

CITY OF HORSESHOE BAY

ORDINANCE NO. 2021-24

ORDERING THE NOVEMBER 2, 2021 SPECIAL ELECTIONS

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, ORDERING SPECIAL ELECTIONS TO BE HELD IN THE CITY OF HORSESHOE BAY ON NOVEMBER 2, 2021 FOR THE PURPOSE OF A) THE ADOPTION OF A LOCAL SALES AND USE TAX AT THE RATE OF ONE AND ONE-FOURTH PERCENT (1.25%), AND B) REAUTHORIZING THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH PERCENT (0.25%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR: FINDINGS OF FACT; CALL OF ELECTION; DATE; ELIGIBLE ELECTORS; VOTING PRECINCTS; POLLING PLACES; HOURS; CONTRACT FOR ELECTION SERVICES; JOINT ELECTION AGREEMENTS AND RESOLUTIONS; EARLY VOTING BY MAIL; EARLY VOTING BY PERSONAL APPEARANCE; NOTICE OF ELECTION; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; AND EFFECTIVE DATE

WHEREAS, Texas House Bill 571, which became effective on September 1, 2015, permits the voters to reallocate municipal sales tax in an amount that does not exceed two percent; and

WHEREAS, the City of Horseshoe Bay (City) currently collects 1.75% sales and use tax, which is allocated as follows: 1.0% for general revenue, 0.25% for street maintenance and repairs, and 0.50% for property tax relief; and

WHEREAS, the City hereby finds it necessary, and is authorized by state statute, to hold special municipal elections on the next uniform election date, to wit, November 2, 2021 for the following purposes: A) the adoption of a local sales and use tax at the rate of one and one-fourth percent (1.25%), and B) reauthorizing the local sales and use tax at the rate of one-fourth percent (0.25%) to continue providing revenue for maintenance and repair of municipal streets; and

WHEREAS, the City Council has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Llano County Election Officer to furnish certain election services to those citizens of the City residing in Llano County; and

WHEREAS, the City Council has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Burnet County Election Officer to furnish certain election services to those citizens of the City residing in Burnet County; and

WHEREAS, the City Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with political subdivisions holding elections on the same day in all or part of the same territory.

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

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. CALL OF ELECTION; DATE; ELIGIBLE ELECTORS

A special municipal election shall be held on Tuesday, November 2, 2021, (the "Election") within and throughout the territory of the City of Horseshoe Bay, Texas for the purpose of: A) the adoption of a local sales and use tax at the rate of one and one-fourth percent (1.25%), and B) reauthorizing the local sales and use tax at the rate of one-fourth percent (0.25%) to continue providing revenue for maintenance and repair of municipal streets, at which all resident qualified electors of the City shall be entitled to vote.

III. VOTING PRECINCTS; POLLING PLACE; HOURS

Those portions of Llano County Election Precincts 102 and 109 within the territory of the City and that portion of Burnet County Election Precinct 19 within the territory of the City are hereby designated as the voting precincts of the City in compliance with Texas Election Code section 42.0621. The precinct numbers for the City's election precincts shall be the corresponding number for the Llano County and Burnet County Election Precincts located within the territorial boundaries of the City. The Polling Places of the City for the Election shall be the regular county polling places in the county election precincts that contain territory from the City, as required by Texas Election Code section 43.004. The poll at the designated polling place on Election Day shall be open from 7:00 a.m. until 7:00 p.m. A map physically depicting the location of each precinct is attached herein as **Exhibit "C"**.

IV. CONTRACT FOR ELECTION SERVICES; JOINT ELECTION AGREEMENT

(a) Chapter 31 of the Texas Election Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partially in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Texas Election Code, the Election shall be conducted in accordance with the terms and conditions of the Contract for Election Services between the Elections Administrator of Llano County and the City of Horseshoe Bay ("Llano County Election Services Contract") (attached as **Exhibit "A"**) and incorporated herein for all purposes) and the Contract for Election Services between the Elections Administrator of Burnet County and the City of Horseshoe Bay ("Burnet County Election Services Contract") (attached as **Exhibit "B"**) and incorporated herein for all purposes), which shall be approved by the same action of the City Council to approve this ordinance.

(b) Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, the Election shall be conducted jointly between (1) the City and Llano County and (2) the City and Burnet County. Such joint election agreements shall be approved by the same motion by City Council to approve this ordinance and are incorporated herein as **Exhibits "A" and "B"** for all purposes.

V. EARLY VOTING BY MAIL

The City Council hereby appoints the Elections Administrator of Llano County, Texas, and the Elections Administrator of Burnet County, as joint Early Voting Clerks. Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk of the county in which the resident resides at the addresses indicated immediately below:

Cindy Ware, Llano County
Elections Administrator
PO Box 787, Llano, TX 78643
<https://www.co.llano.tx.us/page/llano.Elections>
For questions: elections@co.llano.tx.us
325-247-5425

Doug Ferguson, Burnet County
Elections Administrator
220 S. Pierce Street, Burnet, TX 78611
<http://www.burnetcountytexas.org/page/elect.home>
For questions: electadmin@burnetcountytexas.org
512-715-5288

Original applications for ballot by mail must be received by the Early Voting Clerk no later than 5:00 p.m. on October 22, 2021.

VI. EARLY VOTING BY PERSONAL APPEARANCE

(a) Early voting by personal appearance for City of Horseshoe Bay residents residing in Llano County shall be conducted at the following hours and locations between October 18, 2021 through October 29, 2021 (or as hereafter amended by Llano County).

MAIN EARLY VOTING LOCATION & HOURS

Llano County Library
102 E. Haynie
Llano, Texas 78643

Hours: 8:00am to 4:30pm Monday through Friday, with the following exceptions: on October 18th and October 25th hours are from 7:00am to 7:00pm

BRANCH LOCATIONS & HOURS

Kingsland Public Library
125 W. Polk
Kingsland, Texas 78639

Hours: 8:30am to 4:30pm Monday through Friday

Horseshoe Bay City Hall Council Chambers
1 Community Drive
Horseshoe Bay, Texas 78657

Hours: 8:30am to 4:30pm Monday through Friday

(b) Early voting by personal appearance for City of Horseshoe Bay residents residing in Burnet County shall be conducted at the following hours and locations between October 18, 2021 through October 29, 2021 (or as hereafter amended by Burnet County).

EARLY VOTING LOCATIONS & HOURS

AgriLife Extension Auditorium
607 N. Vandever Street
Burnet, Texas 78611

Hours: Monday through Friday 8:00am to 5:00pm, with the following exceptions: on October 21st and October 28th hours are from 7:00am to 7:00pm

Marble Falls Courthouse South Annex
810 Steve Hawkins Pkwy.
Marble Falls, Texas 78654

VII. NOTICE OF ELECTION

Notice of Election shall be published one time in the English and Spanish languages, in the newspaper that has been designated the Official Newspaper at the time the notice is required to be published by the Texas Election Code. The notice shall be published not earlier than the 30th day or later than the 10th day before the Election, as required by section 4.003 of the Election Code. Notice of the Election shall also be posted on the bulletin board on which the City Council posts notices of its meetings not later than the 21st day before the Election. The contents of the Notice of Election shall comply with the requirements of the Election Code. The Notice of Election shall be delivered to the Llano County Clerk and Burnet County Clerk, respectively, not later than the 60th day before the Election.

VIII. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

IX. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

X. PROPER NOTICE AND MEETING

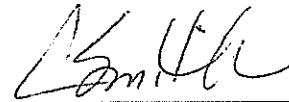
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

XI. EFFECTIVE DATE

This Ordinance is effective immediately upon its passage and approval.

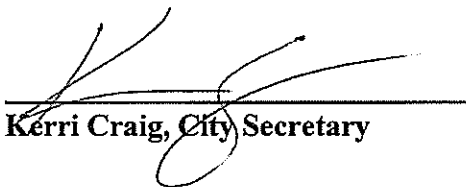
ADOPTED AND APPROVED on this 20th day of July, 2021 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS



Cynthia Clinesmith, Mayor

ATTEST:


Kerri Craig, City Secretary