

SMITH COUNTY EMERGENCY SERVICES DISTRICT NO. 1

ORDER NO. 12-15-22-12

**RESOLUTION AND ORDER CALLING FOR A SPECIAL ELECTION ON THE
ISSUE OF THE ADOPTION OF A LOCAL SALES AND USE TAX BY THE
DISTRICT PURSUANT TO CHAPTER 775, HEALTH & SAFETY CODE**

WHEREAS, Texas Health & Safety Code § 775.0751, *et seq.*, permits a district operating under Chapter 775, Health & Safety Code to adopt, change the rate of, or abolish a sales and use tax; and,

WHEREAS, the Board of Emergency Services Commissioners of Smith County Emergency Services District No. 1 ("District") held a meeting called and conducted pursuant to all applicable law, including the Texas Open Meetings Act, on December 15, 2022; and,

WHEREAS, at its meeting held on December 15, 2022, the District ordered such an election to adopt a sales and use tax at a rate not to exceed one and one-half percent in the District pursuant to Chapter 775, Health & Safety Code, and other applicable law, to be held on May 6, 2023; and,

WHEREAS, within 30 days of the date for calling for said election, the Board will provide written or oral notice for informational purposes to the Commissioners Court of Smith County, Texas, the only county in which the District is located, on the proposed adoption of the District's Sales and Use Tax called for herein, including the reasons for the proposed adoption; and,

WHEREAS, the Board, in calling for this election, excludes from the applicability of any proposed sales and use tax any territory in the District where the sales and use tax is then at two percent, including, but not limited to, the City of Lindale, Texas, pursuant to applicable law;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF EMERGENCY SERVICES COMMISSIONERS OF SMITH COUNTY EMERGENCY SERVICES DISTRICT NO. 1 THAT:

Section 1. That the statements contained in the preamble to this Resolution and Order are true and correct and are adopted as findings of fact and conclusions of law hereby.

Section 2. The District shall hold an election on May 6, 2023 between the hours of 7:00 a.m. and 7:00 p.m. at the polling locations and precincts common to the District and set forth and established by the Smith County Commissioners Court, or as otherwise determined by the District and/or the Smith County Elections Administrator, with all applicable early and absentee voting places determined by the District in conjunction with

its agreement with the Smith County Elections Administrator, and as required by law or further notice, including voting on Saturdays and Sundays, as determined by the Smith County Elections Administrator. The location of the main early voting by personal appearance polling places shall be as agreed between the Smith County Elections Administrator and the District, and those other locations as designated by the Smith County Elections Administrator, pursuant to that certain agreement between the District and Smith County. The District's Early Voting Clerk shall be Michelle Allcon, Smith County Elections Administrator, or her designees, whose official mailing address is 302 East Ferguson, Tyler, Texas 75702. The District's Election Official is Carolyn Todd, President of the District, whose official mailing address is P. O. Box 697, Lindale, Texas 75771, or her designee. The Election Official and the District's attorney are hereby empowered to execute any and all necessary documents and take any and all necessary actions to conduct the election ordered herein. The Presiding Election Judges, the Alternate Election Judges, and other election officials shall be those as designated by the Smith County Elections Administrator or the District, pursuant to that certain agreement between the District and the Smith County.

Section 3. The early voting shall be held at locations designated by the Smith County Elections Administrator, at those locations and times to be determined, including voting on Saturdays and Sundays.

Section 4. Pursuant to Texas Election Code § 42.061, the District adopts the precincts of Smith County located within its territorial limits and elsewhere as necessary as its precincts for this election and pursuant to the agreement with Smith County, which will be conducting the election, unless otherwise further ordered by the District. The District shall follow all applicable bilingual procedures in the election. The District may consolidate some of these precincts upon the advice of the Smith County Elections Administrator and pursuant to that certain agreement referenced herein.

Section 5. The voting at said election shall be by voting systems or other systems as may be used by Smith County, and such ballots for the election shall be printed in English and Spanish to permit voting for or against the proposition:

"The adoption of a local sales and use tax in Smith County Emergency Services District No. 1 at a rate not to exceed one and one-half percent in any location in the district."

Section 6. The appropriate officers of the District are hereby authorized and directed to coordinate and oversee this election, and the Smith Elections Administrator, and its appropriate officers, is hereby appointed to assist the District in the coordination and oversight of this election pursuant to that certain interlocal agreement executed by and between the District and Smith County. The District's attorney, Ken Campbell, is hereby authorized and empowered to take any actions and execute and deliver any documents necessary to carry out this election.


Section 7. Notice and/or Order of this election, in substantially the form attached hereto, and in Spanish translation thereof, shall be issued and given in the manner provided by law.

Section 8. The District reserves the right to amend this order as necessary to conduct this election pursuant to applicable law and in compliance with the Smith County Elections Administrator or other appropriate authorities having jurisdiction.


Section 9. In compliance with applicable law, and for the purposes of this election and the applicability of the sales and use tax, if approved by the voters, the District excludes from applicability of any proposed sales and use tax any territory in the District where the sales and use tax is at two percent, including, but limited to, the City of Lindale, Texas, pursuant to applicable law. Further, the Board has or will provide all required notice to the Commissioners Court of Smith County and the Smith County Elections Administrator, as required by applicable law.

RESOLVED AND ORDERED this 15th day of December 2022.

SMITH COUNTY EMERGENCY
SERVICES DISTRICT NO. 1

By: 
Carolyn Todd,
President

ATTEST:


Kenneth Smith, Secretary