

**ORDINANCE NO. 20-02-13-05**

**JOINT ELECTION ORDINANCE**

**A JOINT ELECTION ORDER OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ("CITY"), AND THE TEMPORARY BOARD OF DIRECTORS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ("TEMPORARY BOARD"), ORDERING A SPECIAL ELECTION TO BE HELD WITH DENTON COUNTY, TEXAS, ("COUNTY"), ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY SERVICES DISTRICT, COMPRISING THE CITY OF CORINTH, TEXAS, A BALLOT PROPOSITION THAT SERVES AS A CONFIRMATION ELECTION ORDER FOR THE CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ("DISTRICT"), AND ADOPTS A SALES AND USE TAX FOR THE DISTRICT AT A RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PROGRAMS, PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND A BALLOT PROPOSITION TO DESIGNATE THAT THE CITY COUNCIL OF THE CITY OF CORINTH MAY, BY RESOLUTION, BE APPOINTED TO SERVE AS THE PERMANENT BOARD OF DIRECTORS OF THE DISTRICT; PROVIDING A SUMMARY OF THE PROPOSED BUDGET PLAN AND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PLAN; PROVIDING FOR AN INCORPORATION OF PREMISES; PROVIDING FOR THE DATE OF ELECTION AND PURPOSE OF ELECTION; PROVIDING AN ELECTION NOTICE; PROVIDING FOR THE ADMINISTRATION OF A JOINT ELECTION AND APPROVAL OF A JOINT CONTRACT FOR ELECTION SERVICES WITH COUNTY; PROVIDING FOR EARLY VOTING; PROVIDING THE METHOD OF VOTING; PROVIDING GOVERNING LAW AND QUALIFIED VOTERS; REQUIRING POSTING OF NOTICE; PROVIDING FOR CANVASSING OF RETURNS AND NECESSARY ACTIONS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth, Texas, (the "City") is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City currently imposes a local sales and use tax at a combined rate of 8.25 percent; and

**WHEREAS**, the City currently imposes a street and maintenance tax at a rate of one-fourth of one percent that will lapse by operation of law on December 31, 2020, pursuant to Section 327.007 of the Texas Tax Code; and

**WHEREAS**, the Fire Control, Prevention, and Emergency Medical Services District Act as set forth in Chapter 344 of the Texas Local Government Code, as amended, (the “Act”), authorizes the creation of a fire control, prevention and emergency medical services district and an associated tax upon approval by a majority of the qualified voters of the district voting at an election, and Section 344.051(a-3) of the Act authorizes the City Council of the City of Corinth, (“City Council”), to propose the creation of the district by resolution; and

**WHEREAS**, on January 23, 2020, the City Council proposed the creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District (the “District”); and

**WHEREAS**, January 23, 2020, the City Council appointed the members of the City Council of Corinth and the City Manager of Corinth to serve collectively as the Temporary Board of the District, a date within 60 days of the City Council proposing the District; and

**WHEREAS**, on February 13, 2020, the Temporary Board conducted a meeting to organize the Temporary Board within 75 days of the City Council proposing the District; and

**WHEREAS**, prior to adoption of this Ordinance, the Temporary Board adopted a fire control, prevention, and emergency medical services plan and a two-year budget plan on February 13, 2020; and

**WHEREAS**, Section 344.055 of the Act authorizes the adoption of the fire control, prevention, and emergency medical services district sales and use tax for the purposes of fire safety and emergency medical services programs; and

**WHEREAS**, Section 321.106 of the Texas Tax Code authorizes the adoption of a municipal sales and use tax for a municipal fire control, prevention and emergency medical services district; and

**WHEREAS**, the Temporary Board has determined that the proposed District shall conduct an election to ascertain whether a fire control, prevention, and emergency medical services district and associated sales and use tax at the rate of one-fourth of one percent shall be established pursuant to the Act, for the purposes of fire safety and emergency medical services programs; and

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended, establishes May 2, 2020, as a “uniform election date” for the purposes of conducting a special election; and

**WHEREAS**, Section 344.101(e) of the Act authorizes a city council to serve as the temporary board of directors of a fire control, prevention, and emergency medical services district and further, “may appoint the governing body’s membership as the permanent board of directors of the district, if

the appointment is approved by the voters in a creation election or continuation referendum under this chapter"; and

**WHEREAS**, after adopting the required plans pursuant to Section 344.061 of the Act, the Temporary Board may call and hold a confirmation election for the proposed district pursuant to Sections 344.054 and 344.056 of the Act, after giving notice of such election in a newspaper with general circulation in the proposed district once a week for two consecutive weeks, the first publication occurring before the 35<sup>th</sup> day before the date set for the election; and

**WHEREAS**, Section 344.059 of the Act requires the Temporary Board to canvass election results not earlier than the second day and not later than the 13<sup>th</sup> day after the date of the election; and

**WHEREAS**, Section 344.062 of the Act requires the Temporary Board to reimburse the City for the actual expenses the City incurred in the creation of the District if the District is in fact created.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AND THE TEMPORARY BOARD OF DIRECTORS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, THE FOLLOWING:**

**Section 1. Incorporation of Premises.** The above premises are true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2. Special Election Called; Location, Date, and Time of Election.** That a special election in the proposed City of Corinth Fire Control, Prevention, and Emergency Medical Services District, comprising the City of Corinth, Texas, as prescribed by Chapter 344 of the Texas Local Government Code and Chapter 321 of the Texas Tax Code, shall be held at the Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208, between the hours of seven o'clock a.m. and seven o'clock p.m. on May 2, 2020.

**Section 3. Purpose; Proposition.** The purpose of this Special Election is to consider two ballot propositions: (1) whether to establish the City of Corinth Fire Control, Prevention, and Emergency Medical Services District and adopt a sales and use tax, at the rate of one-fourth of one percent, dedicated to fire safety and emergency medical services programs; and (2) whether the City Council of the City of Corinth may, by resolution, be appointed collectively to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District.

**Section 4. Contents, Publication, and Posting of Election Notice.** Pursuant to Section 4.003 of the Texas Election Code, the City Council of Corinth hereby orders the City Secretary to publish notice of this Special Election in a newspaper of general circulation in the City with such notice meeting all requirements of State law and Charter no earlier than the 30th day or later than the 10th day before election day. In addition to complying with all the requirements of state law, including without limitation, the Texas Election Code, as required by the Texas Local Government Code, the notice shall be provided by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at Corinth City Hall on the bulletin board used for posting

notices of the meetings of the City Council no later than the 30th day or later than the 10th day before election day.

In addition to the notice required by Section 4.003 of the Texas Election Code, the Temporary Board shall give notice of this election by publishing a substantial copy of the election order in a newspaper with general circulation in the proposed District once a week for two consecutive weeks pursuant to Section 344.056 of the Texas Local Government Code. The first publication must appear before the 35<sup>th</sup> day before the date set for the election.

**Section 5. Ballot Language.** Voting on the date of the Election, and early voting therefor, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote "For" or "Against" the Propositions. Said ballots shall have printed therein such provisions, markings, and language as may be required by law, and the Propositions shall be set forth on said ballots in substantially the following form and language:

**CITY OF CORINTH SPECIAL ELECTION**  
**City of Corinth Fire Control, Prevention, and Emergency Medical Services District**  
**May 2, 2020**

**OFFICIAL BALLOT**

**CITY OF CORINTH PROPOSITION A**

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

“The creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District dedicated to fire safety and emergency medical services programs and the adoption of a proposed local sales and use tax at a rate of one-fourth of one percent.”

**CITY OF CORINTH PROPOSITION B**

**FOR** \_\_\_\_\_

**AGAINST** \_\_\_\_\_

“Should the eligible voters authorize the creation of the City of Corinth Fire Control, Prevention, and Emergency Services District dedicated to fire safety and emergency medical services programs, may the Corinth City Council approve a resolution to appoint the Corinth City Council to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District.”

**Section 6. Denton County to Conduct Election; Approval of Election Contract.** The Election shall be conducted in accordance with the Election Code under the jurisdiction of the Denton County Elections Administrator (the “Election Administrator”), pursuant to an Election Services Contract between the City and County, and other participating entities, if any, as described therein, (the “Contract”), a copy of which Contract shall be incorporated herein as Exhibit “A” upon its final approval and execution by the City.

The Mayor, the City Manager or designee, is authorized to amend or supplement any and all contracts for the administration of the Election, including without limitation the Election Services Contract, to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Election Administrator and in accordance with the Election Code. In the event that no election is necessary, the City Secretary shall notify the County and shall present the City Council a Resolution or Ordinance cancelling the election.

**Section 7. Main Early Voting Date, Location, and Hours.** The Election Administrator, Frank Phillips, shall serve as the Early Voting Clerk. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Further, the Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Election Code.

The main early voting place is located at 701 Kimberly Drive, Suite A101, Denton, Texas 76208 and voting shall occur as provided herein. Early Voting hours are Monday, April 20, 2020 through Saturday, April 25, 2020 from 8:00 a.m. to 5:00 p.m. each day. Additional Early Voting hours are Monday, April 27, 2020 and Tuesday, April 28, 2020 from 7:00 a.m. until 7:00 p.m. each day. Early Voting at Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208 shall occur on the same dates and times listed herein. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above.

Early voting by mail shall be conducted in conformance with the requirements of the Election Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, 701 Kimberly

Drive, Suite A101, Denton, Texas 76208 (the official mailing address of the Early Voting Clerk). The voting precincts for the Election shall be designated by their respective county precinct numbers.

Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated herein and on **Exhibit "A"** hereto (**described below**) in accordance with this section. Early voting location and times may be changed or additional early voting locations may be added by the Denton County Elections Administrator without further action of the City Council or amendment to this Resolution, as is necessary for the proper conduct of the Election.

**Section 8. Election Administrator; Early Voting Clerk.** The Election Administrator, Frank Phillips, shall serve as the Early Voting Clerk. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Further, the Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Election Code.

**Section 9. Method of Voting.** The Election Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the election. Voting at the Election shall be by use of electronic system ballots. Preparation of the official ballots for the Election shall conform to the requirements of the Texas Election Code, and in so doing shall permit the voter to vote for or against each proposed amendment to the City Charter.

**Section 10. Governing Law; Qualified Voters.** The Election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 11. Publication and Posting of Notice of Election.** Notice of the election shall be given as required by the Election Code, the Local Government Code, and the Charter of the City of Corinth.

**Section 12. Necessary Actions.** The Mayor and City Secretary in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the, the Election Code, and the City Charter in carrying out and conducting the election, whether or not expressly authorized herein.

**Section 13. Canvass of Election.** Pursuant to Section 67.002 of the Election Code, the City Council will canvass the election not earlier than May 5, 2020 and not later than May 13, 2020. Notice of the time and place for canvass shall be posted on the official bulletin board of the City in the same manner as required by the Open Meetings Act for City Council meetings in accordance with Chapter 551 of the Local Government Code.

**Section 14. Cumulative Repealer Clause.** This Ordinance shall be cumulative of all provisions of Ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 15. Summaries of Budget and Services Plans.** Pursuant to Section 344.054(b)(5) of the Act, summaries of the proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan are as follows:

#### **BUDGET PLAN**

The Budget Plan for Fiscal Year 2020-2021 reflects sales tax collections of \$327,818 and for Fiscal Year 2021-2022 sales tax collections of \$450,204.

#### **SERVICES PLAN**

The Lake Cities Fire Department is a progressive organization located along the Interstate 35 corridor in Denton County. The Fire Department protects the communities of Corinth, Hickory Creek, Lake Dallas, and Shady Shores. The fire department serves approximately 30 square miles with a population of about 30,000. Lewisville Lake surrounds the South border, and Denton surrounds the North border. The Fire Department currently operate out of three fire houses and a headquarters building.

The Fire Department provides fire suppression and related investigatory activities, fire prevention and public education services, emergency rescue and extrication services, hazardous materials services, and emergency medical services.

The Fire Prevention Division is responsible for Fire Safety Inspections, Investigations, Construction Plan Reviews, Code Enforcement, Public Education and Information. This division is an integral part of the city government, responsible for developing and adopting Fire and Life Safety Codes.

The Operations Division supervises response to emergency and non-emergency calls for service, pre-planning of commercial occupancies and public education. This division is also responsible for obtaining and maintaining the department fleet, equipment and facilities.

The Fire Department is committed to providing progressive, innovative, and high quality training to meet the current and future demands of the fire service. The function of the Training Division is to plan, coordinate, and deliver training in an effort to ensure that the members of the Fire Department operate as safely, effectively, and efficiently as possible. The goal of the Training Division is to meet the 20 hour per member continuing education requirement from the Texas Commission on Fire Protection and the 240 hour per member requirement of the Insurance Service Office (ISO) for Class 1 Fire Departments annually.

**Section 16. Severability.** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional

by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 17. Effective Date.** This Ordinance shall be effective upon its passage.

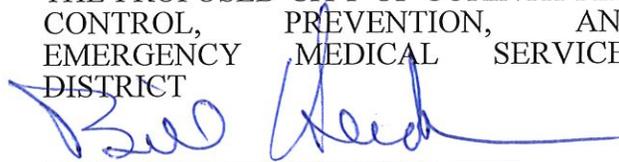
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ON THE 13th DAY OF FEBRUARY, 2020, AND BY THE TEMPORARY BOARD OF DIRECTORS OF THE CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT ON THIS THE 13th DAY OF FEBRUARY, 2020.**

CITY OF CORINTH



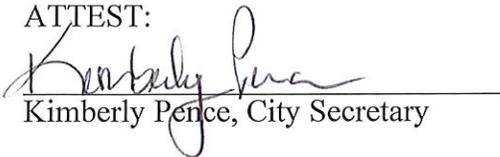
Bill Heidemann, Mayor

TEMPORARY BOARD OF DIRECTORS OF  
THE PROPOSED CITY OF CORINTH FIRE  
CONTROL, PREVENTION, AND  
EMERGENCY MEDICAL SERVICES  
DISTRICT



By: Presiding Officer

ATTEST:



Kimberly Perce, City Secretary

APPROVED AS TO FORM:



Patricia Adams, City Attorney

Exhibit A  
Election Services Contract