

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, CALLING A SPECIAL ELECTION TO SUBMIT TWO (2) BALLOT PROPOSITIONS TO THE ELIGIBLE VOTERS OF THE CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTIONS 504.152, 505.152, AND 505.202 OF THE TEXAS LOCAL GOVERNMENT CODE AUTHORIZING THE TYPE A ECONOMIC DEVELOPMENT SALES TAX TO BE USED FOR TYPE B ECONOMIC DEVELOPMENT PURPOSES; PROVIDING FOR THE FORM OF BALLOT; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 41.001 of the Texas Election Code (the “Code”) specifies that the first Saturday in May shall be a “uniform election date”; and,

WHEREAS, the City Council of the City of Mansfield, Texas may approve an ordinance calling for a sales and use tax election to be held on a uniform election date pursuant to Section 504.152(c)(2) of the Texas Local Government Code to authorize the use of the existing Type A economic development sales tax, authorized by Chapter 504 of the Texas Local Government Code, to be used for Type B projects authorized by Chapter 505 of the Texas Local Government Code; and,

WHEREAS, on January 23, 2023, the City Council of the City of Mansfield called a general and special election to be held on May 6, 2023; and,

WHEREAS, the City Council of the City of Mansfield finds it in the public interest to amend said order calling the special election to submit two (2) ballot propositions to the eligible voters of the City of Mansfield, Texas, authorized by section 504.152 of the Texas Local Government Code authorizing the Type A economic development sales tax to be used for Type B economic development purposes; and,

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of the meeting was given as required by Section 551.043 of the Texas Government Code.

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

SECTION 1.

Findings. That the statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as part of the operative provisions hereof.

SECTION 2.

Special Election Called. A special election shall be held in the City of Mansfield, Texas, on

Saturday, May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m. to submit to the voters two (2) ballot propositions prescribed by chapters 501, 504 and 505 of the Texas Local Government Code, and in particular sections 504.152, 505.152 and 505.202 of the Texas Local Government Code, and chapter 321 of the Texas Tax Code, for the purpose of authorizing the Type A economic development sales tax to be used for Type B economic development purposes. The special election shall be held in conjunction with the general and special elections called by Resolution No. RE-3976-23 adopted by the Mansfield City Council on January 23, 2023.

SECTION 3.

Propositions and Official Ballot. That the preparation of the necessary equipment and the official ballots for the election shall conform to the requirements of the Code so as to permit the voters to vote “FOR” or “AGAINST” the propositions, which shall be set on the ballots substantially in the following form:

CITY OF MANSFIELD, TEXAS – PROPOSITION A

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|----------|---|
| For: | The Mansfield Economic Development Corporation is authorized to use previously approved collections of its sales and use tax, including all amounts already collected, for projects related to recreational or community facilities, including but not limited to, land, buildings, equipment, facilities and improvements found by the board of directors to be required or suitable for use for professional and amateur sports, including children’s sports, entertainment, tourist, convention, public park purposes and events, auditoriums, amphitheaters, parks and park facilities, open space improvements, related store, restaurant, concession, automobile parking facilities, related transportation facilities, related roads, streets, water and sewer facilities, other related improvements that enhance these projects, any other projects or improvements found by the corporation’s board of directors to promote new or expanded business development, and maintenance and operating costs associated with any of the above detailed projects. |
| Against: | |

CITY OF MANSFIELD, TEXAS – PROPOSITION B

| | |
|----------|---|
| For: | The Mansfield Economic Development Corporation is authorized to use previously approved collections of its sales and use tax, including all amounts already collected, for a professional multi-sport venue and related infrastructure as defined in Chapter 334.001 of the Texas Local Government Code, and maintenance and operating costs associated with the project. |
| Against: | |

SECTION 4.

Election Day Polling.

(a) **ELECTION DAY POLLING PLACE-TARRANT COUNTY:** The polling places for Election Day in the City of Mansfield, Precinct 1, Tarrant County shall be as follows:

Dr. Jim Vaszauskas Center for the Performing Arts
1110 West Debbie Lane
Mansfield, Texas 76063

J.L. Boren Elementary School
1401 Country Club Drive
Mansfield, Texas 76063

Mansfield Sub-Courthouse
1100 East Broad Street
Mansfield, Texas 76063

Vernon Newsom Stadium
3700 East Broad Street
Mansfield, Texas 76063

(b) **ELECTION DAY POLLING PLACE-JOHNSON COUNTY:** The polling places for Election Day in City of Mansfield, Precinct 2, Johnson County shall be as follows:

Johnson County Elections
103 S. Walnut Street
Cleburne, TX 76033

Pct. 3 Maintenance Facility
10420 E. FM 917
Alvarado, TX 76009

(c) **ELECTION DAY POLLING PLACE - ELLIS COUNTY:** The polling place for Election Day in the City of Mansfield, Precinct 3, Ellis County shall be as follows:

Midlothian Conference Center (Ballroom/Foyer)
1 Community Circle Drive Midlothian, TX 76065

SECTION 5.

Appointment of Election Judges and Alternate Election Judges- Tarrant County, Johnson County and Ellis County. Election judges for the general election shall be appointed by Tarrant County, Johnson County, and Ellis County as authorized by Chapter 271, of the Texas Election Code.

SECTION 6.

Early Voting.

(a) **EARLY VOTING – TARRANT COUNTY:** Heider Garcia, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 24, 2023, and continuing through May 2, 2023, in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

| | | |
|---------------|-----------------|------------------------|
| April 24 – 28 | Monday - Friday | 8:00 a.m. – 5:00 p.m. |
| April 29 | Saturday | 7:00 a.m. – 7:00 p.m. |
| April 30 | Sunday | 10:00 a.m. – 4:00 p.m. |
| May 1 – 2 | Monday – Friday | 7:00 a.m. – 7:00 p.m. |

Additional early voting will be conducted throughout Tarrant County as established by the Agreement. If there is any discrepancy between this Ordinance and the Agreement as to early voting locations or times, the Agreement shall control.

(b) **EARLY VOTING – JOHNSON COUNTY:** Patty Bourgeois, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 24, 2023, and continuing through May 2, 2023, in Alvarado at the Pct. 3 Maintenance Facility, 10420 E. FM 917, Alvarado, TX 76009 at the following times:

| | | |
|---------------|-----------------|-----------------------|
| April 24 – 28 | Monday - Friday | 8:00 a.m. – 5:00 p.m. |
| April 29 | Saturday | 7:00 a.m. – 7:00 p.m. |
| May 1 – 2 | Monday – Friday | 7:00 a.m. – 7:00 p.m. |

Additional early voting will be conducted throughout Johnson County as established by the Agreement. If there is any discrepancy between this Ordinance and the Agreement as to early voting locations or times, the Agreement shall control.

(c) **EARLY VOTING – ELLIS COUNTY:** Jana Onyon, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be

appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 24, 2023, and continuing through May 2, 2023, in Midlothian at the Midlothian Conference Center (Ballroom/Foyer), 1 Community Circle Dr., Midlothian, TX 76065 at the following times:

| | | |
|---------------|-----------------|-----------------------|
| April 24 – 28 | Monday - Friday | 8:00 a.m. – 5:00 p.m. |
| April 29 | Saturday | 8:00 a.m. – 4:00 p.m. |
| May 1 – 2 | Monday – Friday | 7:00 a.m. – 7:00 p.m. |

Additional early voting will be conducted throughout Ellis County as established by the Agreement. If there is any discrepancy between this Ordinance and the Agreement as to early voting locations or times, the Agreement shall control.

(d) Applications for early voting by mail may be delivered to the Early Voting Clerk for each county no later than the close of business on April 21, 2023. Early Voting ballots for Tarrant County shall be mailed to Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. The City Secretary is directed to forward the applications and ballots to the Election Administrator as provided in the Agreement. Early Voting ballots for Johnson County shall be mailed to Patty Bourgeois, Early Voting Clerk, P.O. Box 895, Cleburne, Texas 76033. Early Voting ballots for Ellis County shall be mailed to Jana Onyon, Early Voting Clerk, 204 E. Jefferson Street, Waxahachie, TX 75165.

(e) Early voting both by personal appearance and by mail for Tarrant County shall be by electronic voting machines and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

Early voting both by personal appearance and by mail for Johnson County shall be by paper ballot and an ES&S AutoMark approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

Early voting both by personal appearance and by mail for Ellis County shall be by paper ballot and an ES&S Express Vote Marking Device approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the

alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

SECTION 7.

Method of Voting. The Hart InterCivic Verity System v. 2.3.1 shall be used for voting by personal appearance on Election Day and the Hart InterCivic Verity System v. 2.3.1 for early voting by personal appearance for the Tarrant County portion of the election. The City Council hereby adopts the Hart InterCivic Verity System v. 2.3.1 for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Election Code.

The ES&S AutoMark shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Johnson County portion of the election. The City Council hereby adopts the ES&S AutoMark for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Election Code.

The ES&S Express Vote Marking Device shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Ellis County portion of the election. The City Council hereby adopts the ES&S Express Vote Marking Device for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Election Code.

SECTION 8.

Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City of Mansfield shall be eligible to vote at the election on these propositions.

SECTION 9.

Bilingual Election Materials. All notices, instructions, and ballots pertaining to the election shall be furnished to voters in English, Spanish and Vietnamese in compliance with the Code and with the Federal Voting Rights Act of 1965, as amended, including particularly Chapter 272 of the Code pertaining to bilingual requirements.

SECTION 10.

Previous Order. That all other sections of the January 23, 2023 previous order by the City Council of the City of Mansfield calling the special election, in conjunction with the general election, for May 6, 2023 remain intact to the extent that there is no conflict herewith.

SECTION 11.

Necessary Actions. The Mayor and the City Secretary, 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 making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

SECTION 12.

Severability Clause. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 13.

Effective Date. This Ordinance shall take effect immediately upon its adoption.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 13TH DAY OF FEBRUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM:

Bradley Anderle, City Attorney