

Village of Webberville

4B ELECTION ORDER

ORDINANCE NO. 2003-11

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE VILLAGE OF WEBBERVILLE, TEXAS, ON FEBRUARY 7, 2004, TO SUBMIT A PROPOSITION ON THE QUESTION OF THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT UNDER THE PROVISIONS OF SECTION 4B OF THE DEVELOPMENT CORPORATION ACT OF 1979; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND PROVIDING FOR PREAMBLE INCORPORATION; CONFLICTING PROVISIONS; GOVERNING LAW; SEVERABILITY; PROPER NOTICE AND OPEN MEETING; AND EFFECTIVE DATE**

**WHEREAS**, the Village Commission of the Village of Webberville, Texas ("Commission") hereby finds that the Village is eligible to adopt a Section 4B sales and use tax proceeds pursuant to the Act; and

**WHEREAS**, the Village Commission finds that the revenue generated by the 4B tax will enable the Village to fund projects and programs that bring additional revenue and employment opportunities to the community; and

**WHEREAS**, the Village Commission anticipates that the 4B revenue will allow the Village to help Webberville property owners make productive and efficient use of their land for business purposes; and

**WHEREAS**, the Commission further determines that an election (the "Election") should be held for the purpose of submitting a proposition on the levy and collection of an additional sales and use tax within the Village of Webberville ("Village") under the provisions of Section 4B of Article 5190.6 V.T.C.S. (the "Act"); and

**WHEREAS**, the Commission has determined that an election on the next uniform election date is February 7, 2003, will constitute an appropriate date for the Election.

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF WEBBERVILLE, TEXAS:**

**1. CALL OF ELECTION**

## 1. CALL OF ELECTION

A special election shall be held on Saturday, February 7, 2004, which is forty-five (45) or more days from the date of the adoption of this Ordinance, within and throughout the territory of the Village of Webberville, Texas at which all resident, qualified electors of the Village shall be entitled to vote. The Commission hereby finds that holding the Election on such date, a uniform election date, is in the public interest.

## 2. POLLING PLACE

### A. Voting Precincts

Those portions of Travis County Election Precinct 101 within the territory of the Village are hereby designated as the voting precincts of the Village for the Election. The precinct number for the Village's election precinct shall be the corresponding number for the Travis County Election Precinct located within the territorial boundaries of the Village.

### B. Polling Place(s)

The territorial boundaries of the Village of Webberville are hereby designated as the voting precinct of Webberville for this Election. A map depicting the Election Precincts constituting the voting precincts for this Election is available upon request. The polling place shall be at:

Village Hall, 1701 Webberwood Drive, Elgin, Texas 78621

### C. Hours

The poll at the designated polling place on Election Day shall be open from 7:00 a.m. until 7:00 p.m.

## 3. ELECTION JUDGES AND CLERKS

The Commission hereby appoints Ruth McGwier to serve as the Presiding Election Judge, and Ellen Hironymous as Alternate Presiding Election Judge for the voting precinct for the Election at a subsequent meeting of the Commission. The Presiding Election Judge and the Alternate Presiding Election Judge for the voting precinct are qualified voters of such voting precinct. The Presiding Election Judge may appoint not less than two (2) nor more than four (4) election clerks to assist the Judge in the conduct of the Election at the polling place. The Alternate Presiding Election Judge may be appointed as a clerk. The Alternate Presiding Election Judge may serve as the Presiding Election Judge for the precinct in the absence of the Presiding Election Judge. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended (the "Election Code") and other applicable laws. In addition, an election judge responsible for delivering the ballots and other election materials and records to the return center shall be paid \$25.00 for such delivery.

#### 4. EARLY VOTING

- A. The Village Clerk is hereby appointed as the Early Voting Clerk for the Village. The Clerk's official mailing address for the Election is hereby designated as follows:

Early Voting Clerk, Village Hall, 1701 Webberwood Drive, Elgin, Texas 78621.

- B. The Early Voting Clerk shall have the authority to designate such deputy early voting clerks as may be necessary to staff the Main Early Voting Polling Place established under this Ordinance. Deputy early voting clerks shall be compensated at the rate of \$9.00 per hour.
- C. Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk at the address indicated above. For the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote "FOR" or "AGAINST" the Proposition on the same ballots utilized for early voting in person at the Election. Applications for ballot by mail must be received no later than the close of business on January 30, 2004.
- D. The Main Early Voting Polling Place is hereby designated as:

Village Hall, 102 W. Main, Webberville, Texas 78164

- E. Early Voting by Personal Appearance shall be from 6:00 p.m. to 9:00 p.m, January 21, 2004 through February 3, 2004 (excluding Weekends and Holidays).
- F. The Commission will appoint the person to serve as the Presiding Judge of the Early Voting Ballot Commission at a subsequent meeting of the Commission. The Presiding Judge of the Early Voting Ballot is hereby authorized to appoint two election clerks, and such Judge and clerks shall constitute the Early Voting Ballot Commission and shall count and return early voting ballots and perform other duties as set forth in the Election Code.

#### 5. PROPOSITION

At the Election there shall be submitted to the resident, qualified electors of the Village the following proposition (the "Proposition"):

"The adoption of a Section 4B sales and use tax at the rate of one-fourth of one percent to undertake projects as described in Section 4B of Article 5190.6, 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, amphitheatres, concert halls, and public parks, park facilities and events, open space improvements, library facilities, educational facilities, including but not limited to library facilities, and facilities for use by institutions of higher education, research and development facilities, museums, and related stores, restaurant, concession, and automobile 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, job training facilities, and public safety facilities, streets and roads, drainage, and related improvements, demolition of existing structures, and general improvements that are municipally owned, development and expansion of affordable housing, water supply facilities, and targeted infrastructure and any other improvements or facilities that are related to any of the above projects and any other project that the Commission determines will promote new or expanded business enterprises that create or retain primary jobs and the maintenance and operations expenses for any of the above described projects.”

## 6. BALLOTS

The ballots shall be suitable for use with a paper ballot voting system, and shall otherwise conform to the requirements of the Election Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid Proposition which shall appear on the ballot substantially as follows:

### OFFICIAL BALLOT

FOR

AGAINST

“The adoption of a Section 4B sales and use tax at the rate of one-fourth of one percent to undertake projects as described in Section 4B of Article 5190.6, 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, library facilities, educational facilities, including but not limited to library facilities, and facilities for use by institutions of higher education, research and development facilities, museums, and related stores, restaurant, concession, and automobile 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, job training facilities, and public safety facilities, streets and roads, drainage, and related improvements, demolition of existing structures, and general improvements that are municipally owned, development and expansion of affordable housing, water supply facilities, and targeted infrastructure and any other improvements or facilities that are related to any of the above projects and any other project that the Commission determines will promote new or expanded business enterprises that create or retain primary jobs and the maintenance and operations expenses for any of the above described projects.”

## **7. CONDUCT OF ELECTION**

The Election shall be held and conducted in accordance with the applicable provisions of the Election Code and Texas Tax Code, Subchapter E of Chapter 321, and the Act and as may be required by law.

## **8. SPANISH INFORMATION**

All notices, orders, ballots and other written materials pertaining to the Election shall be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. The Village shall make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process. Any person requiring such assistance should contact the Presiding Judge or Early Voting Clerk.

## **9. VILLAGE CLERK**

- A. The Village Clerk shall conduct and maintain records of the Election as required under the Texas Election Code during the period beginning three days after the effective date of this Ordinance and ending not earlier than the fortieth (40<sup>th</sup>) day after the day of the Election. The Village Clerk is authorized to designate staff in the Village to perform any or all of the various responsibilities set out herein.
- B. The Village Clerk shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days, which are 1:00 p.m. to 4:00 on Wednesdays, or by appointment during the period designated in this Section. The Village Clerk shall maintain in her office, the documents, records and other items relating to the Election and shall receive documents on behalf of the Village as required by the Election Code. The Village Clerk shall post notice of the location and hours of her office as required by the Election Code.

## **10. BALLOT DELIVERY, TABULATION & CANVASS**

In accordance with the requirements of the Texas Election Code, the Presiding Election Judge for the Village Precinct shall tabulate and deliver the ballot boxes and other materials related to the Election to the return center as soon as practical after the close of the polls. The Early Voting Ballot Commission, at a time and in the manner permitted under the Texas Election Code, shall tabulate the early voting ballots and deliver the returns to the return center as soon as practical after the close of the polls and tabulation of the votes for the Village. The Village Clerk shall make a written return of the Election results to the Village in accordance with the Election Code. The Commission shall canvass the returns and declare the results of the Election.

## **11. TRAINING OF ELECTION OFFICIALS**

Pursuant to the Texas Election Code, instruction for all election officials shall be held as arranged or contracted for by the Village.

## **12. NOTICE OF ELECTION**

Notice of the Election shall be published one time in the English and Spanish languages, in a newspaper with general circulation within the boundaries of the Village. The notice shall be published not earlier than the thirtieth (30th) day or later than the tenth (10th) day before Election Day, as required by the Election Code. Notice of the Election shall also be posted in the same manner the Commission posts notices of its meetings no later than the 21st day before the Election. The contents of the Notice of Election shall comply with the requirements of the Election Code.

## **13. AUTHORITY OF THE MAYOR**

The Mayor shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Election is fairly held and returns properly counted and tabulated for canvass by the Commission, which actions are hereby ratified and confirmed.

In the event that the Mayor shall determine from time to time (1) that the polling place is unavailable or unsuitable for such use, or it would be in the Village's best interest to relocate a polling place, or (2) that a Presiding or Alternate Presiding Judge hereafter appointed is unable or unqualified to serve in such position, the Mayor is hereby authorized to designate and appoint in writing a substitute polling place or judge giving such notice as is required by the Election Code and as deemed sufficient.

## **14. PREAMBLE INCORPORATION**

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 Commission.

## **15. INCONSISTENT PROVISIONS**

All ordinances, orders 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 ordered herein.

## **16. GOVERNING LAW**

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

**17. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

**18. NOTICE OF MEETING**

The Commission officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon.

**19. AUTHORIZATION TO EXECUTE**


The Mayor is authorized to execute and the Village Clerk is authorized to attest this Ordinance on behalf of the Commission; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**20. EFFECTIVE DATE**

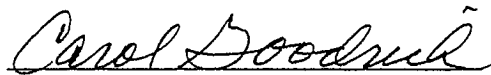
This Ordinance is effective immediately upon its passage and approval.

**PASSED AND APPROVED** this the 1<sup>st</sup> day of December, 2003, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions).

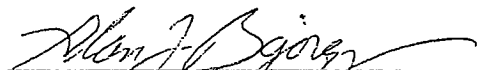
**VILLAGE OF WEBBERVILLE,**

  
Hector Gonzalez, Mayor

**ATTEST:**

  
Carol Goodrich, Village Clerk

**APPROVED AS TO FORM:**

  
Alan J. Bojorquez, Village Attorney