

ORDINANCE NO. 2018-02

AN ORDINANCE ORDERING A SPECIAL MUNICIPAL ELECTION ON SATURDAY, MAY 05, 2018 FOR THE CITY OF SWEETWATER, TEXAS, FOR THE PURPOSE OF PROPOSING TO THE VOTERS THE TERMINATION OF THE SWEETWATER ENTERPRISE FOR ECONOMIC DEVELOPMENT INCORPORATED; DESIGNATING THE LOCATION AND TIME FOR EARLY VOTING; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the voters of the City of Sweetwater previously approved the creation of the Sweetwater Enterprise for Economic Development Incorporated (SEED) and authorized the imposition of a one-half of one percent sales and use tax for the purposes of funding economic development projects pursuant to Chapters 501 and 504 of the Texas Local Government Code; and

WHEREAS, the board members of SEED and the City Commission of the City of Sweetwater determined it was in the best interest of the City and citizens of Sweetwater to change the economic development model of the City from a 4A economic development corporation to that of a municipal development district; and

WHEREAS, with the concurrence of the State Comptroller's Office it was determined that the conversion from a 4A economic development corporation to a municipal development district would require a two election process; and,

WHEREAS, pursuant to Texas Local Government Code Chapter 377, in a November 2017 special election, voters of the City of Sweetwater and the Sweetwater extra territorial jurisdiction authorized the creation of a Municipal Development District and authorized for the district to impose a one-half of one percent sales and use tax for the purposes of funding projects beneficial to the District, thus completing step one; and

WHEREAS, pursuant to Local Government Code Chapter 504, to complete step two of the conversion process the voters of the City of Sweetwater must now have the opportunity at a special election to terminate the Sweetwater Enterprise for Economic Development Incorporated;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF SWEETWATER, TEXAS, THAT:

SECTION 1. It hereby ordered that a Municipal Special Election be held on Saturday, May 5, 2018, in conjunction with the Municipal General Election for the purpose of asking the registered voters within the boundaries of the City of Sweetwater to vote *for* or *against* the proposition set out in *italics* below:

"Termination of the Sweetwater Enterprise for Economic Development Incorporated."

SECTION 2. If a majority of voters voting on the issue approve the termination, SEED shall continue operations only as necessary to meet obligations incurred before the date of the election and to dispose of the corporation's assets and apply the proceeds to satisfy obligations to the extent practicable.

SECTION 3. When the SEED's obligations are satisfied, any remaining assets of the corporation shall be transferred to the City of Sweetwater and held until a new Municipal Development District is created, and the existence of SEED is terminated.

SECTION 4. The City Secretary shall be the Early Voting Clerk and shall secure early voting ballots and shall conduct early voting by personal appearance and by mail as contemplated by Sec. 85.001 and Sec. 85.005(d) of the Election Code of the State of Texas. City Hall, 200 East Fourth Street, is hereby designated as the Early Voting Site for early voting for the election. During the lawful early voting period the Early Voting Clerk shall keep such place for early voting open from 8:00 a.m. to 5:00 p.m., Monday through Friday, April 23, 2018 – May 1, 2018; and from 7:00 a.m. to 7:00 p.m. on Tuesday April 24, 2018 and Tuesday, May 1, 2018.

SECTION 5. The polling place designated for Sweetwater for voting in the May 5, 2018 election shall be at Sweetwater Middle School Gym at 305 Lamar Street, Sweetwater, Texas and such polling place shall be open on said Election Day from 7:00 a.m. to 7:00 p.m.

SECTION 6. Applications for ballot by mail shall be mailed to Patty Torres, (Early Voting Clerk), at 200 East Fourth Street, P.O. Box 450, Sweetwater, Texas 79556. Applications for ballots by mail must be received by the Early Voting Clerk no later than the close of business on April 24, 2018.

SECTION 7. The Election Judges appointed to conduct the May 5, 2018 Special Election and General Election of the City of Sweetwater are determined by the City Commission.

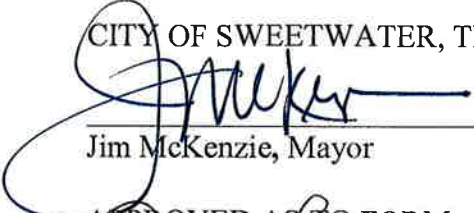
SECTION 8. A copy of this Ordinance shall take effect immediately from and after its passage, as law provides. The Mayor is authorized to sign a Notice of Special Municipal Election (Exhibit A) as prescribed by the State of Texas on behalf of the City Commission. This notice, including a Spanish translation thereof shall be published at least one time in a newspaper of general circulation in the City, and the publication of this notice shall occur in such newspaper not more than thirty (30) days and not less than ten (10) days before the day of the election. Additionally, this notice shall be posted on the bulletin board used for posting notices of the City Commission meetings and at the designated polling place not later than twenty-one (21) days prior to Election Day.

SECTION 9. If any provision of this Ordinance or the application thereof to any person or circumstance 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 Commission declares that this Ordinance would have been enacted without such invalid provision.

SECTION 10. This Order and Ordinance shall be effective as of the date of passage, approval and adoption.

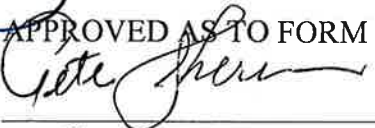
PASSED, APPROVED AND ADOPTED THIS THE 13th DAY OF FEBRUARY 2018.

CITY OF SWEETWATER, TEXAS



Jim McKenzie, Mayor

APPROVED AS TO FORM



Pete Sheridan, City Attorney

ATTEST



Patty Torres, City Secretary

**NOTICE OF SPECIAL MUNICIPAL ELECTION
(AVISO DE ELECCION MUNICIPAL ESPECIAL)**

To the Registered Voters of Sweetwater, Texas: *(A los votantes registrados de Sweetwater, Texas:)*

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on May 5, 2018 for voting in a special municipal election, for the purpose of proposing to the voters the termination of the Sweetwater Enterprise for Economic Development Incorporated.

(Aviso por este medio es dado que los lugares de votación a continuación serán abiertos de 7:00 a.m. a 7:00 p.m. en 05 de mayo de 2018 para votar en una elección municipal especial, con el fin de proponer a los votantes la terminación de la empresa Sweetwater Enterprise for Economic Development.)

LOCATION OF POLLING PLACES. (UBICACIÓN DE LOS LUGARES DE VOTACIÓN)

Sweetwater Middle School Gym
305 Lamar

Early voting by personal appearance will be conducted each weekday at City Hall, 200 E. 4th Street, between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 23, 2018 and ending May 1, 2018.

(La votación adelantada en persona se llevará a cabo de lunes a viernes en el Ayuntamiento, 200 E. 4th Street, entre las horas de 8:00 am y 5:00 pm comenzando el 23 de abril de 2018 y terminó el 1 de mayo de 2018.)

Additional early voting will be held as follows:

(Votación anticipada adicional se llevará a cabo de las siguiente manera:)

<u>Location (ubicacion)</u>	<u>Date (Fecha)</u>	<u>Hours (Horas)</u>
200 E 4th Street	April 24 (Abril), 2018	7:00 a.m. till 7:00 p.m.
200 E 4th Street	May 1 (Mayo), 2018	7:00 a.m. till 7:00 p.m.

Applications for ballot by mail shall be mailed to:

(Las aplicaciones para votar por correo deberán enviarse a:)

Patty Torres

Name of early voting clerk

(Nombre del oficial de votación anticipada)

P. O. Box 450

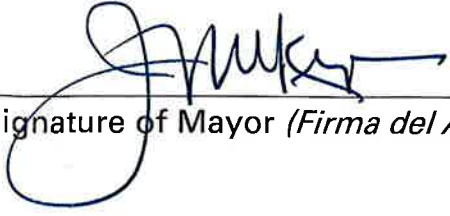
Sweetwater, Texas 79556-0450

Address *(Dirección)*

Applications for ballots by mail must be received no later than the close of business on April 24, 2018.

(Las solicitudes de boletas por correo deberán recibirse a más tardar al cierre de operaciones el 24 de abril de 2018.)

Issued this the 13th day of February, 2018. *(Publicado el día 13 de febrero de 2018.)*

A handwritten signature in black ink, appearing to be 'J. M. ...', written over a horizontal line.

Signature of Mayor *(Firma del Alcalde)*

EXHIBIT A