

CITY OF LAKEWAY

ORDINANCE NO. 2021-02-01-03

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, ORDERING A SPECIAL ELECTION TO CONSIDER REAUTHORIZATION OF A ROAD MAINTENANCE SALES TAX, SUCH ELECTION IS TO BE HELD ON MAY 1, 2021 IN THE CITY OF LAKEWAY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

WHEREAS, the City Council of the City of Lakeway wishes to order an election pursuant to Texas Tax Code Chapter 327 to consider reauthorization of a local sales and use tax in the City of Lakeway at the rate of one fourth of one percent (1/4%) within the City to provide revenue for maintenance and repair of municipal streets” by the qualified voters of the City of Lakeway; and

WHEREAS, the City of Lakeway has entered into an agreement dated February 1, 2021 for joint election services (“Election Agreement”) with Travis County Elections Division which will provide voter availability to Travis County early voting locations and election day locations providing accessibility to the County’s DRE (Direct Recording Electronic) voting equipment and certified HAVA-compliant voting equipment which preserves the City’s compliance with Texas Election laws.

WHEREAS, the City Council of Lakeway deems it desirous to proceed with the ordering of an election to be held on May 1, 2021;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKEWAY, TEXAS, THAT:

SECTION 1. 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 Council.

SECTION 2. A special election for the purpose to consider reauthorization of a local sales and use tax in the City of Lakeway at the rate of one fourth of one percent (1/4%) within the City to provide revenue for maintenance and repair of municipal streets” by the qualified voters of the City of Lakeway, is hereby ordered to be held on May 1, 2021, in conformance with all applicable laws and as provided in this Ordinance.

SECTION 3. CONDUCT OF ELECTION.

(a) Early voting by personal appearance will be conducted in accordance with State of Texas election law administered by the Election Officer of Travis County Elections Division from the Travis County Central offices located at 5501 Airport Boulevard, Suite B100, Austin Texas 78751. Voters may vote at any established Travis County early voting mobile or permanent voting site on the dates and times of operation as conducted by the County. Lakeway area Election Precincts include but are not limited to:

Precinct 306, 319	Lakeway Activity Center 105 Cross Creek, Lakeway 78734
Precinct 308	Briarcliff P.O.A. Community Center 22801 Briar Cliff Drive, Spicewood 78669
Precinct 320	Randalls Lakeway 2301 RR 620 South, Lakeway 78734
Precinct 324	Bee Cave City Hall 4000 Galleria Pkwy. (Bee Cave)
Precinct 346	Serene Hills Elementary School 3301 Serene Hills Drive, Austin 78738
Precinct 359	LTISD Educational Development Center, 607 RR 620 North, Austin 78738

In accordance with the Election Agreement the Travis County Election Officer has assumed the responsibility for recruiting election personnel and training thereof. The Travis County Election Officer is appointed to serve as the City's Election Officer and Early Voting Clerk and shall coordinate, supervise, and conduct all aspects of administering voting for the City's joint and special elections.

(b) In accordance with the Election Agreement, and in accordance with the Election laws of the State of Texas, election services for the voters of the City of Lakeway are to be administered by the Election Officer of the Travis County Elections Division from their Travis County Central offices located at 5501 Airport Boulevard, Suite B100, Austin Texas, 78751.

SECTION 4. All resident electors of the City shall be entitled to cast a vote in the special election of the City.

SECTION . The City Secretary of the City of Lakeway will perform those election duties listed (1) through (8) below and any other election duties that may not be delegated to another governmental entity:

- (1) preparing, adopting, and publishing all required election orders, ordinances, notices and other documents, including bilingual materials, evidencing action by the City of Lakeway necessary for the conduct of an election;
- (2) administer the City's duties under state and local campaign finance laws including but not limited to compliance with hours of operation, preparing and providing candidate information and filing forms for prospective interested citizens; receive filings for office and conduct the City's drawing for places on the ballot;
- (3) preparing the text for the City's official ballot in English and Spanish, as required by law;
- (4) providing the Election Officer with a list of candidates and propositions showing the order and the exact manner in which the candidates' names and the propositions are to appear on the official ballot;
- (5) assist the County whenever possible when requested;
- (6) conduct the official canvass of the City of Lakeway election;
- (7) serve as the custodian of the City's election records; and
- (8) filing the Participating Entity's annual voting system report to the Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

SECTION 6. All qualified resident electors of the City shall be entitled to vote in the election.

SECTION 7. A substantial copy of this Ordinance also shall be published once in a newspaper of general circulation published in the City not more than 30 days before the date set for the election and not later than 10 days before the date set for the election. In addition, a substantial copy of this Ordinance shall be posted in two public places within the City plus the City Hall not later than 21 days before the election.

SECTION 8. At the election, the following PROPOSITION shall be submitted in accordance with the law. The official ballots for the 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 substantially as follows:

PROPOSITION

“The reauthorization of a local sales and use tax in the City of Lakeway at the rate of one fourth of one percent (1/4%) to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.”

FOR ()

AGAINST ()

SECTION 9. 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 10. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.


SECTION 11. 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 this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 12. 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.

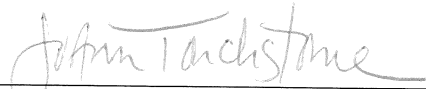
SECTION 13. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND APPROVED this the 1st day of February, 2021.

CITY OF LAKEWAY, TEXAS


Sandra L. Cox, Mayor

ATTEST:



Jo Ann Touchstone, City Secretary

