

**ORDINANCE NO. 2024-1**

**AN ORDINANCE OF THE VILLAGE OF FAIRCHILDS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024, ON A PROPOSITION TO INCREASE THE VILLAGE'S GENERAL REVENUE SALES AND USE TAX RATE PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE; PROVIDING FOR PROPOSITION LANGUAGE; PROVIDING FOR ELECTION PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the current general revenue sales and use tax within the Village of Fairchilds, Texas (the "Village") is one percent (1%); and

**WHEREAS**, Chapter 321 of the Texas Tax Code authorizes the general revenue sales and use tax to be adopted in increments of one eighth of one percent; and

**WHEREAS**, the maximum combined sales and use tax rate adopted by local taxing authorities may not exceed two percent (2%); and

**WHEREAS**, the current combined sales and use tax rate for all local taxing authorities in the Village is one percent (1%); and

**WHEREAS**, no local taxing authority other than the Village has adopted a sales and use tax rate; and

**WHEREAS**, the Board of Aldermen has determined that an election should be held on the proposition of increasing the City's general revenue sales and use tax from one percent (1%) to two percent (2%); and

**WHEREAS**, if the proposition passes, the total rate of general revenue sales and use taxes levied in the Village will not exceed the two percent maximum combined sales and use tax rate; and

**WHEREAS**, the ballot language will ask voters to approve a general revenue sales and use tax rate of two percent (2%), which is the total general revenue sales and use tax rate that will be in effect upon approval by a majority of the qualified voters and canvassing of the election; and

**WHEREAS**, the Village of Fairchilds, Texas lies within the boundaries of Fort Bend County; and

**WHEREAS**, the Village of Fairchilds, Texas approves and agrees to conducting the election jointly with other political subdivisions in Fort Bend County in accordance with Texas Election Code Chapter 271; and

WHEREAS, the Village is making provisions to contract with the Fort Bend County Elections Administrator to conduct the election, pursuant to Chapter 31, Texas Election Code and Chapter 791 Texas Government Code (the "Election Services Contracts").

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF FAIRCHILDS:**

**Section 1: Special Election Ordered.** The Board of Aldermen of the Village of Fairchilds hereby orders a special election to be held on May 4, 2024, between the hours of 7:00 a.m. and 7:00 p.m. to submit to the qualified voters of the Village a proposition allowing such voters to vote for or against a one percent (1%) increase in the general revenue sales and use tax rate, pursuant to Chapter 321, Texas Tax Code, and upon approval of the increase by a majority of the qualified voters, the Village's general revenue sales and use tax rate shall be equal to two percent (2%), and will go into effect pursuant to applicable state law.

**Section 2: Ballot and Proposition Language.** The official ballots for said special election shall be prepared in accordance with the Texas Election Code so as to permit the qualified voters to vote 'FOR' or "AGAINST" the proposition, with the ballots to contain such provisions, marking, and language as required by law, and with such proposition to be expressed in a form substantially as follows:

**Village of Fairchilds, Proposition A**

**Sales and Use Tax for General Revenue Purposes**

The adoption of a local sales and use tax in the Village of Fairchilds, Texas the rate of two percent (2%)

\_\_\_\_\_

FOR

\_\_\_\_\_

AGAINST

**Section 3: Printed Materials.** The official ballots, together with such other election materials as are 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. The ballots for the election shall comply with the Texas Election Code and be in the form provided by the Village to the Fort Bend County Elections Officer for use on the voting devices and ballots used by Fort Bend County.

**Section 4: Notice of the Election.** Notice of the election shall be given and the election shall be held in compliance with the provisions of the Texas Election Code in all respects. The notice of election shall be posted on the bulletin board used for posting notices of meetings of the governing body at Village Hall and at other locations required by state law not later than the twenty-first (21<sup>st</sup>) day before the election, and by publishing said notice of election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in English and Spanish in a

newspaper of general circulation in the Village. The Fort Bend County Elections Administrator is authorized and shall give all notices required for the election.

**Section 5. Conduct of Election.** The Fort Bend County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election pursuant to the Election Services Contract between the Village of Pleak and Fort Bend County. The election shall be held and conducted in compliance with state law and the Election Services Contract.

**Section 6. Joint Election.** The Village agrees to conduct a joint election with other political subdivisions within Fort Bend County, provided that such political subdivisions hold an election on May 4, 2024, in all or part of the same territory as the Village (the "Political Subdivisions"). The joint election for Political Subdivisions will be conducted in accordance with state law, this ordinance, and the Election Service Contract.

**Section 7. Election Precincts and Election Day Polling Places.**

- (a) The election precincts for the election shall be the elections precincts established by Fort Bend County, provided that each shall contain and include geographic area that is within the Village limits.
- (b) The polling place for each election precinct shall be the polling place established by Fort Bend County. The returns will be provided by precinct and the Fort Bend County Elections Administrator shall tabulate and provide the election returns for votes cast.

**Section 8. Early Voting.**

- (a) Early voting shall commence on Monday, April 22, 2024 and continue through Tuesday, April 30, 2024. Early voting polls shall remain open for the time specified by the Texas Election Code and the Fort Bend County 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 deadline to apply for a federal postcard application (FPCA) is 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 Fort Bend County Elections Administrator:
  - (1) Early voting, both by personal appearance and by mail will be conducted by the Fort Bend County Elections Administrator in accordance with the Texas Election Code. John Oldham is hereby designated and appointed as Early Voting Clerk for the special election.
  - (2) Applications for ballot by mail for qualified voters shall be mailed to:  
John Oldham  
Fort Bend County Elections Administrator

Mailing Address:

301 Jackson Street, Richmond, TX 77469

Physical Address:

4520 Reading Road, Ste A-400, Rosenberg, TX 77471

Telephone Number (281) 341-8670

Email address: [vote@fortbendcountytexas.gov](mailto:vote@fortbendcountytexas.gov)

Website: [www.fortbendcountytexas.gov](http://www.fortbendcountytexas.gov)

- (3) The main early voting location for qualified voters of the Village of Fairchilds is: 4520 Reading Road, Rosenberg, Texas 77471.
- (4) Early voting for qualified voters of the Village of Fairchilds shall be held at the dates, times, and locations authorized by the Fort Bend County Elections Administrator. Any early voting polling place may be added or changed by the Elections Administrator upon compliance with applicable law.

**Section 9. Election Judges and Clerks.** The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Fort Bend County in compliance with the requirements of state law and are hereby designated and appointed elections 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.

**Section 10. Village Secretary Assistance.** The Village Secretary is hereby authorized and instructed to aid the Fort Bend County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The Village 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 the Election Services Contract between the Village and the Fort Bend County Elections Administrator, the Elections Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Elections Code, and for providing all services specified to be provided in the Election Services Contract.

**Section 11. Necessary Actions.** The Mayor and the Village Secretary, in consultation with the Village's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and the Federal Voting Rights Act in carrying out and conducting the elections, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, 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. General.** The election shall be held and conducted by the Fort Bend County Elections Administrator in compliance with the Texas Election Code and only resident qualified voters of the Village of Fairchilds shall be eligible to vote in the election. The Elections 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 Board of Aldermen of the Village of Fairchilds not earlier than the later of: 1) the third day after election day; 2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provision ballot has been cast in the election; or 3) the date on which all timely received ballots cast from addresses outside the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States nor later than the 11th day after election day. Texas Election Code 67.003.++

**Section 13. Authorization to Execute.** The Mayor of the Village of Fairchilds is authorized to execute, and the Village Secretary is authorized to attest, this ordinance on behalf of the Board of Aldermen; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the election.

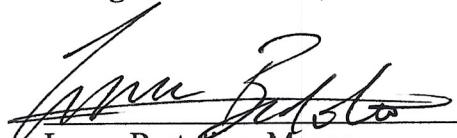
**Section 14. Effective Date; Election Code; Preamble.** This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this ordinance conflicts with, or it inconsistent with, the Texas Election Code, the Texas Election Code shall govern and control, and the Fort Bend Elections Administrator shall comply with the Texas Election 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 the Board of Aldermen.

**Section 15. Severability.** If any provision or section of this ordinance, or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or application of the ordinance that 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 16. Open Meetings.** It is official found and determined by the Board of Aldermen that the meeting at which this ordinance was passed was open to the public as required and that public notice of the date, time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, the Texas Open Meetings Act.

**PASSED, ADOPTED AND APPROVED** on this the 15<sup>th</sup> day of February, 2024.

**Village of Fairchilds, Texas**

  
Lance Bertolino, Mayor

**Attest:**

  
Janis Vacek, Village Secretary