

VILLAGE OF WEBBERVILLE

ORDINANCE No. 2011-06

ORDINANCE PROVIDING FOR THE PROCEDURES FOR THE ELECTION ON A SALES & USE TAX PROPOSITION IN THE NOVEMBER 8, 2011 ELECTION

AN ORDINANCE PROVIDING FOR THE PROCEDURES FOR THE ELECTION ON THE TAX PROPOSITION IN ACCORDANCE WITH ORDINANCE 2011-05; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION, THE BALLOT LANGUAGE, THE EARLY AND ELECTION DAY POLLING LOCATIONS, THE EARLY VOTING CLERK'S OFFICIAL MAILING ADDRESS, AND THE REQUIREMENTS FOR MATERIALS IN SPANISH; AND PROVIDING FOR REPEALER, SEVERABILITY, PROPER NOTICE & HEARING, AND EFFECTIVE DATE.

WHEREAS, the Village Commission ("Village Commission") of the Village of Webberville, Texas ("Village") on August 29, 2011 called an election to be held on November 8, 2011 to determine whether the Commission shall be authorized to levy and collect a sales and use tax within the City under the provisions of Texas Tax Code Chapter 327 to provide revenue for the maintenance and repair of municipal streets; and

WHEREAS, the Village Commission found and determined that the holding of this election on November 8, 2011, a uniform election date is in the public interest; and

WHEREAS, pursuant the Texas Elections Code Section 31.092, Travis County may contract with the Village to perform election services; and

WHEREAS, pursuant to Texas Elections Code Section 272.005, the Village is required to include a Spanish Translation on specific election materials; and

WHEREAS, the Village is required give notice of the election in accordance with Texas Elections Code Section 4.003(a).

NOW, THEREFORE, BE IT ORDAINED by the Village Commission of the Village of Webberville:

1. ELECTION DATE & PURPOSE

An election shall be held on the 8th day of November, 2011, a uniform election date, in the Village of Webberville, for the purpose of submitting a proposition to the qualified voters of the Village regarding the levy and collection of a sales and use tax of one (1/4) quarter of one percent (1%) to maintain and repair municipal streets. The sales and use tax shall expire, unless reauthorized, as provided by the provisions of Texas Tax Code Section 327.007.

2. ELECTIONS CONDUCTED BY COUNTY

The election will be conducting by the Travis County Clerk and shall be held and conducted in accordance with the provisions of the Texas Election Code and Chapter 327 of the Texas Tax Code.

3. BALLOT LANGUAGE

The official ballots shall be prepared in accordance with the Texas Tax Code so as to permit electors to vote "FOR" or "AGAINST" the proposition which shall appear on the ballot substantially as follows:

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

"LA ADOPCIÓN DE UN IMPUESTO DE VENTAS LOCALES Y USO EN LA ALDEA DE WEBBERVILLE, TEJAS AL ÍNDICE DE UN CUARTO DEL UN POR CIENTO PARA PROPORCIONAR EL RÉDITO PARA EL MANTENIMIENTO Y LA REPARACIÓN DE CALLES MUNICIPALES"

4. ELECTION POLLING LOCATIONS

All resident qualified electors of the Village shall be permitted to vote at the election and on the day of the election, such electors shall vote at the designated polling place in accordance with *Attachment A*.

5. EARLY VOTING BY MAIL

Early voting by mail shall be conducted by the Travis County Early Voting Clerk in conformance with the requirements of the Election Code. Ballot applications and ballots voted by mail shall be requested from and sent to:

Travis County Early Voting Clerk
P.O. Box 149325
Austin, Texas 78714-9325

Applications for ballot by mail must be received no earlier than Friday September 9, 2011 and no later than November 1, 2011. All ballots by mail must be received by 7 p.m. on election day.

6. SPANISH REQUIREMENT

Election materials and proceedings shall be printed in both English and Spanish in accordance with Texas Election Code Section 272.002.

7. NOTICE OF ELECTION

The Village Administrator is hereby directed to publish notice of the election by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before Election Day in the Elgin Courier.

8. REPEALER

All ordinances, or parts thereof, that 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 regulated, herein.

9. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

10. EFFECTIVE DATE


This Ordinance shall be effective immediately upon passage and publication.

11. PROPER NOTICE & 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 14th day of September 2011, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of Webberville, Texas.

VILLAGE OF WEBBERVILLE

by: 
Mayor Hector Gonzales

ATTEST:

by: 
Carissa Cannaday, Village Clerk

APPROVED AS TO FORM:

Alan J. Bojorquez, Village Attorney

ATTACHMENT A