

ORDINANCE NO. 667

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, ON A PROPOSITION TO INCREASE THE CITY'S GENERAL REVENUE SALES AND USE TAX RATE PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE, CONDITIONED ON A MAJORITY OF QUALIFIED VOTERS VOTING "NO" ON PROPOSITION "A", WHICH IS THE MEASURE ON THE QUESTION OF THE CONTINUATION OF THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY IN THE CITY OF MANOR; PROVIDING FOR PROPOSITION LANGUAGE; PROVIDING FOR ELECTION PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the current general revenue sales and use tax rate within the City of Manor, Texas (the "City") is one percent (1%);

WHEREAS, Chapter 321 of the Texas Tax Code authorizes the general revenue sales and use tax to be adopted in increments of one-eighth of one percent (1%);

WHEREAS, the maximum combined sales tax rate adopted by local taxing authorities may not exceed two percent (2%);

WHEREAS, the City is located within the Capital Metropolitan Transportation Authority (CapMetro), which collects a one percent (1%) sales tax within the City;

WHEREAS, the current combined sales tax rate for all local taxing authorities in the City is two percent (2%);

WHEREAS, the City Council called an election on the question of the continuation of CapMetro within the City of Manor ("Proposition A");

WHEREAS, if a majority of qualified voters vote "No" to Proposition A, then CapMetro will calculate the net financial obligation of the City, pursuant to Subchapter M, Chapter 451, Texas Transportation Code, and will continue to collect the one percent (1%) sales tax within the City until the net financial obligation is collected;

WHEREAS, after the net financial obligation is collected, CapMetro will cease to collect the one percent (1%) sales tax within the City and there will be a one percent (1%) sales tax increment available for adoption by local taxing authorities (upon approval by a majority of qualified voters);

WHEREAS, the City Council has determined that an election should be held on the question of increasing the City's general revenue sales tax from one percent (1%) to two percent (2 %) percent, conditioned upon a majority of qualified voters voting "No" on Proposition A ("Proposition B");

WHEREAS, the ballot language will ask voters to approve a sales and use tax of two percent (2 %), which is the total general revenue sales and use tax rate that will be in effect upon approval by a majority of the qualified voters and canvassing of the election;

WHEREAS, the two percent (2%) sales and use tax will not be implemented by the Comptroller unless Proposition A fails and Proposition B passes;

WHEREAS, if Proposition A fails and Proposition B passes, the total rate of all sales and use taxes levied within the City will not exceed two percent (2 %);

WHEREAS, the City Council finds it appropriate to substitute the words "Yes" and "No" on the ballot for "For" and "Against" to be consistent with language used for other City propositions scheduled for the November 8, 2022 election;

WHEREAS, the City of Manor lies within the boundaries Travis County;

WHEREAS, the City of Manor, Texas (hereinafter the "City") approves and agrees to conducting the election jointly with other political subdivisions in Travis County in accordance with *Tex. Elec. Code, Chapter 271*; and

WHEREAS, the City is making provision to contract with the Travis County Elections Administrator to conduct the election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the "Election Services Contracts");

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS:

Section 1. Special Election Ordered. The City Council of the City of Manor hereby orders a special election to be held on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m. to submit to the qualified voters of the City a proposition allowing such voters to vote for or against a one percent (1%) increase in the general revenue sales and use tax rate, pursuant to Chapter 321, Texas Tax Code, and upon approval of the increase, the City's general revenue sales and use tax rate shall be equal to two percent (2%), provided that the increase shall be conditioned upon a majority of qualified voters voting "No" on Proposition A and will go into effect pursuant to applicable state law.

Section 2. Ballot and Proposition Language. The official ballots for said special election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" as to the proposition, with the ballots to contain such provisions, markings, and language as required by law, and with such proposition to be expressed in a form substantially as follows:

City of Manor Proposition B
Sales Tax for General Revenue Purposes
Conditioned Upon a Majority "NO" Vote on Proposition A

The adoption of a local sales and use tax in the City of Manor at the rate of two percent (2%)

_____ YES

_____ NO

Section 3. Printed Materials. The official ballots, together with such other election materials as are required by the *Texas Election Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 4. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Travis County Election Officer for use on the voting devices and ballots used by Travis County.

Section 5. Conduct of Election. The Travis County Election Officer 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 the manner provided by the Contract for Election Services, the City Charter, and the law governing the holding of special elections; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 6. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Travis County, provided that such political subdivisions hold an election on November 8, 2022, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election for Political Subdivisions will be conducted in accordance with state law, this ordinance, and the respective Election Services Contracts.

Section 7. Election Precincts and Election Day Polling Places.

The election precincts for the election shall be the election precincts established by the Travis County Election Officer in accordance with applicable law and the City Charter. The polling places for Election Day shall be at such locations designated by the Travis County Election Officer and authorized by state law. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns will be provided by precinct and the Travis County Election Officer shall tabulate and provide the election returns for the election.

Section 8. Early Voting.

- (a) Early voting shall commence on Monday, October 24, 2022, and continue through Friday, November 4, 2022 and early voting polls shall remain open for the time specified by the *Texas Election Code*.
- (b) The period to apply for a ballot by mail is January 1, 2022 through October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (c) The period to apply for a federal postcard application (FPCA) is January 1, 2022 through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (d) Early Voting Conducted by the Travis County Elections Administrator:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code*. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election.
 - 2) Applications for ballot by mail for qualified voters of the City shall be mailed to:

By mail:

Rebecca Guerrero, County Clerk
Travis County Early Voting Clerk
PO Box 149325
Austin, Texas 78714-9325

By Contract Carriers/ Fedex:

Elections Division
Travis County Clerk
5501 Airport Blvd., Suite #100
Austin, Texas 78751

Telephone: (512) 238-VOTE
Email: elections@traviscountytexas.gov
Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>
 - 3) The main early voting location for the special election is:

City of Austin Permitting and Development Center
6310 Wilhelmina Delco Drive
Austin, TX 78752

Polling place hours: Monday – Saturday, 7:00 am – 7:00 pm
 Sunday, Noon – 6:00 pm
 - 4) Early voting shall be held at the dates, times, and location authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

Section 9. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Travis County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council confirms and appoints the election judges and alternate election judges that are appointed by Travis County for the election.

Section 10. City Secretary Assistance. The City Secretary is hereby authorized and instructed to aide the Travis County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Contracts between the City and the Travis County Elections Administrators, the Travis County Elections Administrators shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contract.

Section 11. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 12. General. The election shall be held and conducted by the Travis County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. 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 11, 2022 nor later than November 22, 2022.

Section 13. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the election.

Section 14. Effective Date; Election Code. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Travis County Elections Administrator shall comply with the Texas Elections Code.

Section 15. Severability. If any provision, section of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

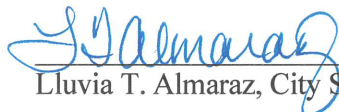
Section 16. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.

PASSED, ADOPTED AND APPROVED on this the 3rd day of August, 2022.

CITY OF MANOR, TEXAS

Dr. Christopher Harvey, Mayor

ATTEST:


Lluvia T. Almaraz, City Secretary

