

RESOLUTION NO. 38-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDERING A SPECIAL ELECTION ON NOVEMBER 7, 2023, FOR THE PURPOSE OF SUBMITTING A PROPOSED TAX RATE THAT EXCEEDS THE VOTER-APPROVAL TAX RATE FOR THE 2023 TAX YEAR.

WHEREAS, on August 21, 2023, the City Council of the City of Mesquite, Texas (“**City Council**”) approved Ordinance No. 5047 adopting and levying the ad valorem taxes for the tax year 2023 at a rate of \$0.69000 per \$100 assessed valuation of all taxable property within the corporate limits of the City of Mesquite, Texas (“**City**”); and

WHEREAS, for the 2023 tax year, the voter-approval tax rate, as defined in the Texas Tax Code, is \$0.63811; and

WHEREAS, the purpose for which the City Council adopted a tax rate exceeding the voter-approval tax rate is for increasing fire and police staffing levels and competitive pay for fire and police personnel, and increasing funding for alley and street maintenance.

WHEREAS, Texas Tax Code § 26.07 provides that if the City Council adopts a tax rate that exceeds the voter-approval tax rate, the registered voters of the City at an election held for that purpose must determine whether to approve the adopted Tax Rate and that the City Council shall order that the election be held in the City on the uniform election date prescribed by Texas Election Code § 41.001 that occurs in November of the applicable tax year; and

WHEREAS, it is necessary that the City Council order a special election to be held on November 7, 2023, for the registered voters of the City to determine whether to approve the adopted tax rate for tax year 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Findings. The findings contained in the preamble of this resolution are determined to be true and correct and are hereby adopted as a part of this resolution.

SECTION 2. Special Election Ordered. A special election is hereby ordered and shall be held in the City on November 7, 2023, for the purpose of submitting to the registered voters of the City the proposition provided herein. The special election shall be held in accordance with the Texas Election Code, the Statutes of the State of Texas, and the Charter and ordinances of the City of Mesquite, and shall be in conformity with the procedures set forth herein.

SECTION 3. Official Ballot; Proposition. The official ballot shall be prepared in accordance with state law to submit to the registered voters of the City a proposed tax rate that exceeds the voter-approval rate for the purpose of increasing fire and police staffing levels and competitive pay for fire and police personnel, and increasing funding for alley and street maintenance. The ballot shall be prepared to permit voting “FOR” or “AGAINST” the proposition, with the proposition expressed on the official ballot as follows:

CITY OF MESQUITE PROPOSITION A

Approving the ad valorem tax rate of \$0.69000 per \$100 valuation in the City of Mesquite, Texas for the current year, a rate that is \$0.05189 higher per \$100 valuation than the voter-approval tax rate of the City of Mesquite, Texas, for the purpose of increasing staff for the police department, increasing funding for equipment, construction and staffing for the fire department to open Station No. 8 Trinity Pointe, increasing funding for roadway construction and maintenance, establishing a Behavioral Health Division, enhancing city-wide services and competitive pay for public safety personnel. Last year, the ad valorem tax rate in the City of Mesquite, Texas was \$0.65814 per \$100 valuation.

SECTION 4. Notice. The Mayor shall give notice of the special election by causing the notice to be published at least once not earlier than the 30th day or later than the 10th day before special election day as provided in § 4.003(a)(1) of the Texas Election Code, and the notice shall include the information required by Texas Election Code § 4.004. Notice shall also be posted on the City's website and on the bulletin boards used for posting notices of the meetings of the City Council not later than the 21st day before election day.

SECTION 5. Election Administration. The special election shall be administered by the Dallas County Elections Department and Kaufman County Elections Department pursuant to Joint Election Agreements. In compliance with Texas Election Code § 271.006, Michael J. Scarpello, Dallas County Elections Administrator, is hereby appointed election officer and clerk of early voting in Dallas County and Tandi Smith, Kaufman County Elections Administrator, is hereby appointed election officer and clerk of early voting in Kaufman County.

SECTION 6. Polling Places. The location of each polling place on election day shall be stated in the notice provided under Section 4 of this Resolution.

SECTION 7. Early Voting. The early voting polling places for conducting early voting by personal appearance for said election are set forth in Exhibit A. The early voting ballots for the special election will be processed by an early voting ballot board to be created in accordance with the Texas Election Code Chapter 87, as amended, and Joint Election Agreement.

SECTION 8. Voting Hours; Period for Early Voting by Personal Appearance.

- (a) On election day, the polls shall be open from 7:00 A.M. to 7:00 P.M.
- (b) The dates and hours for early voting by personal appearance at the early voting polling places shall be as described in Exhibit A hereto.

SECTION 9. Applications for Early Voting by Mail. For residents in Dallas County, an application for a ballot to be voted by mail shall be submitted by mail, carrier delivery, fax or email (scanned application containing an original signature) to:

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Michael J. Scarpello
Early Voting Clerk
Dallas County Elections Department
1520 Round Table Drive
Dallas, Texas 75247
Email: evapplications@dallascounty.org
Fax: 214.819.6303

For residents in Kaufman County, an application for a ballot to be voted by mail shall be submitted by mail, carrier delivery, fax or email (scanned application containing an original signature) to:

Tandi Smith
Early Voting Clerk
Kaufman County Courthouse Annex
P.O. Box 1347
Kaufman, Texas 75142
Email: tandi.smith@kaufmancounty.net
Fax: 469.932.1413

If an application for ballot by mail (“**ABBM**”) is faxed or emailed or if a Federal Postcard Application (“**FPCA**”) is faxed, the early voting clerk must receive the original ABBM or FPCA no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA. If such original ABBM or FPCA is not received by the early voting clerk by the deadline, the faxed or emailed ABBM or faxed FPCA will be considered incomplete and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an emailed FPCA. An ABBM must be received by Noon or close of business, whichever is later, on Friday, October 27, 2023. An FPCA must be received in accordance with Texas Election Code § 101.052.

SECTION 10. Special Election Results. In accordance with Texas Tax Code § 26.07, if a majority of the votes cast in the special election favor the proposition, the tax rate for the tax year 2023 is the rate that was adopted by the City Council, and if the proposition is not approved, the tax rate will be the voter-approval tax rate.

SECTION 11. Severability. It is hereby declared to be the intent of the City Council of the City of Mesquite, Texas, that the words, phrases, clauses, sentences, paragraphs and sections of this resolution are severable, and if any word, phrase, clause, sentence, paragraph or section of this resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this resolution, the City Council hereby declaring that this resolution would have been enacted by the City Council without incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

SECTION 12. Effective Date. This resolution shall take effect immediately upon passage.

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DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of August 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David Paschall

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David L. Paschall
City Attorney

EXHIBIT A

Early voting by personal appearance shall be conducted by the Dallas County Elections Department and Kaufman County Elections Department.

Any qualified voter for the election may vote early by personal appearance at either the main early voting location or at any of the branch locations.

The main early voting polling place in Dallas County is:

Elections Training/Warehouse
1460 Round Table Drive
Dallas, Texas 75247

The main early voting polling place in Kaufman County is:

Kaufman County Library
3790 S. Houston Street
Kaufman, TX 75142

For City of Mesquite registered voters in Dallas County, early voting by personal appearance will be conducted at:

Lakeside Activity Center 101 Holley Park Drive Mesquite, Texas 75149	Florence Recreation Center 2501 Whitson Way Mesquite, Texas 75150	Eastfield Campus – Dallas College 3737 Motley Drive Mesquite, Texas 75150
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and at all locations as designated by the Dallas County Elections Administrator, on the following dates and times:

Monday – Friday, October 23, 2023, through October 27, 2023, 8:00 a.m. – 5:00 p.m.
Saturday, October 28, 2023, 7:00 a.m. – 7:00 p.m.
Sunday, October 29, 2023, 12:00 p.m. – 6:00 p.m.
Monday – Friday, October 30, 2023, through November 3, 2023, 7:00 a.m. – 7:00 p.m.

For City of Mesquite registered voters in Kaufman County, early voting by personal appearance will be conducted at:

Forney Sub Courthouse 200 E. Main Street Forney, TX 75126	Terrell Sub Courthouse 408 E. College Street Terrell, TX 75160	Kemp Sub Courthouse 103 N. Main Street Kemp, TX 75143	Crandall/Combine Community Center 500 W. Lewis Crandall, TX 75114
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on the following dates and times:

Monday – Friday, October 23, 2023, through October 27, 2023, 8:00 a.m. – 5:00 p.m.
Saturday, October 28, 2023, 8:00 a.m. – 5:00 p.m.
Sunday, October 29, 2023, 12:00 p.m. – 6:00 p.m.
Monday – Wednesday, October 30, 2023, through November 1, 2023, 8:00 a.m. – 5:00 p.m.
Thursday – Friday, November 2 through 3, 2023, 7:00 a.m. – 7:00 p.m.