

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF PROSPER FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT COMPRISING THE TOWN OF PROSPER A REFERENDUM ON THE CONTINUATION OF THE TOWN OF PROSPER FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT FOR TWENTY (20) YEARS AND A SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE SAFETY AND EMERGENCY MEDICAL SERVICES PROGRAMS; PROVIDING FOR ELECTION PROCEDURES AND OFFICERS; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH SPECIAL ELECTION; PROVIDING BALLOT PROPOSITION LANGUAGE; AUTHORIZING NECESSARY ACTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Directors of the Town of Prosper Fire Control, Prevention and Emergency Medical Services District (the "District") is the governing board of a district validly created pursuant to Chapter 3443 of the Texas Local Government Code; and

WHEREAS, on May 5, 2018, the eligible voters of the District approved a ballot proposition to adopt the District and approve a District sales and use tax at a rate of one-fourth of one percent (1/4 of 1%) as authorized by Chapter 344 of the Texas Local Government Code and Section 321.108 of the Texas Tax Code; and

WHEREAS, the District will be dissolved on September 30, 2023, unless the District holds a continuation referendum prior to the end date; and

WHEREAS, pursuant to Section 344.251 of the Texas Local Government Code, the Board of Directors of the District may order a referendum on its own motion by a majority vote of its members on the continuation of the District for a period of twenty (20) years; and

WHEREAS, in accordance with Chapter 321 of the Texas Tax Code, the combined rate of all local sales and uses taxes imposed by the Town will not exceed two percent (2%); and

WHEREAS, Section 41.001 of the Texas Election Code, as amended, establishes Saturday, May 6, 2023, as a uniform election date for the purposes of conducting a special election; and

WHEREAS, the Town intends to contract with Collin County and Denton County for election services, administration, and equipment pursuant to Section 31.092(a) and Chapter 271 of the Texas Election Code, as amended; and

WHEREAS, the Board of Directors of the District desires to hold such referendum on the continuation of the District and the District sales and use tax on the upcoming uniform election date of May 6, 2023.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE TOWN OF PROSPER FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT THAT:

SECTION 1

A Special Election in the District, comprising the Town of Prosper, Texas, as prescribed by Chapter 344 of the Texas Local Government Code and Chapter 321 of the Texas Tax Code, shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 6, 2023, for the purpose of considering the continuation of the District and its sales and use tax at the rate of one-fourth of one percent dedicated to fire safety and emergency medical services programs authorized by Chapter 344 of the Texas Local Government Code.

SECTION 2

Qualified voters of the following election precincts shall cast ballots for the Special Election at the heretofore established and designated Election Day polling places, as follows:

Town Precincts

178, 199, 214, 224, 239
(Collin County)

1016, 1017, 9102
(Denton County)

Polling Place

Prosper Town Hall Community Room
250 W. First Street
Prosper, TX 75078

Prosper Fire Station 2 Training Room
1140 S. Teel Parkway
Prosper, TX 75078

Special Election polls shall be open from 7:00 a.m. until 7:00 p.m., on the date of the Special Election, Saturday, May 6, 2023.

SECTION 3

Early voting by personal appearance for Denton County residents shall be available at the Prosper Fire Station 2 Training Room, 1140 S. Teel Parkway, Prosper, Texas, 75078 from Monday, April 24, 2023, through Saturday, April 29, 2023, from 8:00 a.m. – 5:00 p.m.; Sunday, April 30, 2023, from 11:00 a.m. – 5:00 p.m.; and Monday, May 1, 2023, through Tuesday, May 2, 2023, from 7:00 a.m. - 7:00 p.m.

Early voting by personal appearance for Collin County residents shall be available at the Prosper Town Hall Community Room, 250 W. First Street, Prosper, Texas 75078, from Monday, April 24, 2023, through Friday, April 28, 2023, from 8:00 a.m. – 5:00 p.m.; Saturday, April 29, 2023, from 8:00 a.m. – 5:00 p.m.; and Monday, May 1, 2023, through Tuesday, May 2, 2023, from 7:00 a.m. - 7:00 p.m.

Qualified voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administrator or the Denton County Elections Administrator. This previous sentence shall also be posted in the Notice of Election.

SECTION 4

The Town Manager and Town Secretary are authorized to execute a contract for an Election with the Denton County Election Department and the Collin County Election Department for all election appointments, early voting by mail, the designated voting location(s) and hours of operation, payments for election officials, and necessary election arrangements.

SECTION 5

The Town Secretary shall have the authority to approve any minor modifications as may be necessary in the best interests of the Town and within the regulations of the Texas Election Code. The early voting mail clerk for Collin County is: Bruce Sherbet, Early Voting Clerk, Collin County Elections Department, 2010 Redbud Blvd, Suite 102, McKinney, Texas 75069 (election@collincountytexas.gov), and the Early Voting Clerk for Denton County is Frank Phillips, Early Voting Clerk, Denton County Elections, PO Box 1720, Denton, Texas 76202 (elections@dentoncountytexas.gov).

SECTION 6

The Town Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this Special Election. The Special Election, including providing notice of the Special Election, shall be conducted in accordance with the Texas Election Code and other applicable law, and all resident qualified and registered voters of the Town shall be eligible to vote at the Special Election.

SECTION 7

The Mayor and the Town Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the Special Election, whether or not expressly authorized herein.

SECTION 8

The official ballot for the special election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote "For" or "Against" the proposition. Said ballot shall have printed therein such provisions, markings, and language as may be required by law, and with the proposition being set forth on said ballot using the following form and language:

PROPOSITION B

FOR _____

AGAINST _____

"Whether the Town of Prosper Fire Control, Prevention and Emergency Medical Services District should be continued for 20 years, and the fire control, prevention and emergency medical services district sales tax should be continued for 20 years."

SECTION 9

The provisions of this Order are severable, so that the invalidity of one or more provisions shall not affect the validity of those valid portions.

SECTION 10

This Order for a Special Election shall be effective from and after the passage of this Order.

DULY PASSED AND APPROVED BY THE DIRECTORS OF THE PROSPER CRIME CONTROL AND PREVENTION DISTRICT ON THE 14TH DAY OF FEBRUARY, 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney