

ORDINANCE NO. 202502-01-121

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, CALLING FOR A SPECIAL AND GENERAL ELECTION TO BE HELD ON MAY 3, 2025, FOR THE PURPOSE OF AUTHORIZING THE CREATION OF THE NEW FAIRVIEW MUNICIPAL DEVELOPMENT DISTRICT COMPRISING OF THE CITY AND ITS EXTRATERRITORIAL JURISDICTION AND THE IMPOSITION OF A SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT (1/2%) FOR THE PURPOSE OF FINANCING DEVELOPMENT PROJECTS BENEFICIAL TO THE DISTRICT, BY THE QUALIFIED VOTERS OF THE CITY OF NEW FAIRVIEW; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROVIDING FOR EARLY VOTING; PROVIDING FOR THE APPOINTMENT OF ELECTION ADMINISTRATORS AND JUDGES; ESTABLISHING REGULAR BUSINESS HOURS OF THE CITY SECRETARY'S OFFICE ON THE DAYS OF EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of New Fairview, Texas is a Type "A" General Law Municipality located in Denton and Wise Counties, 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, the Texas Local Government Code Chapter 377 requires the boundaries of the Municipal Development District to be determined in the order calling the election; and

WHEREAS, Section 41.001(a)(2) of the Texas Election Code, as amended by the 82nd Texas Legislature, established Saturday May 3, 2025, as a Uniform Election Day for the purposes of conducting a Special Election; and

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

SECTION 1. INCORPORATION OF RECITALS The facts and recitations contained in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

SECTION 2. AUTHORIZING CREATION OF NEW FAIRVIEW MUNICIPAL DEVELOPMENT DISTRICT. To authorize the creation of the New Fairview Municipal Development District and the imposition of a sales and use tax at the rate of one-half of one percent (1/2%) for the purpose of financing development projects

beneficial to the district and for all other purposes authorized under Section 52-a, Article III, Texas Constitution and Chapter 377, Tex. Loc. Gov't Code. The boundaries of the New Fairview Municipal Development District shall include and be commensurate with the full corporate boundaries of the City of New Fairview, Texas, and the entirety of its extraterritorial jurisdiction, and the boundaries of the District shall conform automatically to any changes in the boundaries of the City or the City's extraterritorial jurisdiction. The ballot for the measure to authorize the creation of the District shall be printed to permit voting for or against the proposition:

"Authorizing the creation of the New Fairview Municipal Development District and the imposition of a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the district"

SECTION 3. PRECINCTS The election precinct for said election shall be the regular precinct of Denton County (Precinct 4194) and the regular Precincts of Wise County (Precinct 5, 6) to the extent that they are within the corporate limits of the City of New Fairview.

SECTION 4. VOTING SYSTEM - DIRECT RECORDING SYSTEM.
In accordance with Section 123.001 of the Texas Election Code, the Direct Recording Electronic Voting Systems approved by the Secretary of State are hereby adopted for the election on May 4, 2024.

SECTION 5. ACCESSIBLE VOTING SYSTEM.
Section 61.012 of the Code requires that the City must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. The City shall use, in Early Voting and Election Day voting, as applicable, a voter assist terminal as approved by the Secretary of State, and shall contract with the Wise County Elections Administrations, respectfully, for the use of said voter assist equipment that Wise County uses for their elections.

SECTION 5. ELECTION ADMINISTRATION The Special Election shall be conducted in accordance with the provisions of the Texas Election Code. The City of Fairview has contracted with Wise and Denton Counties for a joint election. The Mayor City Secretary is hereby authorized to execute contracts with the Wise and Denton County Elections Administrations for the purpose of having Denton and Wise County furnish all or any portion of the election services and equipment needed to conduct the election.

SECTION 6. EARLY VOTING Early voting by personal appearance will be conducted on April 22, 2025 and shall close on April 29, 2025, as contained in the attached and incorporated **EXHIBIT "A"** for Wise and Denton Counties.

SECTION 7. POLLING PLACE LOCATION AND HOURS ELECTION DAY The City of New Fairview shall designate a polling place location for the voters of the City of New Fairview and election officials on the day of election, for Wise and for Counties, as contained in **EXHIBIT “A.”** All such polling places shall be open on said election day from 7:00 a.m. to 7:00 p.m.

SECTION 8. MAIL BALLOTS Applications for ballot by mail may also be requested from the appropriate Early Voting Clerks at:

Wise County: Sabra Srader, Early Voting Election Administrator, Wise County Elections, 200 S. Trinity or P.O. Box 1597, Decatur, Texas 76234, elections@co.wise.tx.us, Phone: 940-626-4453.

Denton County: Frank Phillips, Early Voting Election Administrator, Denton County Elections Administrator, 701 Kimberly Dr., Denton, TX 76208 Denton County Elections Administration, elections@dentoncounty.gov, Phone: (940) 349-3200.

Applications for ballots by mail must be *received* (not postmarked) by the Early Voting Clerk no later than the close of business on Tuesday, April 22, 2025 at the foregoing appropriate address.

SECTION 9. ELECTION COMPLIANCE. The Election shall be conducted in accordance with the Code and the Texas Constitution under the jurisdiction of the Elections Administrators pursuant to one or more election services contracts between the City and Wise and Denton Counties, and other participating entities, if any, as described therein (the “Contracts”), copies of which shall be incorporated herein upon their final approval and execution by the City.

The Mayor, the City Administrator, or a designee, are authorized to amend or supplement any and all contracts for the administration of the Election, including without limitation, the Contracts, to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Elections Administrator(s) and in accordance with the Code. In the event that no election is necessary, the City Secretary shall notify the County and shall present the City Council with a resolution or ordinance to cancel the Election.

SECTION 10. VOTING QUALIFICATIONS: VOTING MATERIALS. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in both English and Spanish for use at the polling place and for early voting for said election.

SECTION 11. NOTICES. The City Secretary is hereby authorized to provide and furnish all necessary election notices and preparation of ballot wording to the Wise and Denton County Election Offices. The City Secretary will give notice of the election in the manner and time as required by the Code, to include by a) Publishing notice of the

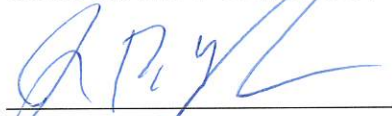
election at least once, not more than thirty (30) days not less than ten (10) days before the election in the official newspaper of the City and b). Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council and on the City's website, at least twenty-one (21) days before the election.

SECTION 12. CANVASS THE ELECTION. Pursuant to Section 67.003 of the Code, the City Council will canvass the election no earlier than May 6, 2025 but no later than May 14, 2025. Notice of the time and place for canvass shall be posted on the official bulletin board and website 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 Texas Local Government Code.

SECTION 13. SEVERABILITY. All ordinances or resolutions of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.


PASSED, APPROVED AND ADOPTED this the 3rd day of February, 2025.

CITY OF NEW FAIRVIEW



John R. Taylor, Mayor

ATTEST:



Susan Greenwood, City Secretary

EXHIBIT "A"

**MAY 3, 2025, SPECIAL ELECTION
MAYO 3, 2025 ELECCIÓN ESPECIAL**

**EARLY VOTING LOCATIONS
UBICACIONES DE VOTACIÓN ANTICIPADA**

**VOTERS MAY VOTE AT ANY POLLING SITE WITHIN THEIR COUNTY
DURING EARLY VOTING
LOS VOTANTES PUEDEN VOTAR EN CUALQUIER CENTRO ELECTORAL
DURANTE LA VOTACIÓN TEMPRANA**

MAIN EARLY VOTING LOCATIONS

Wise County

Wise County Fairgrounds (Woman's Building)
Administration
3101 S FM 51
Decatur, TX 76234

Denton County

Denton County Elections
701 Kimberly Dr
Room: A100
Denton, TX 76208

EARLY VOTING DAYS AND HOURS

Tuesday,	April 22 – Saturday, April 26	8:00 am – 5:00 pm
Sunday,	April 27	11:00 am – 5:00 pm
Monday,	April 28 – Tuesday, April 29	7:00 am – 7:00 pm

DÍAS Y HORARIOS DE VOTACIÓN ANTICIPADA

martes,	22 de abril – sábado, 26 de abril	8:00 a.m. – 5:00 p.m.
domingo,	27 de abril	11:00 a.m. – 5:00 p.m.
lunes,	28 de abril – martes, 29 de abril	7:00 a.m. – 7:00 p.m.

**ELECTION DAY BY PERSONAL APPEARANCE LOCATIONS – GENERAL &
SPECIAL ELECTIONS**

**(LUGARES DE VOTACIÓN EN EL DÍA DE ELECCIÓN POR APARICIÓN
PERSONAL DEL ELECCIONES GENERALES Y ESPECIALES)**

**MAY 3, 2025, 7:00 A.M. – 7:00 P.M.
(3 de mayo de 2025 -- 7:00 am - 7:00 pm)**

WISE COUNTY

New Fairview City Hall
(Precinct 5, 6)
999 Illinois St

DENTON COUNTY

Justin Municipal Complex
(Precinct 4194)
City Council Meeting Chambers

New Fairview, TX 76078

**415 N College Ave
Justin, TX 7624**