

**ORDINANCE NO. 16-08-04-03**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS CALLING A SPECIAL ELECTION FOR NOVEMBER 8, 2016 CONCERNING TWO PROPOSITIONS SOLELY CONDITIONED UPON THE VOTER REJECTION TO CONTINUE PARTICIPATION IN THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY -- ONE PROPOSITION TO DETERMINE WHETHER THE CITIZENS SUPPORT CREATION OF A TYPE B COMMUNITY DEVELOPMENT CORPORATION THROUGH THE ADOPTION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT TO BE ALLOCATED TO THE TYPE B COMMUNITY DEVELOPMENT CORPORATION AND THE OTHER PROPOSITION TO DETERMINE WHETHER THE CITIZENS SUPPORT AUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AUTHORIZING A JOINT ELECTION TO BE HELD WITH TRAVIS COUNTY; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; ESTABLISHING PROCEDURES; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Lago Vista, Texas has determined that the citizens of Lago Vista should be given an opportunity to vote on Lago Vista's continued participation in the Capital Metropolitan Transportation Authority, pursuant to Section 451.601, et seq., Texas Transportation Code;

WHEREAS, the City Council has undertaken review of the options that might be available for use of the local sales and use tax of one percent currently allocated to Capital Metropolitan Transportation Authority if the citizens reject the City's continued participation in the Capital Metropolitan Transportation Authority;

WHEREAS, the City Council desires to afford the citizens of Lago Vista the opportunity to conditionally vote on reallocation of that one percent with two ballot questions;

WHEREAS one ballot question would support the adoption of one-half of one percent of the local sales and use tax to be allocated to a new Type B Community Development Corporation and the other ballot question would authorize one-half of one percent of the local sales and use tax to be allocated to provide revenue for the maintenance and repair of the municipal streets in Lago Vista;

WHEREAS, the next authorized regular election date for such election may be held on November 8, 2016;

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance is required to call the election and establish the procedures to be followed in said election, and designating the voting places for the election;

WHEREAS, the City has called a regular election for November 8, 2016, to consider the election of Councilmembers for Places 2, 4 and 6; it has also called a special election for November 8, 2016 to consider the continued participation in the Capital Metropolitan Transportation Authority which both of the above referenced ballot questions are conditioned upon; and

WHEREAS, the City intends to contract with Travis County Elections Administrators to hold and conduct the regular election;

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

**SECTION 1. Findings; Special Election Ordered.** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes, as findings of fact. In accordance with laws of the State of Texas and Constitution of the State of Texas, a Special Election is hereby called and ordered to be held on Tuesday, November 8, 2016, within the entire territory of the City for the purpose of submitting to the qualified voters of the City two conditional propositions: for or against the adoption of one-half of one percent of the local sales and use tax to be allocated to a new Type B Community Development Corporation and for or against the authorization of one-half of one percent of the local sales and use tax to be allocated to provide revenue for the maintenance and repair of the municipal streets in Lago Vista.

The City Council hereby finds that holding the election on such date, which is a uniform election date as defined in Section 41.001 of the Texas Election Code, is in the public interest.

**SECTION 2. Ballots and Proposition Language.** The official ballots for said Special Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote “FOR” or “AGAINST” the proposition, with the ballots to contain such provisions, markings and language as required by law, and with such proposition to be expressed in a form substantially as follows:

**PROPOSITION NO. 2**

PROPOSITION NO. 2: CONDITIONAL UPON A MAJORITY “NO” VOTE ON PROPOSITION NO. 1, the adoption of a local sales and use tax in the City of Lago Vista at a rate of one-half of one percent (0.50%) to provide revenue for maintenance and repair of municipal streets.

FOR( )

AGAINST( )

**PROPOSITION NO. 3**

PROPOSITION NO. 3: CONDITIONAL UPON A MAJORITY “NO” VOTE ON PROPOSITION NO. 1, the adoption of a Type B sales and use tax at the rate of one-half of one percent (0.50%), to undertake projects as authorized in Chapters 501, 502 and 505 of the Texas Local Government Code, as amended from time to time, including but not limited to projects for recreational or community facilities, public parks and park facilities and events, sports facilities, professional and amateur sports, including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheatres, concert halls, open space improvements, museums, exhibition facilities, and related stores, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related

improvements that enhance any of the items described, recycling facilities, landscape of public facilities, projects related to water supply facilities, sewer facilities, and water conservation programs, projects to promote new or expanded business enterprises that create or retain jobs and authorized projects not required to create or retain primary jobs, and streets and roads, drainage, and other related transportation system improvements, demolition of existing structures, or facilities that are related to any of the above projects, facilities and projects related to development or expansion of airport or facilities, including hangars, maintenance and repair facilities, cargo facilities, and related infrastructure located on or adjacent to an airport facility within any parameters set out in the statute, and any other projects that the board determines will promote new or expanded business enterprises that create or retain jobs, and the maintenance and operations expenses for any of the above described projects.”

FOR ( )

AGAINST ( )

**SECTION 3.** Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Travis County Election Officer for use on the voting devices and ballots used by Travis County.

**SECTION 4.** The Travis County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

**SECTION 5.** Early voting, both by personal appearance and by mail, will be conducted by the Travis County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Travis County Election Officer. Early voting shall commence on Monday, October 24, 2016, and continue through Friday, November 4, 2016. Early voting shall also be held at any time and location authorized by the Travis County Election Officer. Early voting by City residents may be conducted at any Travis County early voting location and any location exclusively designated by the Travis County Election Officer for City residents. The early voting clerk’s official mailing address is:

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

**SECTION 6.** The election precincts for the election shall be the election precincts established by Travis County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Travis County for such election precincts in Travis County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Travis County will be

provided by precinct and the Travis County Election Officer shall tabulate and provide the election returns for the election.

**SECTION 7.** The City Secretary, or designee, is instructed to aid the Travis County Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Travis County and the City, the Travis County Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Travis County Election Officer shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

**SECTION 8.** The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Travis County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Travis County for the election.

**SECTION 9.** Notice of the election shall be given by posting a notice containing a substantial copy of this Ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

**SECTION 10.** The Mayor is authorized and directed to post an election order for this election that complies with the Texas Election Code by August 22, 2016.

**SECTION 11.** The election shall be held and conducted by the Travis County Election Officer in compliance with state law and the Election Agreement. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

**SECTION 12.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 4<sup>th</sup> day of August, 2016.

LAGO VISTA, TEXAS



ATTEST:

*Sandra Barton*

Sandra Barton, City Secretary

*Dale Mitchell*

Mayor Dale Mitchell