

5/18/03

*Village of Webberville*

**SALES TAX ELECTION ORDER**

**ORDER OF THE VILLAGE COMMISSION OF THE VILLAGE OF WEBBERVILLE, TEXAS, CALLING A SPECIAL MUNICIPAL SALES AND USE TAX ELECTION TO BE HELD WITHIN SAID MUNICIPALITY ON THE MAY 3, 2003 UNIFORM ELECTION DATE, AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE HOLDING OF SUCH ELECTION**

**WHEREAS**, the Village Commission of the Village of Webberville, Texas ("Webberville"), hereby finds that an election should be held on the next uniform election date to determine whether said governing body shall be authorized to adopt a municipal sales and use tax as authorized by Chapter 321 of the Texas Tax Code; and

**WHEREAS**, Webberville has the authority to order and conduct an election on the next uniform election date.

**NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE VILLAGE COMMISSION OF THE VILLAGE OF WEBBERVILLE THAT:**

**1. Call of Special Election**

A Special Election (the "Election") to determine whether Webberville shall be authorized to adopt certain municipal sales and use taxes, shall be held on May 3, 2003. Said Election date is forty-five (45) or more days from the date of the adoption of this Ordinance (the "Order") and the Election shall be solely in the territorial boundaries of Webberville at which all resident, qualified electors of Webberville shall be entitled to vote. The Village Commission hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling place is to be open at the Election shall be from 7:00 a.m. to 7:00 p.m.

**2. Measures to be Submitted**

At such Election, the following measures shall be submitted:

A ONE PERCENT SALES AND USE TAX.

AN ADDITIONAL SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT

ANOTHER LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.

**3. Ballots**

A paper ballot and compatible equipment for such an Election, as defined and described in the Texas Election Code, shall be utilized for the Election. Ballots shall be prepared in accordance with the Texas Election Code, so as to permit the electors to vote "FOR" or "AGAINST" the above-referenced measures which shall appear on the ballot substantially as follows:

"A ONE PERCENT SALES AND USE TAX IS ADOPTED WITHIN THE VILLAGE OF WEBBERVILLE."

*("Las VENTAS De un UN POR CIENTO Y El IMPUESTO De USO SE ADOPTA DENTRO De la ALDEA De WEBBERVILLE")*

FOR [ ]  
(PARA)

AGAINST [ ]  
(CONTRA)

"THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX WITHIN THE VILLAGE OF WEBBERVILLE AT THE RATE OF ONE-HALF OF ONE PERCENT "

*("LA ADOPCIÓN DEL VENTAS E IMPUESTO de USO ADICIONALES DENTRO DE LA ALDEA DE WEBBERVILLE EN EL ÍNDICE DE Una mitad DE UN POR CIENTO.")*

FOR [ ]  
(PARA)

AGAINST [ ]  
(CONTRA)

"THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE VILLAGE OF WEBBERVILLE AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

*("LA ADOPCIÓN PARA Del VENTAS E IMPUESTO de USO LOCALES EN LA ALDEA DE WEBBERVILLE EN EL ÍNDICE DE Un cuarto DE UN POR CIENTO PARA PROPORCIONAR EL RÉDITO EL MANTENIMIENTO Y REPARACIÓN DE CALLES MUNICIPALES.")*

FOR [ ]  
(PARA)

AGAINST [ ]  
(CONTRA)

#### **4. Conduct of election and appointment of officials**

The Election shall be conducted by election officers appointed by the Village Commission in accordance with the Texas Election Code, the Constitution and laws of the State of Texas and the United States of America.

The Village Commission hereby appoints the Village Clerk, Carol Goodrich, as the election officer for the sole purpose of conducting the May 3, 2003, Election, early voting related thereto, tabulation of votes and the custody of any records from such election. This appointment includes services as the early voting clerk for the Election, except for the receipt of applications and ballots for early voting by mail, provision for which is specifically made in section 8, below.

The Village Commission hereby appoints Ruth McGwier as Election Judge, and Mark McCain as Alternate Election Judge. If these individuals cannot serve, the Mayor is authorized to appointed alternates.

#### **5. Voting Precincts and Election Day Polling Places**

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.<sup>1</sup>

#### **6. Election information to be provided in Spanish**

The Mayor and all other election officers appointed by the Village Commission responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election shall cause each such document to 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. In addition, the Mayor and other responsible election officers are hereby authorized and directed to 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.

#### **7. Early Voting by Mail**

Pursuant to the Texas Election Code, the Village Clerk shall serve as Early Voting Clerk for the purpose of receiving ballot applications for ballots to be voted by mail. Ballot applications submitted by mail shall be addressed to the Village's Early Voting Clerk at the address indicated immediately below.

Village Clerk, 1701 Webberwood Drive, Elgin, Texas 78621

<sup>1</sup> Officially, the Village Hall has an Elgin mailing address, but it is within the Municipal Boundaries of the Village of Webberville.

The Early Voting Clerk for Webberville shall collect all applications for ballots received by Webberville at the above address during the period allowed by the Texas Election Code.

#### **8. Early Voting**

The Early Voting Clerk for all purposes shall be the Village Clerk. 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 and Early Voting Polling Place established under this Order.

The Early Voting polling place shall be:

Village Hall, 1701 Webberwood Drive, Webberville

Early Voting dates and times shall be:

6:00 p.m. to 9:00 p.m., Tuesday, April 16th, 2003 through Wednesday, April 29th 2003 (excluding Weekends and Holidays)

#### **9. Canvassing of Returns; Declaring Results**

The Village Clerk shall make a written return of the Election results to Webberville in accordance with the Texas Election Code. The Village Commission shall canvass the returns and declare the results of the Election in accordance with the Texas Election Code and the Texas Tax Code.

#### **10. Notice of Election**

Notice of the Election shall be published one time in the English and Spanish languages, in a newspaper published within Webberville's territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Village Commission to post notices of its Village Commission meetings no later than the twenty-first (21<sup>st</sup>) day before the Election.

#### **11. Authorization to Execute**

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

#### **12. Effective Date**

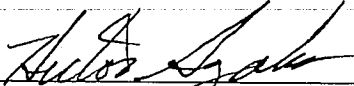
This Ordinance is effective immediately upon its passage and approval.

#### **13. Proper Notice & Meeting**

A quorum of the Village Commission was present at the meeting at which this Ordinance was adopted. The meeting was open to the public and 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.

PASSED AND APPROVED this, the 18<sup>th</sup> day of March 2003, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of the Village of Webberville, Texas.


VILLAGE OF WEBBERVILLE

by:   
Hector Gonzales, Mayor

ATTEST:

  
Carol Goodrich, Village Clerk

APPROVED AS TO FORM:

  
Alan J. Bojorquez, Village Attorney