

**TOWN OF BARTONVILLE, TEXAS  
ORDINANCE NO. 733-22**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO SUBMIT A PROPOSITION ON THE QUESTION OF REALLOCATING SALES AND USE TAX REVENUE BY REDUCING THE RATE OF SALES AND USE TAX FOR THE PURPOSES AUTHORIZED BY CHAPTERS 501, 502, AND 505, TEXAS LOCAL GOVERNMENT CODE (FORMERLY SECTION 4B OF THE DEVELOPMENT CORPORATION ACT OF 1979) AND INCREASING THE SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; APPROVING A JOINT ELECTION CONTRACT WITH DENTON COUNTY; AUTHORIZING THE TOWN ADMINISTRATOR AND TOWN SECRETARY TO EXECUTE SAID CONTRACT; PROVIDING FOR NOTICE; FIXING THE TIME, PLACE AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Bartonville, Texas, is a Type “A” General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, on February 4, 2002, the Town of Bartonville voters approved the adoption of an additional one-half of one percent Sales and Use Tax for projects authorized by Section 4B of the Development Corporation Act; and

**WHEREAS**, on February 4, 2002, an election was held in accordance with Chapter 327 of the Texas Tax Code, wherein the registered voters of Bartonville Texas, approved a proposition to impose a one-fourth of one percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and

**WHEREAS**, on November 8, 2005, May 8, 2010, and May 10, 2014, reauthorization elections were held in accordance with Section 327.007(b) of the Texas Tax Code, wherein the registered voters of Bartonville, Texas, approved propositions to continue the imposition of a one-fourth of one percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and

**WHEREAS**, on September 1, 2015, House Bill 157 went into effect and removed, in part, the current caps on the dedicated sales taxes for economic development corporations and street maintenance and authorizes a city to hold an election to increase or decrease these dedicated sales and use taxes in any increment of one-eighth of one percent that would not result in a combined rate that exceeds the maximum allowed local and sales use tax rate of two percent; and

**WHEREAS**, under Texas Tax Code Section 321.409(a), a municipality may by a combined ballot proposition lower or repeal any dedicated or special purpose municipal sales tax and by the same proposition raise or adopt any other dedicated or special purpose municipal tax; and

**WHEREAS**, reducing the rate of sales and use tax for the purposes authorized by Chapters 501, 502, and 505, Texas Local Government Code (formerly Section 4B of the Development Corporation Act of 1979); and simultaneously increasing the sales and use tax for maintenance and repair of municipal streets, will not result in the combined rate of all sales and use taxes imposed by the Town and other political subdivisions having territory in the Town exceeding two percent; and

**WHEREAS**, on May 7, 2016, an election was held in accordance with Section 327.007(b) of the Texas Tax Code, wherein the registered voters of Bartonville, Texas, approved a proposition to decrease the sales and use tax authorized under The Development Corporation Act of 1979 and Chapters 501, 502 and 505 of the Local Government Code, from the rate of one-half of one percent to the rate of one-fourth of one percent; and the adoption of a local sales and use tax at the rate of one-half of one percent to provide revenue for maintenance and repair of municipal streets; and

**WHEREAS**, on November 3, 2020, a reauthorization election was held in accordance with Section 327.007(b) of the Texas Tax Code, wherein the registered voters of Bartonville, Texas, approved a proposition to continue the imposition of a one-half of one percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and

**WHEREAS**, the Town Council of the Town of Bartonville (Town), hereby finds that it is appropriate, advisable and in the best interest of the citizens of the Town that an election be held for the purposes of submitting a proposition on the question of reallocating sales and use tax revenue by reducing the rate of sales and use tax for the purposes authorized by Chapters 501, 502, and 505, Texas Local Government Code (formerly Section 4B of the Development Corporation Act of 1979) from one-quarter of one percent to the rate of one-eighth of one percent; and increasing the rate of sales and use tax to provide revenue for maintenance and repair of municipal streets from one-half of one percent to the rate of five-eighths of one percent; and

**WHEREAS**, Section 41.001(a), Election Code, provides that except as otherwise provided for, each 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**, pursuant to Section 3.005(c) of the Texas Election Code, Tuesday, November 8, 2022, is the first authorized uniform election date occurring more than 78 days after the date of this order; and

**WHEREAS**, in accordance with Section 271.002 of the Texas Election Code, the Town's special election will be conducted jointly with other political subdivisions of Denton County, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1**

The facts and recitations contained in the above preamble of this Ordinance are hereby found to be true and correct legislative determinations and are incorporated herein as if copied in their

entirety.

**SECTION 2**

The Town Council of the Town of Bartonville hereby orders a Special Election to be held on November 8, 2022, being the first Tuesday in November, for the purposes of submitting a proposition on the question of reallocating sales and use tax revenue by reducing the rate of sales and use tax for the purposes authorized by Chapters 501, 502, and 505, Texas Local Government Code (formerly Section 4B of the Development Corporation Act of 1979) from one-quarter of one percent to the rate of one-eighth of one percent; and increasing the rate of sales and use tax to provide revenue for maintenance and repair of municipal streets from one-half of one percent to the rate of five-eighths of one percent, which such ballot shall read 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:

<p><b><u>FOR (5)</u></b></p> <p><b><u>AGAINST (0)</u></b></p>	<p>“The reduction of the sales and use tax authorized under The Development Corporation Act of 1979 and Chapters 501, 502 and 505 of the Local Government Code, in the Town of Bartonville, Texas, from the rate of one-quarter of one percent to the rate of one-eighth of one percent; and the adoption of a local sales and use tax in the Town of Bartonville, Texas, at the rate of five-eighths of one percent to provide revenue for maintenance and repair of municipal streets.”</p>
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**SECTION 3**

The election precinct for said election shall be the regular precinct of Denton County (Precinct 4207) to the extent that said precinct is within the corporate limits of the Town of Bartonville.

**SECTION 4**

The Special Election shall be conducted in accordance with the provisions of the Texas Election Code. The election shall be conducted jointly with Denton County and other political subdivisions in Denton County on November 8, 2022, pursuant to Chapters 31 and 271, Texas Election Code. The Town Administrator and the Town Secretary are hereby authorized to sign the contract with the Denton County Elections Administrator for the purpose of having Denton County furnish all or any portion of the election services and equipment needed to conduct the election.

**SECTION 5**

- (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 of the purposes of conducting said election:

Frank Phillips, Early Voting Clerk

PO Box 1720  
Denton, TX 76202

(b) Any permanent county employee serving under the Elections Administrator shall serve as deputy early voting clerks.

**SECTION 6**

Early Voting by personal appearance of Bartonville residents shall be conducted beginning October 24, 2022, and continuing through November 4, 2022. The main early voting location shall be located at: Denton County Elections, 701 Kimberly Drive, Denton 76208

Additional early voting locations will be identified in the contract executed with the Denton County Elections Administrator.

**SECTION 7**

The polling place for all of Precinct 4027 within the corporate limits of the Town of Bartonville will be located at a location determined by the Denton County Elections Administrator to be identified in the joint services contract. The polling locations shall be open between the hours of 7:00 a.m. and 7:00 p.m. the date of the election.

**SECTION 8**

The Town Secretary is hereby authorized and directed to file, publish and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with the conduct of this election.

**SECTION 9**

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 16<sup>th</sup> DAY OF AUGUST, 2022.**



APPROVED:

*Jaclyn Carrington*  
Jaclyn Carrington, Mayor

ATTEST:

*Tammy Dixon*  
Tammy Dixon, Town Secretary