020, Governor Greg Abbott issued a proclamation allowing a local political subdivision to postpone local elections set for May 2, 2020 to the next uniform election date, and the City Council wished to exercise this authority; and

**WHEREAS**, through the adoption of Ordinance 2020-15, the City Council found and determined that postponement of the general and special elections until the November 3, 2020 election date is in the best interest of the health and safety of the public; and

**WHEREAS**, on July 27, 2020, Governor Greg Abbott issued a proclamation calling for the extension of the Early Voting period; and

**WHEREAS**, the July 27, 2020 Proclamation also suspended Section 86.006(a-1) of the Texas Election Code for any election ordered or authorized to occur on November 3, 2020 to the extent necessary, to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day; and

**WHEREAS**, the City Council hereby finds and determines that the holding of this special election, with combined separate sales tax propositions, on the date set forth below, a uniform election date, is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted herein for all purposes.

II.

An election shall be held on the 3<sup>rd</sup> day of November, 2020, a uniform election date, in the City of Watauga, Texas, which date is not less than seventy-eight (78) days from the date of the adoption of this Ordinance, for the purpose of submitting a proposition to the qualified voters of the City regarding the abolition of the one-fourth (1/4) of one percent (1%) street maintenance tax rate and the increase of the Type B sales tax rate by one-fourth (1/4) of one percent (1%).

The reauthorized sales and use tax shall expire, unless reauthorized, as provided in the provisions of Section 327.007, as amended, Texas Tax Code.



III.

The official ballot shall be prepared in accordance with the Texas Election Code, as amended, to permit electors to vote “FOR” or “AGAINST” the proposition which shall appear on the ballot substantially as follows:

“THE ABOLITION OF THE LOCAL SALES AND USE TAX FOR THE BENEFIT OF STREET MAINTENANCE AND REPAIR OF MUNICIPAL STREETS WITHIN THE CITY OF WATAUGA AT THE RATE OF ONE-FOURTH OF ONE PERCENT; THE ADOPTION OF AN INCREASE OF A LOCAL SALES AND USE TAX FOR THE BENEFIT OF THE TYPE B ECONOMIC DEVELOPMENT CORPORATION IN THE CITY OF WATAUGA AT THE RATE OF ONE-FOURTH OF ONE PERCENT.”

IV.

Days for Early Voting by Personal Appearance shall be from October 13-30, 2020, in accordance with the July 27, 2020 Proclamation issued by Greg Abbott, Governor of Texas (“Proclamation”).

V.

The Tarrant County Elections Administrator is hereby appointed as the Early Voting Clerk.

Early Voting by personal appearance shall be conducted in accordance with the Proclamation and the Texas Election Code at offices established by Tarrant County. The schedule of dates and times related to early voting requirements as designated by the Tarrant County Early Voting Clerk are as described below and in the attached **Exhibit A**.

Date(s)	Day of Week	Early Voting Times
October 13-17	Tuesday – Saturday	8:00 a.m. – 5:00 p.m.
October 19-23	Monday – Friday	8:00 a.m. – 5:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	11:00 a.m. – 4:00 p.m.
October 26-30	Monday – Friday	7:00 a.m. – 7:00 p.m.

Notice shall be posted in a newspaper of general circulation published in the municipality, as well as on the Tarrant County website:

<https://www.tarrantcounty.com/en/elections/Upcoming-Election-Information/Early-Voting-Schedule-Locations-and-Maps.html?linklocation=Button%20List&linkname=>

VI.

Completed applications may be submitted by mail, contract or common carrier, fax, or you may submit by email a completed, signed with the voter’s original signature and scanned application to the Early Voting Clerk.

If an application is faxed or emailed, then the original, hard copy of the application **MUST** be mailed and received by the early voting clerk **no later than the 4th business day** after receiving the faxed or email application.

Mailing Address: Tarrant County Elections  
PO Box 961011  
Fort Worth, Texas 76161-0011

Express Courier Delivery: Tarrant County Elections  
2700 Premier St.  
Fort Worth, Texas 76111-3011

Fax: 817-850-2344

Email: [votebymail@tarrantcounty.com](mailto:votebymail@tarrantcounty.com)

Applications for early voting by mail in Tarrant are to be received not later than the close of business on October 23, 2020.

## VII.

All voters who vote using the Application for Ballot by Mail, in accordance with the Texas Election Code and the July 27th Proclamation of the Governor of Texas Greg Abbott, will be valid for the election.

On July 27, 2020, by Proclamation, the Governor of Texas suspended Section 86.006(a-1) of the Texas Election Code for any election ordered or authorized to occur on November 3, 2020, to the extent necessary, to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day, at a location that is publicly designated by the early voting clerk for the return of marked mail ballots under Section 86.006(a-1) and this suspension.

Voted ballots may be returned in person to 2700 Premier St. Fort Worth, Texas 76111-3011.

Voted ballots that are returned via mail, common or contract carrier, or hand delivered on or before Election Day will be counted. Voted ballots received on the next business day after Election Day will also be counted if they have been postmarked by Election Day. Voted ballots mailed from U.S. citizens residing outside the United States may be counted if clearly postmarked on or before Election Day and received by the Elections Administrator not later than the fifth day after Election Day.

Early Voting ballots for Tarrant County shall be mailed to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. Or delivered via courier to 2700 Premier St. Fort Worth, Texas 76111-3011.

Information regarding voting by mail in ballot can be found on the Tarrant County website:

<https://www.tarrantcounty.com/en/elections/Early-Voting-Information/Voting-by-Mail.html>

#### VII.

All resident qualified electors of the City shall be permitted to vote at the election on the day of the election, November 3, 2020. The polling places for voting on election day for election precincts, shall be the election day voting locations in the City of Watauga as designated by the Tarrant County Elections Administrator, set forth below and in the attached **Exhibit B**, and as may be active on election day, November 3, 2020, from 7:00 a.m. until 7:00 p.m.

City of Watauga City Hall Lobby and Council Chambers  
7105 Whitley Road  
Watauga, Texas 76148

First Baptist Church of Watauga Hallway  
6124 Plum Street  
Watauga, TX 76148

Hector F. Garcia Community Center Gymnasium  
7901 Indian Springs Road  
Watauga, TX 76148

Northside Church of the Nazarene Gym  
6750 Denton Highway  
Watauga, TX 76148

Victory Tabernacle Holiness Fellowship Hall  
5761 Watauga Road  
Watauga, TX 76148

The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and Chapter 327, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English, Spanish and Vietnamese.



Polling places may be modified to include additional or different election day voting locations designated by the Tarrant County Elections Administrator. Information regarding voting locations may also be found at:

<https://www.tarrantcounty.com/en/elections/Upcoming-Election-Information/Election-Day-Schedule-Locations-and-Map.html?linklocation=Button%20List&linkname=Election%20Day%20Voting%20Locations>

VIII.

The election shall be conducted according to the election laws of the State of Texas and the Home Rule Charter of the City of Watauga.

IX.

The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County.

X.

A substantial copy of this Ordinance shall serve as proper notice of the election. Such notice, including a Spanish and Vietnamese translation thereof, shall be posted not later than the 21<sup>st</sup> day before the election on the bulletin board used for posting notices of meetings of the City Council and shall also be published at least once not earlier than the 30<sup>th</sup> day nor later than the 10<sup>th</sup> day before the election in a newspaper of general circulation in the City.

XI.

The City Secretary of the City of Watauga, Texas is authorized to enter into a contract with the Tarrant County Elections Administrator to conduct the election ordered herein and committing to pay the fee charged by the Tarrant County Elections Administrator for such services. The City Secretary is further authorized to enter into a contract for the conduct of a joint election with other governmental entities in Tarrant County, Texas.

XII.

This Ordinance shall be and is hereby cumulative of all other Ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any such other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event, such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

XIII.

If any section, subsection, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

XIV.

This Ordinance shall become effective and shall be in full force and effect from and after the date of its passage and adoption by the City Council of the City of Watauga, Texas,

and it is so ordained.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, this the 12<sup>th</sup> day of October 2020.




APPROVED:

  
ARTHUR L. MINER, MAYOR

ATTEST:

  
ANDREA GARDNER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

  
GEORGE HYDE, CITY ATTORNEY  
Russell Rodriguez Hyde Bullock LLP