

ORDINANCE NO. 2025-0128 -2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LITTLEFIELD, TEXAS: CALLING FOR AND ORDERING A SPECIAL ELECTION TO BE HELD ON THE MAY 3, 2025 UNIFORM ELECTION DATE WITH A COMBINED BALLOT PROPOSITION PURSUANT TO SECTION 321.409 OF THE TAX CODE AND SECTION 505.255 OF THE LOCAL GOVERNMENT CODE TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY OF LITTLEFIELD THE QUESTION OF WHETHER OR NOT TO ABOLISH THE TYPE A ECONOMIC DEVELOPMENT SALES AND USE TAX LEVIED BY THE LITTLEFIELD ECONOMIC DEVELOPMENT CORPORATION FOR THE PROMOTION AND DEVELOPMENT OF NEW AND EXPANDED BUSINESS ENTERPRISES AT A RATE OF ONE-HALF OF ONE PERCENT AND, CONCURRENTLY, INCREASE THE TYPE B ECONOMIC DEVELOPMENT SALES AND USE TAX LEVIED BY THE LITTLEFIELD TYPE B ECONOMIC DEVELOPMENT CORPORATION BY A RATE OF ONE-HALF OF ONE PERCENT (FOR A TOTAL RATE OF ONE PERCENT) TO UNDERTAKE AUTHORIZED PROJECTS FOR THE PURPOSE OF ECONOMIC DEVELOPMENT, INCLUDING RELATED MAINTENANCE AND OPERATING COSTS, AS DESCRIBED IN CHAPTERS 501 AND 505 OF THE LOCAL GOVERNMENT CODE; PROVIDING FOR NOTICE OF ELECTION; PROVIDING BALLOT LANGUAGE; ESTABLISHING PROCEDURES AND LOCATIONS FOR EARLY AND ELECTION DAY VOTING; APPOINTING AN EARLY VOTING CLERK AND OTHER ELECTION OFFICIALS; PROVIDING FOR CANVASSING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Development Corporation Act of 1979, codified as Subtitle C1 of the Local Government Code, provides for the creation of economic development corporations by municipalities for the purposes specified in the applicable provisions of the Act; and

WHEREAS, on or about March 3, 1994, the City Council of the City of Littlefield created the Littlefield Economic Development Corporation (“LEDC A”), a Type A economic development corporation governed by chapters 501 and 504 of the Texas Local Government Code; and

WHEREAS, on or about June 6, 2011, the City Council of the City of Littlefield created the Littlefield Type B Economic Development Corporation (“LEDC B”), a Type B economic development corporation governed by chapters 501 and 505 of the Texas Local Government Code; and

WHEREAS, LEDC A currently levies a sales and use tax within the municipality at the rate of one-half of one percent for the promotion and development of new and expanded business enterprises; and

WHEREAS, LEDC B currently levies a sales and use tax within the municipality at the rate of one-half of one percent to undertake authorized projects for the purpose of economic development, as described in Chapters 501 and 505 of the Local Government Code, including but

not limited to: projects for the promotion of professional and amateur athletics and sports including stadiums, ball parks, auditoriums, projects related to entertainment, convention, tourist, and exhibition facilities, amphitheaters, concert halls, and public parks, park facilities and events, open space improvements, primary job training facilities for use by institutions of higher education, research and development facilities, regional or national corporate headquarters facilities, museums and related stores, restaurant, concession, and automotive parking facilities, related area transportation facilities and related roads, streets and water and sewer facilities, recycling facilities and projects to promote new or expanded business enterprises that create or retain primary jobs, and public safety facilities, streets and roads, drainage, and improvements, demolition of existing structures, development and expansion of affordable housing, and targeted infrastructure and any other improvements, expenditures, or facilities that are related to any of the above projects; development or improvement of water supply facilities, including dams, transmission lines, well field developments, and other water supply alternatives and any other land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the board of directors to promote new or expanded business development, and the maintenance and operating expenses for any of the above described projects; and

WHEREAS, the City Council of the City of Littlefield desires to abolish the sales and use tax levied by LEDC A at the rate of one-half of one percent and, concurrently, increase the sales and use tax levied by LEDC B to a rate of one percent (an increase of one-half of one percent); and

WHEREAS, pursuant to the Texas Local Government Code, LEDC A, as a Type A economic development corporation, can fund traditional economic development initiatives that facilitate manufacturing and industrial activities, like the provision of land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements that are for the creation or retention of primary jobs for projects such as manufacturing and industrial facilities, research and development facilities, military facilities, including closed or realigned military bases, recycling facilities, distribution centers, small warehouse facilities, primary job training facilities for use by institutions of higher education, and regional or national corporate headquarters facilities; and

WHEREAS, pursuant to the Texas Local Government Code, LEDC B, as a Type B economic development corporation, can fund the provision of land, buildings, equipment, facilities, expenditures, targeted infrastructure and improvements that are for the creation or retention of primary jobs for projects such as manufacturing and industrial facilities, research and development facilities, military facilities, including closed or realigned military bases, transportation facilities, sewage or solid waste disposal facilities, recycling facilities, air or water pollution control facilities, distribution centers, small warehouse facilities, primary job training facilities for use by institutions of higher education, regional or national corporate headquarters facilities, eligible job training classes, certain career centers and certain infrastructural improvements that promote or develop new or expanded business enterprises, as well as projects that are typically considered to be community development initiatives, including, among other items, land, buildings, equipment, facilities, expenditures, and improvements for professional and amateur sports facilities, park facilities and events, entertainment and tourist facilities, and

affordable housing, as well as for the development of water supply facilities or water conservation programs; and

WHEREAS, Section 321.409(a) of the Texas Tax Code and Section 505.255 of the Local Government Code authorize the City to submit to the voters a combined ballot proposition to reallocate the sales and use tax as described herein; and

WHEREAS, the City Council of the City of Littlefield has determined that it is in the best interest of the citizens of the City of Littlefield to submit to the voters a combined ballot proposition to reallocate the sales and use tax as described herein.

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

SECTION 1. SPECIAL ELECTION ORDERED

A Special Election is hereby ordered pursuant to Chapter 3 of the Election Code, to be held on the uniform election date of May 3, 2025, for the purposes of considering the following:

To abolish the Type A economic development sales and use tax levied by the Littlefield Economic Development Corporation for the promotion and development of new and expanded business enterprises at the rate of one-half of one percent and, concurrently, increase the Type B economic development sales and use tax levied by the Littlefield Type B Economic Development Corporation by a rate of one-half of one percent (for a total rate of one percent) to undertake authorized projects for the purpose of economic development, including related maintenance and operating costs, as described in Chapters 501 and 505 of the Local Government Code.

The Mayor is authorized to execute, and the City Secretary is authorized to attest to, Secretary of State Form 1-8, "ORDER OF SPECIAL ELECTION FOR MUNICIPALITIES", on behalf of the City Council. The Mayor is further authorized to do all other things legal and necessary in connection with the holding and consummation of the Special Election, which includes the giving and publication of the Notice of Special Election to be in a form as to be approved by the City Attorney.

SECTION 2. NOTICE OF ELECTION

The Mayor shall execute Secretary of State Form 1-16, "NOTICE OF SPECIAL ELECTION FOR OTHER POLITICAL SUBDIVISIONS", on behalf of the City Council, in accordance with the term and provisions of Section 4.003 of the Election Code. Specifically, as required by Section 4.003(a)(1) and (c) of the Election Code, notice shall be published at least one time, in both the English and Spanish languages, in a newspaper published within Littlefield's territory at least 10 days and no more than 30 days before the Special Election, and as otherwise may be required by the Election Code. Notice of the Special Election shall also be posted on the bulletin board used by the City Council to post notices of its City Council meetings no later than the 21st day before

the Special Election, as authorized by Section 4.003(b) of the Election Code. The Mayor shall retain and preserve the notice records as required by Section 4.005 of the Election Code.

The City Secretary shall deliver notice of the election, including the location of each polling place, to the Lamb County Clerk and Voter Registrar at least 60 days before Election Day, in accordance with Section 4.008 of the Election Code.

The City Secretary shall post notice on the City’s public Internet website at least 21 days before Election Day, in accordance with Section 4.009 of the Election Code.

SECTION 3. CONDUCT OF ELECTION

The City Secretary is the election administrator and early voting clerk. Janine Butler is the Deputy Early Voting Clerk. Janine Butler is the Election Judge and Early Voting Ballot Board Judge, and she is to be compensated at a rate of \$13.50 per hour. Stephen Butler is the Alternate Election Judge and Alternate Early Voting Ballot Board Judge, and he and no more than five election clerks are to be compensated at a rate of \$9.00 per hour.

The City Secretary is authorized and instructed to provide and furnish all election supplies to conduct the Special Election.

SECTION 4. BALLOT

The official ballot shall be prepared in accordance with the Election Code and the City Charter. The ballot shall permit the voter to vote "For" or "Against" the proposition, with the ballots to contain such provisions, markings, and language as required by law, and with such proposition as follows:

PROPOSITION A. To abolish the Type A economic development sales and use tax levied by the Littlefield Economic Development Corporation for the promotion and development of new and expanded business enterprises at the rate of one-half of one percent and, concurrently, increase the Type B economic development sales and use tax levied by the Littlefield Type B Economic Development Corporation by a rate of one-half of one percent (for a total rate of one percent) to undertake authorized projects for the purpose of economic development, including related maintenance and operating costs, as described in Chapters 501 and 505 of the Local Government Code.

Shall the above Proposition A be adopted?

YES _____
NO _____

SECTION 5. EARLY VOTING

Early voting by personal appearance shall be conducted each day at the City of Littlefield, 301 XIT Dr., Littlefield, Texas 79339, Monday, April 21, 2025, through Tuesday, April 29, 2025, from 8:00 a.m. – 5:00 p.m.

The Early Voting Clerk's mailing address to which applications for ballots by mail be sent, for voters residing in the City of Littlefield, is as follows:

Niel Gonzalez
City Secretary
P.O. Box 1267
Littlefield, Texas 79339

A completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to ngonzalez@lfdtx.city. Applications for ballot by mail must be **received** no later than Tuesday, April 22, 2025. The last day to receive ballots by mail is Saturday, May 3, 2025, at 7:00 p.m. or Monday, May 5, 2025 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the Election, on Election Day, unless overseas or military deadlines apply.

SECTION 6. ELECTION DAY VOTING

Voters shall be served by the following polling place on Election Day from 7:00 a.m. to 7:00 p.m.:

City of Littlefield City Council Chambers
525 Phelps Ave.
Littlefield, Texas 79339

SECTION 7. CANVASSING OF RETURNS; DECLARING RESULTS

The City Secretary shall provide the written return of the Special Election results to the City Council in accordance with the Election Code. The City Council shall canvass the returns on a date and time set by the Mayor between the dates of May 6, 2025, and May 14, 2025.

SECTION 8. RECITALS TRUE AND CORRECT

The facts and recitations contained in the recitals of this Ordinance are hereby found to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 9. SEVERABILITY

If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 10. EFFECTIVE DATE

The Ordinance shall be effective from and after its final passage.

INTRODUCED AND PASSED by the City Council of the City of Littlefield, Texas, on
January 28, 2025.



Eric Turpen, Mayor

ATTEST



Otoniel (Niél) Gonzalez, City Secretary

