

**ORDINANCE 2021-009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, IN THE CITY OF WEST LAKE HILLS, TEXAS, TO SUBMIT A PROPOSITION ON THE REPEAL OF THE ADDITIONAL SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT (0.50%) FOR PROPERTY TAX RELIEF, AND THE ADOPTION OF THE LOCAL SALES AND USE TAX IN THE CITY OF WEST LAKE HILLS, TEXAS, AT THE RATE OF ONE-HALF OF ONE PERCENT (0.50%) TO PROVIDE REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; ESTABLISHING THE PROCEDURE FOR THE ELECTION TO BE HELD ON NOVEMBER 2, 2021 IN THE CITY OF WEST LAKE HILLS, TEXAS; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of West Lake Hills has previously adopted, by election, an additional sales and use tax at the rate of one-half of one percent (0.50%) for property tax relief; and

**WHEREAS**, Chapter 327 of the Texas Tax Code authorizes cities to impose a local sales and use tax rate for funds dedicated to street maintenance and repair upon a properly held election approving the same; and

**WHEREAS**, the City Council has determined that it is in the best interest of the citizens of West Lake Hills to re-allocate the one-half of one percent sales tax by repealing that tax dedicated to property tax relief and adopting a sales and use tax of one-half of one percent to provide revenue for the maintenance and repair of municipal streets; and

**WHEREAS**, the City Council desires to call a special election on the repeal of the additional sales and use tax for property tax relief and the adoption of a local sales and use tax to provide revenue for the maintenance and repair of municipal streets; and

**WHEREAS**, pursuant to Section 321.409 of the Texas Tax Code, a municipality may by a combined ballot proposition repeal any municipal sales tax, including the additional sales tax for property tax relief, and by the same proposition adopt any other municipal sales tax; and

**WHEREAS**, the City Council of the City of West Lake Hills, Texas ("City") hereby finds that a special election should be held for the purpose of submitting a proposition repealing the levy and collection of the local sales and use tax in West Lake Hills, Texas, at the rate of one-half of one percent (0.50%) for property tax relief and adopting the levy and collection of the local sales and use tax in West Lake Hills, Texas at the rate of one-half percent (0.50%) to provide revenue for the maintenance and repair of municipal streets; and

**WHEREAS**, the City Council finds and determines that the holding of a special election on the date set forth below, a uniform election date, is in the public's interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:**

Section 1. Special Election Ordered. A special election shall be held on November 2, 2021, to determine whether there shall be a repeal of the local sales and use tax in the City of West Lake Hills, Texas, at the rate of one-half percent (0.50%) for property tax relief, and an adoption of the local sales and use tax in the City of West Lake Hills, Texas, at the rate of one-half percent (0.50%) to provide for maintenance and repair of municipal streets.

Section 2. Ballots and Printed Materials. The ballots used for the election shall comply with the Texas Election Code and be in the form provided by the City to the Travis County Election Officer (the "Election Officer") for use on the voting devices and ballots used by Travis County. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law. The official ballots shall be prepared so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid proposition which shall appear on the ballot substantially as follows:

**PROPOSITION**

**The abolition of the one-half of one percent (0.50%) additional sales and use tax for property tax relief; and the adoption of the local sales and use tax in the City of West Lake Hills, Texas, at the rate of one-half percent (0.50%) to provide for maintenance and repair of municipal streets.**

**FOR ( )**

**AGAINST ( )**

Section 3. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Elections Officer, provided that such political subdivisions hold an election on November 2, 2021, in all or part of the same territory as the City. The joint election for political subdivisions in Travis County will be conducted in accordance with state law, this ordinance, and the contract for election services with Travis County ("Election Services Contract").

Section 4. Conduct of Election. The 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 the Election Services Contract and the law governing the holding of special elections by general law cities of the State of Texas.

Section 5. Election Precinct and Polling Place. 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. Election Day voting shall be conducted at places, times, and locations authorized and required by state law and the Election Officer. The returns for the precincts in Travis County will be provided by precinct, and the Election Officer shall tabulate and provide the election returns for the election. Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 6. Election Officer. The Election Officer is appointed to serve as the City's Election Officer, Joint Early Voting Clerk and the Joint Custodian of Records for precincts which may be

affected, to conduct the City's election on November 2, 2021. As the City's Election Officer and Early Voting Clerk, the Election Officer shall coordinate, supervise, and conduct all aspects of administering voting in the City's election in compliance with state law and the Election Services Contract.

Section 7. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Election Officer in accordance with the Texas Election Code. Early voting by personal appearance shall be conducted at places, times, and locations authorized and required by state law and the Election Officer. Early voting shall commence on Monday, October 18, 2021, and continue through Friday, October 29, 2021. Early voting by City residents may be conducted at any Travis County early voting location and any location exclusively designated by the Election Officer for City residents. The early voting clerk's official mailing address is:

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

Section 8. Election Judges and Clerks. 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. City Secretary. The City Secretary, or designee, is instructed to aid the Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Service Contract. The City Secretary will serve as Regular Early Voting Clerk for the City to receive requests for applications for early voting ballots and forward those applications to the Joint Early Voting Clerk. 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 Texas Election Code; provided that, pursuant to the Election Services Contract between Travis County and the City, the Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Services Contract. The Election Officer shall give the notices required by the Texas Election Code to be given for the election not required to be given by the City under the Election Services Contract.

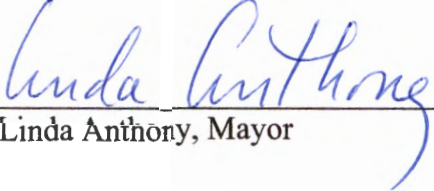
Section 10. Notice of Election. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the 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 11. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of said City shall be eligible to vote at said election.

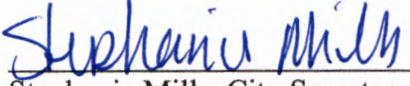
Section 12. Effective Date; Election Code. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

Section 13. Open Meetings. It is officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED this 11<sup>th</sup> day of August 2021.

  
Linda Anthony, Mayor

ATTEST:

  
Stephanie Mills, City Secretary

