

**TOWN OF HORIZON CITY, TEXAS**

**ORDINANCE NO. 0235**

**AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD IN THE TOWN OF HORIZON, TEXAS ON MAY 6, 2017, THE TEXAS GENERAL ELECTION DAY (CONSTITUTIONAL), TO SUBMIT A PROPOSITION ON THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-FORTH (1/4) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; MAKING PROVISION FOR THE CONDUCT OF SUCH ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTIONS; PROVIDING FOR INVALIDITY, PROPER NOTICE AND PUBLIC MEETING, AND AN EFFECTIVE DATE. THE TAX WILL EXPIRE ON THE FOURTH (4TH) ANNIVERSARY OF THE DATE OF THE ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.**

**WHEREAS**, an election was held on November 2, 2010 to authorize the City Council (“Council”) of the Town of Horizon City, Texas (“City”) to levy and collect a sales and use tax within the City under provisions of Chapter 327, as amended, Texas Tax Code (“Act”) for the maintenance and repair of municipal streets.

**WHEREAS**, the City Council (“Council”) of the Town of Horizon City, Texas (“City”) hereby finds and determines that an election should be held to determine whether to reauthorize the Council to levy and collect a sales and use tax within the City under provisions of Chapter 327, as amended, Texas Tax Code (“Act”) for the maintenance and repair of municipal streets; and

**WHEREAS**, the City intends to hold a special election in conjunction with the May 6, 2017 Texas General Election (Constitutional); and

**WHEREAS**, in accordance with the requirements of the Act, the combined rate of all local sales tax and use taxes imposed by the City and other political subdivisions having territory in the City and will not exceed two percent (2%); and

**WHEREAS**, the Council hereby finds and determines that the holding of this election on the aforementioned date is in the best interest of the citizens of the Town of Horizon City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS THAT:**

## **SECTION 1. PROPOSITION**

That in compliance and in accordance with the laws and the constitution of the State of Texas, an election shall be held on the 6<sup>th</sup> day of May, 2017, the same day as the 2017 Texas General Election (Constitutional), in the Town of Horizon City, Texas which date is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption of this ordinance (“Ordinance”) for the purpose of submitting the following proposition to the qualified voters of the City:

### **PROPOSITION**

**THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE TOWN OF HORIZON CITY, TEXAS AT THE RATE OF ONE-FOURTH (1/4) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.**

### **PROPUESTA**

**LA REAUTORIZACIÓN DEL IMPUESTO DE VENTAS Y USO LOCALESEN EN LA CIUDAD DE HORIZON CITY, TEXAS A RAZÓN DE UN-CUARTO (1/4) DE UN PORCIENTO (1%) PARA CONTINUAR PROPORCIONANDO INGRESOS PARA EL MANTENIMIENTO Y LA REPARACIÓN DE LAS VÍAS PÚBLICAS DEL MUNICIPIO.**

## **SECTION 2. CONTRACT WITH ELECTIONS DEPARTMENT**

The joint election agreement and contract between El Paso County Elections Department and the Town of Horizon City (the “Contract”), shall be incorporated herein for all purposes, and the Mayor or his designee is authorized to finalize and execute any such Contract. In the event of a conflict between this Ordinance and such Contract, the Contract shall control.

## **SECTION 3. CONDUCT OF ELECTIONS**

- A. The City Clerk, together with the El Paso County Elections Administrator, shall cause the official ballot to be prepared in said election.
- B. The El Paso County Elections Administrator will conduct this election as a joint election with El Paso County.
- C. That the polls shall be kept open from 7:00 a.m. until 7:00 p.m. on the day of the election, and at such election, all qualified voters in the Town are authorized to vote

for or against the Proposition, with due return being made to the Council showing the number of votes cast for and against the Proposition.

D. That electronic voting machines, as certified for use by the El Paso County Elections Administrator, shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

**SECTION 4. ELECTION JUDGES**

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed as indicated in the Contract and authorized by Chapter 271 of the Texas Election Code.

**SECTION 5. EARLY VOTING AND DESIGNATED CLERK, POLLING PLACES, TIMES**

That Lisa Wise, County Elections Administrator, is designated and shall be the early voting clerk for said election. Early voting by personal appearance shall commence Monday, April 24, 2017 and shall continue until Friday, May 27, 2017. The County Courthouse, 500 E. San Antonio, El Paso, Texas, is hereby designated as the main early voting polling place for said election. In addition, early voting may also occur at such branch early voting polling places as are designed herein or otherwise designated by the El Paso County Elections Administrator and for which notice is given, and early voting on Saturday and Sunday is ordered. The City Clerk is authorized to revise or add exhibits to this Resolution and to the Order of Election designating these early voting locations and times for voting as are established or revised by the El Paso County Elections Administrator.

That the polling places for this election, except as they may be changed by the City Council of Horizon City, Texas, shall be as follows:

<b>PRECINCT</b>	<b>LOCATION</b>	<b>ADDRESS</b>
158	Horizon Heights Elementary School	13601 Ryderwood Ave.
168	Desert Hills Elementary School	300 N. Kenazo Dr.
169	Carroll T. Welch Intermediate School	14510 McMahone Ave.
180	Desert Wind Pre K-8 School	1100 Colina De Paz Dr.

On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law. Early voting by personal appearance will be conducted on the following days and times:

From Monday, April 24, 2017 through Friday, April 28, 2018, from 8:00 a.m. to 5:00 p.m.  
On Saturday, April 29, 2017, from 7:00 a.m. to 7:00 p.m.

On Sunday, April 30, 2017, from 12:00 p.m. (noon) to 5:00 p.m.

On Monday, May 1, 2017 and Tuesday, May 2, 2017, from 7:00 a.m. to 7:00 p.m. (designated dates for extended hours)

Early voting by personal appearance will be conducted at the primary early voting location in Horizon City, at:

OZ GLAZE SENIOR CENTER, 13969 Veny Webb, Horizon City, Texas,

and at any other place as shall be designated by the County Elections Administrator and for which notice is given by the City Clerk.

## **SECTION 6. EARLY VOTING BY MAIL**

The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting ballot by mail may be delivered to: El Paso County Early Voting Clerk, El Paso County Courthouse, 500 E. San Antonio, El Paso, Texas or, if by use of a contract carrier, applications can be delivered to: El Paso County Early Voting Clerk, 500 E. San Antonio, Lower Level, Ste. L115, El Paso, TX 79901, 79901, no later than the close of regular business in the Early Voting Clerk's office, or 12 noon, whichever is later on the **11<sup>th</sup> day** before the date of the Election or as may otherwise be required by law. The City Clerk is hereby directed to forward applications and ballots that are received by her to the Elections Administrator.

## **SECTION 7. BALLOTS**

The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote "FOR" or "AGAINST" the aforesaid proposition, which shall appear on the ballot substantially as follows:

**"THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE TOWN OF HORIZON CITY, TEXAS, AT THE RATE OF ONE-FOURTH (1/4) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."**

**"LA REAUTORIZACIÓN DEL IMPUESTO DE VENTAS Y USOS LOCALES EN LA CIUDAD DE HORIZON CITY, TEXAS A RAZÓN DE UN-CUARTO (1/4) DE UN PORCIENTO (1%) PARA CONTINUAR PROPORCIONANDO INGRESOS PARA EL MANTENIMIENTO Y LA REPARACIÓN DE LAS VÍAS PÚBLICAS DEL MUNICIPIO."**

## **SECTION 8. QUALIFIED ELECTORS**

All resident qualified electors of the City shall be permitted to vote at said election and, on the day of the election, such electors shall vote at the polling place designated for the Election Precinct.

## **SECTION 9. ELECTION NOTICE**

A proper notice of this election, including a Spanish translation thereof, shall be posted not later than the 21<sup>st</sup> day before the election on the bulletin board used for posting notices of meetings of the City Council and shall also be published at least once and not earlier than the 30<sup>th</sup> day nor later than the 10<sup>th</sup> day before the election in a newspaper of general circulation in the Town of Horizon City.

## **SECTION 10. NECESSARY EXPENDITURES**

All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Contract and the Code.

## **SECTION 11. RECITALS INCORPORATED**

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 12. CONFLICTING ORINANCES OR RESOLUTIONS**

All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provisions 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 13. INVALIDITY**

If any provisions 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 the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

## **SECTION 14. PROPER MEETING**

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

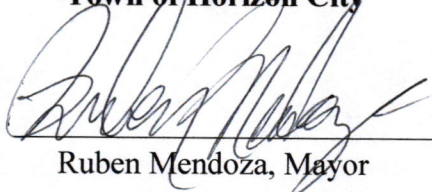
the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 15. EFFECTIVE DATE**

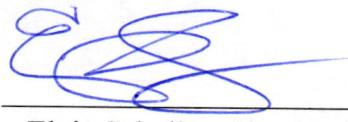
This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**PASSED AND ADOPTED this, the 14<sup>th</sup> day of February, 2017.**

**Town of Horizon City**

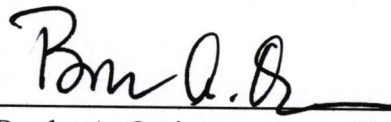
By:   
Ruben Mendoza, Mayor

**ATTEST:**

By:   
Elvia Schuller, City Clerk



**APPROVED AS TO FORM:**

  
Bertha A. Ontiveros, Asst. City Attorney