

AN ORDINANCE

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024 IN THE CITY OF FAIR OAKS RANCH, TEXAS, TO SUBMIT A PROPOSITION ON THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF FAIR OAKS RANCH, TEXAS AT THE RATE OF ONE FOURTH (1/4) OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS

WHEREAS, the Texas Tax Code Chapter 327 authorizes cities to impose a local sales and use tax rate of one-fourth of one percent for funds dedicated to street maintenance and repair upon a properly held election approving same; and,

WHEREAS, the Texas Tax Code Chapter 327.007 (a) provides that “An election to adopt the tax authorized by this chapter is called by the adoption of an ordinance by the governing body of the municipality; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas, (City) hereby finds that a special election should be held for the purpose of submitting a proposition reauthorizing the levy and collection of the local sales and use tax in Fair Oaks Ranch, Texas, at the rate of one-fourth of one percent to continue to provide revenue for the maintenance and repair of municipal streets; and,

WHEREAS, 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 percent (2%); and,

WHEREAS, the City Council finds and determines that the holding of a special election on the date set forth below, a uniform election date, is in the public’s interest.

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

SECTION 1. The City of Fair Oaks Ranch hereby orders a Municipal Special Election to be held on May 4, 2024 to determine whether or not there shall be a reauthorization of the local sales and use tax in in the City of Fair Oaks Ranch, Texas, at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

SECTION 2. The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit qualified voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION

Shall the City Council of the City of Fair Oaks Ranch, Texas, be re-authorized to continue a local sales and use tax in the City of Fair Oaks Ranch at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets?

SECTION 3. All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

SECTION 4. Early voting in said elections shall be conducted during the early voting period designated as April 22 through April 30, 2024. The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in said election, as required by law. Applications for ballot by mail shall be mailed to:

Staci L. Decker, REO, Elections Administrator elections@co.kendall.tx.us
Kendall County Elections Office Number: 830-331-8701
221 Fawn Valley Dr., STE 100
Boerne, TX 78006
<https://www.co.kendall.tx.us/page/Elections>

SECTION 5. The main early polling place for the holding of said election shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 on the following dates and times; early voting will also be conducted in the Public Safety Training Room of the City of Fair Oaks Ranch Police Department, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78006 on the following dates and times and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

Mon. April 22 – Fri. April 26..... 8:00 AM to 6:00 PM
Sat. April 27 10:00 AM to 4:00 PM
Sun. April 28..... Closed
Mon. April 29 – Tue. April 30..... 7:00 AM to 7:00 PM

SECTION 6. The polling place on Election Day shall be open from 7:00 AM to 7:00 PM. The election day polling place by personal appearance shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 and the City of Fair Oaks Ranch Police Station, Public Safety Training Room, 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015.

SECTION 7. Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “**Station**”) as provided by Section 127.001, et seq., Texas Election Code, as amended. Kendall County Election Administrator Staci L. Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrator will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas

Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

- SECTION 8.** The City Secretary shall serve as the election officer of the May 4, 2024 Special Election of the City of Fair Oaks Ranch as required and authorized by law.
- SECTION 9.** The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.
- SECTION 10.** The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.
- SECTION 11.** The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60th day before Election Day.
- SECTION 12.** The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.
- SECTION 13.** The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.
- SECTION 14.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Fair Oaks Ranch, Texas and made a part of this ordinance for all purposes as findings of fact.
- SECTION 15.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision 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 16.** 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, Texas Government Code, as amended.
- SECTION 17.** This ordinance shall be in force and effect from and after its final passage, and it is so ordained.

PASSED AND APPROVED on the first reading on the 8th day of February, 2024.

PASSED, APPROVED, AND ADOPTED on the second reading, this 15th day of February, 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriquez Bernal Santee & Zech
P.C., City Attorney