

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2019-142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, FOR THE PURPOSE OF SUBMITTING THE PROPOSITIONS OF WHETHER THE CITY SHOULD WITHDRAW FROM THE VIA METROPOLITAN TRANSIT AUTHORITY AND ON THE ADOPTION OF A SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE-HALF OF ONE PERCENT CONTINGENT ON THE RESULTS OF THE ELECTION FOR WITHDRAWAL FROM THE VIA METROPOLITAN TRANSIT AUTHORITY; DESIGNATING ELECTION PRECINCT AND POLLING PLACE; AUTHORIZING THE EXECUTION OF A JOINT AGREEMENT; PROVIDING FOR EARLY VOTING; PROVIDING FOR NOTICE AND PUBLICATION; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR APPLICATIONS FOR BALLOT BY MAIL; PROVIDING FOR DELIVERY OF THIS ORDINANCE; PROVIDING FOR OTHER NECESSARY ACTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas is a Type A General Law Municipality in Bexar County organized and incorporated under the laws of the State of Texas ("City"); and

WHEREAS, VIA Metropolitan Transit Authority ("VIA") is a metropolitan transit authority created according to Article 1118x of the Texas civil statutes (superseded by Chapter 451 Texas Transportation Code) to provide public transportation services within the designated boundaries of the City; and

WHEREAS, the City funds VIA through the levy of a one-half of one percent sales and use tax; and

WHEREAS, the City Council finds VIA's services are limited in the City and finds the one-half of one percent sales and use tax would serve a better purpose as a municipal sales tax for street maintenance and economic development; and

WHEREAS, section 451.617 of the Texas Transportation Code authorizes the City to withdraw from VIA by a vote of a majority of the registered voters of the City voting at an election on the question of withdrawing from VIA; and

WHEREAS, the City Council finds that an election should be held to determine whether the City should withdraw from VIA; and

WHEREAS, if the voters consent to the withdrawal from VIA, the City Council desires to request voters approve a one-half of one percent municipal sales and use tax; and

WHEREAS, the City Council has determined that an election on the next uniform election date is November 5, 2019, not less than thirty (30) days after the passage of this Ordinance, and that this date would constitute an appropriate date for the Election; and

WHEREAS, the City Council has ordered that a City general election shall be held on the 5th day of November 2019, wherein the voters of the City shall vote on the election of members of the governing body (the "City General Election"); and

WHEREAS, the City Council hereby finds that it is in the public interest that the City General Election and Special Election be conducted on the same day as previously provided for by the City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

Section 1. Purpose of Election and Election Date. A Special Election ("Election") will be held in the City of Sandy Oaks, Texas, on Tuesday, November 5, 2019, within the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting the following measures:

PROPOSITION B

Withdrawal from the VIA Metropolitan Transit Authority.

PROPOSITION C

The adoption of a local sales and use tax at the rate of one-half of one percent contingent on the results of the election for withdrawal from VIA Metropolitan Transit Authority

Section 2. Precinct and Polling Place. The entire City of Sandy Oaks shall constitute one election precinct for holding the Election. The polling place designated for holding the Election shall be City Hall, 4451 Hickory Haven Drive, Sandy Oaks, Texas or at a place determined by the Bexar County Election Department.

Section 3. Agreement with Bexar County Elections Administrator. The City agrees to enter into a Joint Agreement with the Bexar County Elections Administrator ("Elections Administrator") which is required by section 272.002(a) of the Texas Election Code. The Mayor and/or City Administrator is hereby authorized to enter into the Joint Agreement (or other required agreement) with the Elections Administrator for the purposes of conducting the Election. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve the authorized polling places and the early voting clerk and deputy early voting clerks shall be those election officials furnished by the Elections Administrator as provided by the Joint Agreement. The Mayor and/or City Administrator shall have further authority to approve any minor modifications as may be necessary in the best interest of the City. A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Section 4. Early Voting.¹ Early voting by personal appearance will be conducted each weekday at the main early voting location, the Bexar County Elections Department, 1103 South Frio, San Antonio, Texas beginning Monday, October 21, 2019 and ending Friday, November 1, 2019. In addition to the main early polling place, early voting will be conducted at locations and times determined by the Bexar County Elections Department and in conformance with the Joint Agreement between the Elections Administrator and the City.

Section 5. Notice and Publication. Notice of the Election shall be given by posting a notice in both English and Spanish at City Hall, 4451 Hickory Haven Drive, Elmendorf, Texas, and at each election precinct, not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice at least once in a newspaper of general circulation not earlier than the 30th day nor later than the 10th day before the date of the Election, and said notices shall be posted in both English and Spanish.

Section 6. Form of Ballot and Propositions. The City Secretary shall prepare the form of the ballot in accordance with the Texas Election Code, Chapter 451 of the Texas Transportation Code and the Act in a manner to permit the voters to vote "For" or "Against" as to the propositions submitted with the propositions to be expressed on the official ballot in a form substantially as follows or as approved by the Texas Comptroller of Public Accounts or other State agency or statute:

PROPOSITION B

"Shall the VIA Metropolitan Transit Authority be continued in City of Sandy Oaks, Texas?"

PROPOSITION C

"A sales and use tax is adopted within the city at the rate of one-half of one percent contingent on the results of the election for withdrawal from the VIA Metropolitan Transit Authority."

Section 7. Applications for Ballot by Mail. Applications for ballot by mail shall be mailed to Jacquelyn Callanen, Bexar County Elections Administrator, 1103 S. Frio, Ste. 100, San Antonio, Texas 78207. Applications for ballots by mail must be received no later than the close of business on October 25, 2019.

Section 8. Delivery of this Ordinance. The City Secretary shall deliver a copy of this Ordinance to the Elections Administrator, Voter Registrar, governing body of VIA, the Texas Department of Transportation, and the Texas Comptroller of Public Accounts immediately after ordering the election.

Section 9. Other Necessary Action. The City Administrator and/or City Secretary, in consultation with the City Attorney, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other statute or federal law in carrying out and conducting the Election, whether or not expressly authorized herein.

¹ The dates, times and locations of early voting are subject to change pursuant to the Bexar County Elections Department.

Section 10. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 11. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED AND APPROVED this 8th day of August, 2019.

CITY OF SANDY OAK, TEXAS

A handwritten signature in blue ink, appearing to read "Micki L. Ball", written over a horizontal line.

Micki L. Ball, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "K. Yelton", written over a horizontal line.

Katherine Yelton, City Secretary