

ORDINANCE NO. 2016-O-13

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, CALLING A SPECIAL ELECTION TO DISSOLVE THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY IN THE VILLAGE OF VOLENTE SUBJECT TO THE CONTINUED COLLECTION OF SALES TAX FOR THE PERIOD REQUIRED BY LAW AND TO ADOPT A 1% SALES AND USE TAX FOR STREET MAINTENANCE AND REPAIR; ESTABLISHING THE PROCEDURE FOR THE ELECTION TO BE HELD ON MAY 7, 2016 IN THE VILLAGE OF VOLENTE, TEXAS; AND PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION.

WHEREAS, the Village of Volente (hereinafter "Village"), after review of a petition circulated by a registered voter of the Village requesting an election to remove the Village from the Capital Metropolitan Transportation Authority has found the petition to be valid in accordance with the Texas Transportation Code Section 451.605; and

WHEREAS, the Village has found a necessity under the laws of the State of Texas to hold a special election on a proposition to discontinue Capital Metropolitan Transportation Authority within the Village in accordance with the Texas Transportation Code Section 451.607(a); and

WHEREAS, the City Council of the Village of Volente, Texas, wishes to call an election to submit a proposition on whether to adopt a local sales and use tax in the Village of Volente at a rate of one percent to provide revenue for maintenance and repair of municipal streets in accordance with the Texas Tax Code Section 327; and

WHEREAS, the adoption of the sales and use tax for maintenance and repair of municipal streets will not result in a combined rate of all sales and use taxes imposed by the City to exceed two percent; and

WHEREAS, the Village finds that approving a special election in this instance is in the best interest of the public and the Village and hereby authorizes the execution, delivery, approval or acceptance, as applicable, of the documents referenced herein; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the Village lies within the boundaries of Travis County; and

WHEREAS, the Village has made provisions to contract with the Travis County Elections Officer to conduct the Village's election, pursuant to *Chapter 21, Tex. Elec. Code and Chapter 791, Tex. Gov't Code*;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section 1: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the Village of Volente and are hereby approved and incorporated into the body of this Ordinance.

Section 2: It is hereby ordered that a Special Election be held within the Village of Volente on the 7th day of May, 2016, at which election the possible removal of the Village of Volente from the Capital Metropolitan Transportation Authority will be considered by the voters of the Village.

Section 3: All ballots shall be prepared in accordance with the Texas Election Code. Paper Ballots shall be used for early voting by mail and DRE's shall be used for early voting by personal appearance and voting on election day. The City Council hereby adopts for use in early and election day voting DRE's as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and all employment of election officials is hereby authorized. The official ballots for the election shall permit the electors to vote "YES" or "NO" ON PROPOSITION NO. 1 and "FOR" or "AGAINST" on PROPOSITION NO. 2 and the ballot language for each proposition should read as follows, in accordance with the Texas Transportation Code and the Texas Tax Code:

PROPOSITION NO. 1

Shall the Capital Metropolitan Transportation Authority be continued in the Village of Volente?

YES ()

NO ()

PROPOSITION NO. 2; CONDITIONAL UPON A MAJORITY "NO" VOTE ON PROPOSITION NO. 1

The adoption of a local sales and use tax in the Village of Volente at a rate of one percent (1%) to provide revenue for maintenance and repair of municipal streets.

FOR ()

AGAINST ()

Section 4: The present boundaries of the Village constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m., at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Volente Fire Department
15406 FM 2769
Volente, Texas 78641

ELECTION OFFICERS

To be appointed by Travis County.

The City Secretary is hereby authorized and directed to provide a copy of the ORDINANCE to the judge as written notice of their appointment as required by Section 32.009 of the Texas Election Code.

Section 5: The Election Officer is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the Election Officer shall be in accordance with Section 83.001 et seq. of the Texas Election Code. Early voting by mail shall be conducted in accordance with applicable provisions of the Texas Election Code. An application for early voting ballot by mail shall be mailed to the official mailing address of the early voting clerk at:

Travis County Clerk Elections Division
P.O. Box 149325
Austin, Texas 78714

Section 6: The City Secretary and Travis County jointly are hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and return of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of polls.

Section 8: Said election shall be held in accordance with Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Section 9: Inconsistent Provisions. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 10: Severability. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are hereby declared to be severable.

Section 11: Proper Notice and 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, Chapter 551 of the Texas Government Code.

Section 15: Effective Date. This ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the Village of Volente on this 19 day of January, 20 16.

Approved:



Mayor Ken Beck

Attest:



City Secretary Julia Vicars