

CITY OF SANDY OAKS, TEXAS

RESOLUTION NO. 2019-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 5, 2019 FOR THE PURPOSE ELECTING ALDERMAN PLACE 1, ALDERMAN PLACE 3, AND ALDERMAN PLACE 5, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 5, 2019 FOR THE PURPOSE OF ELECTING ALDERMAN PLACE 4 (UNEXPIRED TERM); CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION HELD ON NOVEMBER 5, 2019, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON NOVEMBER 5, 2019 ON THE PROPOSITIONS ON WHETHER THE VIA METROPOLITAN TRANSIT AUTHORITY SHALL CONTINUE IN THE CITY, 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 ON WHETHER THE VIA METROPOLITAN TRANSIT AUTHORITY SHALL CONTINUE IN THE CITY, AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on August 8, 2019, the City Council (the "Council") of the City of Sandy Oaks, Texas (the "City") ordered an election to be held on November 5, 2019 for the purposes of electing Alderman Place 1, Alderman Place 3, Alderman Place 5, and Alderman Place 4 (Unexpired Term), determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds, determining 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 (collectively referred to herein as the "Election"); and

WHEREAS, section 67.003(b) of the Texas Election Code provides the local canvass must occur not later than the 11th day after election day and not earlier than the later of: (1) the third day after election day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States; and

WHEREAS, section 67.004(a) of the Texas Election Code provides that only two (2) members of the canvassing authority are needed and constitute a quorum for the purpose of canvassing election results; and

WHEREAS, a quorum of the canvassing authority, the Council, met on November 14, 2019, to duly canvass the election returns of the Election attached hereto as Exhibit A and incorporated by reference as if fully set forth herein;

WHEREAS, the Council has reviewed and investigated all matters pertaining to this Election, including the resolving, notices, election officers, holding, and returns thereof; and

WHEREAS, the Council hereby canvasses the returns of this Election, at which there was submitted to all resident, qualified voters of the City for their action thereupon, the election to the positions of Alderman Place 1, Alderman Place 3, Alderman Place 5, and Alderman Place 4 (Unexpired Term) and following propositions:

PROPOSITION A

“Shall the City Council of the City of Sandy Oaks, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$800,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, upgrading, updating, and equipping City street, curb, gutter, and sidewalk improvements, demolition, repair, and rebuilding of existing streets, completing necessary or incidental utility relocation and drainage in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and City street maintenance improvements, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”

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.”

and

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and conducting such Election; the poll lists and the official election returns showing separately the votes cast in the Election; and

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

FOR ALDERMAN, PLACE 1

Candidate	Charles Fillinger	Grace Keller Alvarado
Early Votes (including mail ballots)	39	26
Election Day Votes	99	58
TOTAL	138	84

FOR ALDERMAN, PLACE 3

Candidate	Karen Mendiola Tanguma	Tom Repino
Early Votes (including mail ballots)	27	37
Election Day Votes	47	106
TOTAL	74	143

FOR ALDERMAN, PLACE 5

Candidate	Johnny Ramirez	Michael E. Yelton Sr.
Early Votes (including mail ballots)	27	38
Election Day Votes	69	88
TOTAL	96	126

FOR ALDERMAN, PLACE 4 (UNEXPIRED TERM)

Candidate	Debbie Martinez	CJ Walker
Early Votes (including mail ballots)	30	35
Election Day Votes	61	91
TOTAL	91	126

PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$800,000 OF CITY OF SANDY OAKS, TEXAS GENERAL OBLIGATION BONDS FOR STREETS, SIDEWALKS, AND DRAINAGE IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	35	30
Election Day Votes	99	64
TOTAL	134	94

PROPOSITION B

“SHALL THE VIA METROPOLITAN TRANSIT AUTHORITY BE CONTINUED IN CITY OF SANDY OAKS, TEXAS?”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	42	23
Election Day Votes	121	44
TOTAL	163	67

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.”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	26	39
Election Day Votes	79	81
TOTAL	105	120

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

SECTION 1: The Council officially finds, determines, and declares that the Election was duly and properly ordered, that proper legal notice of such Election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the Election, that the Election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the Election, that due returns of the results of the Election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the Election.

SECTION 2: A PLURALITY of the resident, qualified voters of the City of Sandy Oaks, Texas voting in such Election, having voted for and duly electing CHARLES FILLINGER for Alderman Place 1, TOM REPINO for Alderman Place 3, MICHAEL E. YELTON SR. for Alderman Place 5, and CJ WALKER for Alderman Place 4 (Unexpired Term), the Council hereby finds and determines that CHARLES FILLINGER for Alderman Place 1, TOM REPINO for Alderman Place 3, MICHAEL E. YELTON SR. for Alderman Place 5, and CJ WALKER for Alderman Place 4

(Unexpired Term) were so elected, that the Election was duly called, that proper notice was given, and that the Election was held in all aspects in conformity with the law.

SECTION 3: A MAJORITY of the resident, qualified voters of the City of Sandy Oaks, Texas voting in such Election, having voted FOR the authorization and issuance of \$800,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Council hereby finds and determines that Proposition A carried at the Election, that the Election was duly called, that proper notice was given, that the Election was held in all aspects in conformity with the law, and that the Council is hereby accordingly authorized to issue the bonds and to levy the tax in accordance with the authority granted in the Proposition and with law.

SECTION 4: A MAJORITY of the resident, qualified voters of the City of Sandy Oaks, Texas voting in such Election, having voted FOR continuing the VIA Metropolitan Transit Authority in the City of Sandy Oaks, Texas as provided in Proposition B, the Council hereby finds and determines that Proposition B carried at the Election, that the Election was duly called, that proper notice was given, and that the Election was held in all aspects in conformity with the law.

SECTION 5: A MAJORITY of the resident, qualified voters of the City of Sandy Oaks, Texas voting in such Election, having voted AGAINST a sales and use tax within the City at the rate of one-half of one percent contingent on the results of the election to determine whether the VIA Metropolitan Transit Authority shall continue in the City as provided in Proposition C, the Council hereby finds and determines that Proposition C failed at the Election, that the Election was duly called, that proper notice was given, and that the Election was held in all aspects in conformity with the law.

SECTION 6: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 7: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 8: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

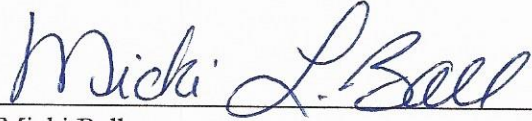
SECTION 9: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 10: It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11: This Resolution shall be in force and effect from and after its final passage and it is so resolved.

PASSED, ADOPTED AND APPROVED on 14th day of November 2019, the date of the canvassing meeting.

CITY OF SANDY OAKS, TEXAS



Micki Ball
Mayor

ATTEST:



Katherine Yelton
City Secretary

