

ORDINANCE NO. 107

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS ORDERING A SPECIAL ELECTION ON THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE CITY OF HIGHLAND HAVEN, TEXAS AT THE RATE OF TWO PERCENT (2%); MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Highland Haven, Texas (the "City"), located in Burnet County, Texas, hereby finds and determines that an election should be held to determine whether it shall be authorized to impose a local sales and use tax at the rate of two percent (2%) as authorized by *Chapter 321.401, Texas Tax Code*; and

WHEREAS, the City has made provision to contract with the County Clerk of Burnet County (the "Burnet County Election Officer") to conduct the City's election, pursuant to *Tex. Elec. Code, Chapters 31 and 271, Tex. Gov't Code Chapter 791*, (the "Election Contract"), and to hold a joint election with those political subdivision that will hold an election on the same day in all or part of the same territory as the City, as authorized in *Chapter 271, Tex. Elec. Code*.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

SECTION 1. An election shall be held on the 3rd day of November, 2020, the next uniform election date, for the purpose of submitting the following measure to the qualified voters of the City:

MEASURE

"The adoption of a sales and use tax within the city at the rate of two (2) percent to be used to reduce the property tax rate."

SECTION 2. The Burnet County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in accordance with the agreement for election services and applicable state law.

SECTION 3. The entire City shall constitute one election precinct for holding the election. The polling place designated for holding the election shall be the polling places established by Burnet County and shall be open on Election Day for the period of time specified by the *Texas Election Code*. Burnet County will use vote centers which will allow qualified electors to vote at any Burnet County voting location on Election Day.

SECTION 4. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Elections Administrator, who is hereby designated and appointed as the

Early Voting Clerk for the special elections ordered by the City. Early voting by City residents shall be held at such times and locations authorized by the Elections Administrator and in accordance with state law. Electors can go to any Burnet County voting location to participate in early voting. Early voting shall commence on Monday, October 19, 2020, and continue through Friday, October 30, 2020, and early voting polls shall remain open for the times established by the Burnet County Elections Administrator and specified by the *Texas Election Code*.

SECTION 5. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County in compliance with the requirements of state law, and are hereby designated and appointed election officers for the holding of the special elections ordered by the City.

SECTION 6. The City agrees to conduct a joint election with other political subdivisions in Burnet County, provided that such political subdivisions hold an election on November 3, 2020 in all or part of the same territory as the City.

SECTION 7. Voting in the election for the propositions shall be by the use of ballots prepared by the Burnet County Elections Administrator, which will be printed in both English and Spanish and which shall conform to the requirements of the Texas Election Code. The ballots shall be printed to permit electors to vote "For" or "Against" the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION NO. 1

**"A SALES AND USE TAX IS ADOPTED WITHIN THE CITY AT
THE RATE OF TWO (2) PERCENT"**

For _____ **Against** _____

PROPOSICION NO. 1

**"SE ADOPTA UN IMPUESTO SOBRE VENTAS Y USO DENTRO DE LA
CIUDAD CON UNA TASA DE DOS POR CIENTO"**

A Favor _____ **En Contra** _____

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(s). The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than November 6, 2020 nor later than November 17, 2020.

SECTION 9. Not later than the 21st day before election day, a copy of the notice, which must include the location of each polling place, shall be posted on the bulletin board used for posting notices of the meetings of the Governing Body of the City. The notice shall remain posted continuously through Election Day. Notice of the election shall also be given by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before Election Day in the official newspaper of the City. Notice of the election shall be published in English and Spanish, in the manner required by law.

SECTION 10. The Mayor is authorized to sign an order for this election that complies with the Texas Election Code and to post such order in the location where City Council agendas are posted.

SECTION 11. 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 part of the judgment and findings of the City Council.

SECTION 12. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of the 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.

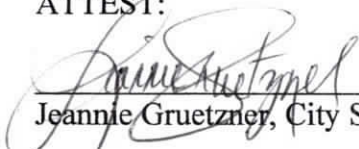
SECTION 13. If any provision of the Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 14. 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. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

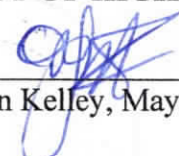
PASSED AND ADOPTED, this the 16th day of June, 2020.

ATTEST:



Jeannie Gruetzner, City Secretary

CITY OF HIGHLAND HAVEN, TEXAS



Olan Kelley, Mayor