

ORDINANCE NO. 2015-02-17

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AN ORDINANCE CALLING AN ELECTION TO BE HELD IN THE CITY OF PAYNE SPRINGS, TEXAS, TO SUBMIT A CERTAIN PROPOSITION ON THE QUESTION OF THE ADOPTION OF SALES AND USE TAX FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS UNDER THE V.T.C.A., TAX CODE, CHAPTER 327; AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

WHEREAS, the City Council of the City of PAYNE SPRINGS, Texas has determined that an election should be held for the purpose of submitting a certain proposition on the question of the levy and collection of a sales and use tax within the city under the provisions of V.T.C.A., Tax Code, Chapter 327, to provide revenue for the repair and maintenance of municipal streets;

AND WHEREAS, the City Council hereby find and determine that an election under such Chapter 327 has not been previously held within one year from the date of this ordinance.

WHEREAS, the City Council hereby further find and determine the City is not disqualified from adopting the sales and use tax in that the combined rate of all sales and use taxes imposed by the City of Payne Springs, Texas and other political subdivision having territory in the City does not and will not, with the adoption of the municipal sales and use tax, exceed two percent at any location in the City.

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

SECTION 1. An election shall be held on the 9 day of May, 2015, in the City of Payne Springs, which date is on the first succeeding uniform election date for which sufficient time has elapsed for the holding of an election according to V.T.C.A. Election Code, Section 41.001, for the purpose of submitting the following measure:

MEASURE

"Shall the city adopt a local sales and use tax in the City of Payne Springs at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets?"

SECTION 2. The entire City shall constitute an election precinct for said election and the following location is hereby designated as the polling place for said election: **PAYNE SPRINGS CITY HALL, 19601 CR 2529, PAYNE SPRINGS, TEXAS 75156.**

That the polling place shall be kept open from 7:00 am until 7:00 pm on Monday, April 27, 2015, and Monday, May 4, 2015, and that due return shall be made to the City Council showing the number of votes cast "for" or "against" the proposition.

Returns of said election shall be made known as soon as possible after the closing of the polls.

SECTION 3. Electronic ballots shall be used for said election, which ballots shall be prepared in accordance with the V.T.C.A. Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballots substantially as follows:

PROPOSITION

"THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN PAYNE SPRINGS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

SECTION 4. All resident qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the provision of V.T.C.A., Election Code and V.T.C.A., Tax Code, Chapter 327, and the Act and, as may be required by law, all election material and proceeding shall be printed in both English and Spanish.

- (a) The following person has been appointed by the City of Payne Springs for the position of Election Judge, Alternate Judge, and Election Clerk. It is hereby ordered that Denise Hernandez is charged with the duty of Election Judge. An Election Clerk will be appointed prior to Election Day.
- (b) Early Voting:
 - a. That Denise Hernandez of the Henderson County Voter Registration is hereby charged with the duty of conducting early voting in said election as required by the Texas Election Code. Denise Hernandez is hereby appointed Deputy Early Voting Clerk.
 - b. That the early voting in said elections shall be conducted at the City of Payne Springs City Hall, 19601 CR 2529, Payne Springs, TX 75156. Said place shall be open for **Early Voting** that is not a Saturday, Sunday, or official City Holiday.

Early voting shall be conducted by two methods:

- (c) Voting by mail; and
- (d) Voting by personal appearance.
 - a. Applications for early voting ballots by mail must be mailed to the Henderson County Voter Registration office, P O Box 2720, Athens, TX 75751. Said applications will be accepted for request of a mail in ballot beginning on March 10, 2015. All requests for a mail in ballot must be received at Henderson County Voter Registration office by 5:00 pm on April 30, 2015 for the May 9, 2015 General Election. All mail in ballots must be received no later than 7:00 pm on Saturday May 9, 2015.
 - b. The Henderson County Voter Registration office will mail early voting ballots no later than the seventh day after the ballots become available in accordance with the Texas Election Code. Early voting ballots must be returned by mail to the Henderson County Voter Registration office
 - c. Early voting by personal appearance will be conducted at Payne Springs City Hall, 19601 CR 2529, Payne Springs, TX 75156 on the following dates and at the following time:

DATE	TIME
April 27, 2015	7:00 am – 7:00 pm
April 28, 2015	8:00 am – 4:30 pm
April 29, 2015	8:00 am – 4:30 pm
April 30, 2015	8:00 am – 4:30 pm
May 1, 2015	8:00 am – 12:00 pm

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May 4, 2015 7:00 am – 7:00 pm
May 5, 2015 8:00 am – 4:30 pm

Election Day:

May 9, 2015 7:00 am – 7:00 pm

- d. Early voting, by personal appearance shall be done by electronic voting and mail in ballots shall be done by a paper ballot. Voting shall be canvassed by an Early Ballot Board and it is hereby ordered that the Early Ballot Board shall consist of the Election Judge, Alternate Judge and Election Clerk.

SECTION 5. The public importance of this measure and the fact there is an urgent necessity for the election herein ordered to be held on the next uniform election date in May 9, 2015, to avoid further delay in settling the important public issues contained in the proposition to be submitted at such election constitute and create an emergency for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of municipal government, and this ordinance is hereby declared to be an emergency measure and shall be in full force and effect from and after the date shown below following its passage and adoption and the Charter requirement of three readings is hereby suspended.

SECTION 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 9. It is officially, found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PASSED AND ADOPTED this the 17 day of February, 2015.

CITY OF PAYNE SPRINGS

Mayor, Rodney Renberg

ATTEST:

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City Secretary, Karen Juica

SEAL