

ORDINANCE NO. 50-09

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON TWO SEPARATE PROPOSITIONS; PROVIDING ONE PROPOSITION ON THE QUESTION OF THE ADOPTION OF A SALES AND USE TAX FOR THE PURPOSE OF STREET MAINTENANCE AND REPAIR; PROVIDING A SECOND PROPOSITION ON THE QUESTION OF THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX FOR THE PURPOSE OF REDUCING THE AD VALOREM TAX RATE; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR A JOINT ELECTION WITH TRAVIS COUNTY; PROVIDING FOR AN ELECTION SERVICES CONTRACT WITH TRAVIS COUNTY; PROVIDING FOR ELECTION JUDGES, NOTICE OF ELECTIONS AND METHOD OF VOTING; AND PROVIDING FOR RELATED MATTERS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF THE HILLS, TEXAS, THAT:

Section 1. Special Election Ordered. A special election is called and ordered to be held in the Village on Tuesday, November 3, 2009, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the Village two propositions. One proposition on the ballot for the special election will be to consider the question of adopting an additional sales and use tax of 1/2 of one percent shall be imposed to reduce the ad valorem tax rate, and a second, separate, proposition will be submitted to consider the question of adopting an additional sales and use tax of 1/4 of one percent for the maintenance and repair of the municipal streets.

SECTION 2. Notice of Election. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Texas Election Code* and *Chapts. 321 and 327, Tex. Tax Code*, in all respects. The ballots used for the special election shall comply with the *Texas Election Code* and be in the form provided by the Village to the Travis County Elections Administrator for use on the respective voting devices used by Travis County; provided that the vote shall be upon an official ballot prepared in such a manner as will permit the voters to vote "For" or "Against" the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

The adoption of a local sales and use tax in the Village of The Hills at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.

FOR _____ AGAINST _____

PROPOSITION NO. 2

The adoption of an additional sales and use tax within the city at the rate of one-half of one percent to be used to reduce the property tax rate.

FOR _____ AGAINST _____

SECTION 3. Compliance with Election Code. The Travis County Elections Administrator and

his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election, in the manner provided by law governing the holding of elections pursuant to *Chapts. 321 and 327, Tex. Tax Code*, and the *Texas Election Code*; and the official ballots, together with such other election materials as are required by the *Texas Election Code*, as amended, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as may be required by law.

SECTION 4. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and by the Travis County Elections Administrator. Early voting shall commence on Monday, October 19, 2009, and continue through Friday, October 30, 2009. Early voting by mail may be conducted at any Travis County early voting location, and at the Village of The Hills City Hall.

SECTION 5. Precincts and Polling Places. The election precincts for the election shall be the election precincts established by Travis County for the Village residents, provided that each shall contain and include geographic area that is within the Village. The polling place for each such election precinct shall be the polling place established by Travis County for voting by residents of the Village. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for the election precincts will be provided by precinct for the special election by Travis County and the Travis County Elections Administrator shall tabulate and provide the election returns for the special election for all precincts and the election.

SECTION 6. Election Services Contract. The City Secretary is hereby authorized and instructed to aid the Travis County Elections Administrators in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code* and *Chapts. 321 and 327, Tex. Tax Code*; provided that, pursuant to the Election Services Contract between the Village and the Travis County Elections Administrator, the Travis County Elections Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contract. The Travis County Elections Administrator shall give all notices required for the election.

SECTION 7. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County, in compliance with the requirements of state law, and such judges are hereby designated and appointed election officers for the holding of said election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.

SECTION 8. Joint Election. The special election shall be held as a joint election with Travis County. The Travis County Elections Administrator shall conduct and hold the election in compliance with state law and the Election Services Contract, and this Ordinance shall be in force and effect from and after its passage on the date shown below; provided that in the event of any conflict between any term or provision of this Ordinance and state law state law shall control.

SECTION 9. Public Purpose and Necessity. The Board of Aldermen hereby finds and declares that the adoption, passage and implementation of this ordinance serves a public purpose and is necessary for the preservation and protection of the Village and its citizens.

Section 10. Effective Date of Tax If Approved. If approved by a majority vote of the registered voters of the Village at such election, the proposed sales and use tax for the repair and maintenance of the municipal streets shall take effect as provided in Chapt. 327, Tex. Tax Code, on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of the election, and, if approved by a majority vote, the proposed sales and use tax for purpose of reducing the ad valorem tax rate shall take § 321.102(b), Tex. Tax Code.

Section 11. Open Meeting. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 12. Effective Date. This ordinance shall be effective upon its passage by a majority vote of the Board of Aldermen.

PASSED AND APPROVED this the 9th day of July 2009.

Village of The Hills, Texas

Doug Lindgren

DOUG LINDGREN, Mayor

Attest:

Ron Dodd
City Secretary
RON DODD

