

ORDINANCE NO. 1046

AN ORDINANCE CALLING AN ELECTION TO BE HELD IN THE CITY OF CASTLE HILLS, TEXAS TO SUBMIT A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF A SALES AND USE TAX UNDER THE PROVISIONS OF THE TEXAS TAX CODE TO CONTINUE PROVIDING REVENUE TO MAINTAIN AND REPAIR MUNICIPAL STREETS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "City Council") of the CITY OF CASTLE HILLS, TEXAS (the "City") hereby finds and determines that an election should be held to determine whether the City Council shall be reauthorized to levy and collect a sales and use tax within the City under the provisions of Chapter 327, as amended, Texas Tax Code (the "Act") to continue providing revenue for the maintenance and repair of municipal streets; and

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

WHEREAS, the City Council hereby finds and determines that the holding of this election on the date set forth below, a uniform election date, is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS THAT:

SECTION 1. An election shall be held on the 8th day of May, 2010, a uniform election date, in the CITY OF CASTLE HILLS, TEXAS, which date is not less than sixty-two (62) days from the date of the adoption of this ordinance (the "Ordinance"), for the purpose of submitting a proposition to the qualified voters of the City regarding continuation of the sales and use tax of one-quarter(1/4) of one percent (1%) to maintain and repair municipal streets.

SECTION 2. Voting on Election Day and during early voting shall be done on Election Systems & Software, Inc. (ES&S) iVotronic™ Touch Screen Voting Unit with ballot tabulation performed by Bexar County Elections Administrator. Voting by Mail ballot and Provisional Voting shall be done by paper ballot.

SECTION 3. The polling place designated for City voting precincts 3038, 3041, 3067, and 3171, for voting in the May 8, 2010 Special Election shall be the CASTLE HILLS City Hall located at 209 Lemonwood Drive, CASTLE HILLS, Texas and such polling place shall be open on said Election Day from 7:00 a.m. to 7:00 p.m.

SECTION 4. The polling place and hours for City voting precincts 3038, 3041, 3067, and 3171 for Early Voting for the May 8, 2010 Special Election shall be designated by the Bexar

Elections Administrator. The first day of Early Voting shall be April 26, 2010 and the last day of Early Voting shall be May 4, 2010.

SECTION 5. Applications for ballot by mail shall be mailed to the Bexar Elections Administrator, 203 W. Nueva, Suite 631, San Antonio, Texas 78207. Applications for ballots by mail must be received by the Elections Administrator no later than the close of business on April 30, 2010.

SECTION 6. Jacqueline F. Callanen, Bexar Elections Administrator, is designated as the election officer to conduct the continuation election and Early Voting for the continuation election. She shall appoint a sufficient number of clerks to assist in the proper conduct of the continuation election and other persons to serve with her as an Early Voting Ballot Board.

SECTION 7. 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 proposition which shall appear on the ballot substantially as follows:

"THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF CASTLE HILLS, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

SECTION 8. All resident qualified electors of the City shall be permitted to vote at the election and on the day of the election, such electors shall vote at the designated polling place. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and Chapter 327, as amended, Texas Tax code, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish. The reauthorized sales and use tax shall expire, unless reauthorized, as provided by the provisions of Section 327.007, as amended, Texas Tax Code.

SECTION 9. A substantial copy of this Ordinance shall serve as proper notice of the election. Such notice, including a Spanish translation thereof, shall be posted not later than the 21st 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 not earlier than the 30th day nor later than the 10th day before the election in a newspaper of general circulation in the City.

SECTION 10. The Interim City Manager of the City of CASTLE HILLS is authorized to enter into a contract with Bexar County Elections Administrator to conduct the election ordered herein and committing to pay the fee charged by the Bexar County Elections Administrator for such services. The City Manager is furthermore authorized to enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.

SECTION 11. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED and APPROVED this 12th day of January, 2010.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney