

ORDINANCE NO. 23-09

AN ORDINANCE OF THE CITY OF HELOTES, TEXAS CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023, ON A PROPOSITION FOR THE REAUTHORIZATION OF THE SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE FOURTH (1/4) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AUTHORIZING MAYOR THOMAS A. SCHOOLCRAFT TO NEGOTIATE AND EXECUTE A CONTRACT FOR ELECTION SERVICES WITH BEXAR COUNTY, TEXAS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

WHEREAS, Texas Tax Code Section 327.004 authorizes cities to raise the local sales tax rate if funds are dedicated for maintenance and repair of streets, as defined, and if 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 of the City of Helotes, Texas desires to provide for the future planning for maintenance and repair of existing municipal streets and hereby finds that an election should be held to propose a proposition to reauthorize the levy and collection of the sales and use tax of one-fourth of one percent within the City as authorized in the Tax Code, as amended; and

WHEREAS, the City desires to conduct a joint general election with Bexar County, Texas, as provided for by Texas Election Code Ann. Section 271.002; 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 HELOTES, TEXAS THAT:

SECTION ONE. ORDER OF ELECTION. A joint Special Election with Bexar County is hereby ordered to be held on Tuesday, November 7, 2023, from 7:00 a.m. to 7:00 p.m. in the City of Helotes to submit to the qualified voters of the City a proposition allowing such voters to vote for or against the reauthorization of the local sales and use tax equal to one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. Order of Special Election for Municipalities is attached hereto as Exhibit "A".

SECTION TWO. BALLOT. For the Special Election, the ballot shall be printed to provide for voting for or against the said proposition, which shall appear on the ballot substantially as follows:

| **City of Helotes, Texas Special Election** |
(*Ciudad de Helotes, Tejas Elección Especial*)
November 7, 2023 (*7 de Noviembre de 2023*)

INSTRUCTION NOTE: Vote for the statement of your choice in each race by darkening in the oval provided to the left of the statement.

(NOTA DE INSTRUCCIÓN: Votar por la declaración de su preferencia en cada carrera llenando completamente el espacio ovalado al la izquierda de declaración.)

PROPOSITION

The reauthorization of the local sales and use tax in the City of Helotes, 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.

(PROPUESTA)

(La reautorización del impuesto de ventas y uso local en la Cuidad de Helotes, Tejas, a la tasa de un cuarto del un por ciento para seguir proporcionando ingresos a mantenimiento y reparación de calles municipales. El impuesto vence en el cuatro aniversario de la fecha de esta elección a menos que la imposición del impuesto este autorizada de nuevo.)

- For (*A Favor*)

- Against (*En Contra*)

SECTION THREE. ADMINISTRATION OF ELECTION. The City of Helotes shall enter into a Memorandum of Understanding (MOU), attached hereto as Exhibit “C”, and incorporated herein. The MOU is the planning document necessary for the preparation and implementation of the Joint Agreement for Election Services with Bexar County, Texas, as required by Texas Election Code Section 271.002(a). Bexar County will distribute the Joint Agreement for Election Services following the deadline to cancel the election. The Elections Administrator of Bexar County, Texas, shall act as the Contracting Officer and shall appoint election judges, alternate judges, and clerks. The Mayor is authorized to negotiate and execute said Agreement, once received by the City.

SECTION FOUR. APPLICATIONS FOR BALLOT. The Contracting Officer shall receive applications for a ballot to be voted by mail until the close of business on October 27, 2023, if delivered in person and at the close of business on November 8, 2023, if delivered by mail. Requests for applications should be mailed to:

Jacquelyn F. Callanen
Bexar County Elections Administrator
1103 S. Frio Street, Ste. 100
San Antonio, Texas 78207

SECTION FIVE. EARLY VOTING. The main early voting location shall be the Bexar County Election Department located at 1130 S. Frio Street, San Antonio, Texas. The main early voting location and other early voting locations for the joint election will be established by the Bexar County Elections Administrator. The dates and times for early voting by personal appearance shall be as follows:

Monday, October 23 thru Friday, October 27, 2023.....8:00 a.m. to 6:00 p.m.
Saturday, October 28, 2023.....8:00 a.m. to 8:00 p.m.
Sunday, October 29, 202312:00 p.m. to 6:00 p.m.
Monday, October 30 thru Friday, November 3, 2023.....8:00 a.m. to 8:00 p.m.
(Subject to change.)

SECTION SIX. POLLING PLACE. The polling place for the voting precincts in the City of Helotes for this election shall be established by the Bexar County Elections Administrator. Polling places will be publicly posted on the Bexar County Elections Department and City of Helotes municipal internet sites.

SECTION SEVEN. VOTING SYSTEM. Voting at the election, including early voting, shall be by ExpressVote Voting System at the foregoing election polling places and for counting the ballots at said election. The voting system provided will be set forth in the Joint Agreement with Bexar County Elections Administrator Jacquelyn F. Callanen and having been duly approved by the State of Texas Secretary of State.

SECTION EIGHT. CUSTODIAN. The Council appoints the City Secretary as the Custodian of Records (“Custodian”) and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election, as required under the Texas Election Code during the period ending not earlier than the sixtieth (60th) day after the Election.

SECTION NINE. NOTICE. Notice of the Special Election, attached hereto as Exhibit “B,” stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within the City’s territory at least 10 days and no more than 30 days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the electronic bulletin board located at Helotes City Hall and the City of Helotes municipal internet site used by the City to post notices of the City’s meetings no later than the 21st day before the Election, or if the 21st day before the Election falls on a weekend or holiday, on the first business day thereafter. The Mayor shall issue all necessary orders and writs for the election.

SECTION TEN. VOTERS. All resident, qualified voters of the City of Helotes shall be permitted to vote in said Special Election. In addition, the election materials, as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

SECTION ELEVEN. CANVASS. The returns of said election shall be made in accordance with the State Election Code and shall be canvassed by the City Council at a regular or special City Council Meeting to be called between November 10 - 20, 2023.

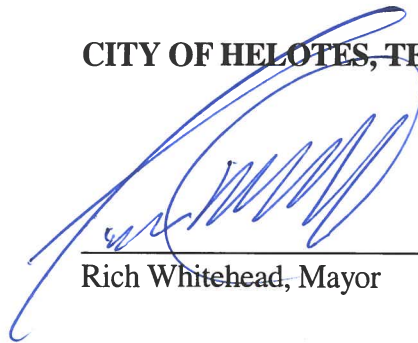
SECTION TWELVE. AUTHORIZATION. The Mayor is authorized to sign an Order of Election and a Notice of Special Municipal Election, as prescribed by the State of Texas, and on behalf of the City Council. The Notice of Special Municipal Election shall be published in accordance with the provisions of the Texas Election Code. Additionally, the Mayor is authorized to sign the Memorandum of Understanding (MOU), attached hereto as Exhibit "C", and the Joint Agreement for Election Services with Bexar County, Texas, once received.

SECTION THIRTEEN. SEVERABILITY. Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this Ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this Ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION FOURTEEN. EFFECTIVE DATE. This ordinance shall be effective immediately upon adoption.


PASSED AND APPROVED this 13th day of July, 2023.

CITY OF HELOTES, TEXAS:

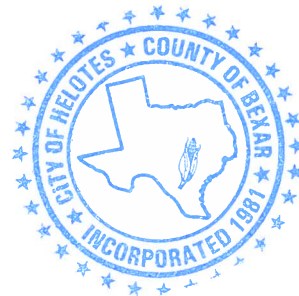


Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary



**ORDER OF SPECIAL ELECTION FOR MUNICIPALITIES
(ORDEN DE ELECCIÓN ESPECIAL PARA MUNICIPIOS)**

An election is hereby ordered to be held on November 7, 2023, for the purpose of voting for or against the reauthorization of the local sales and use tax in the City of Helotes, Texas at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

(Por la presente se ordena que se llevará a cabo una elección el 7 día de Noviembre 2023 con el propósito de votar a favor o en contra a la reautorización del impuesto de ventas y uso local en la Ciudad de Helotes, Tejas, a la tasa de un cuarto del un por ciento para seguir proporcionando ingresos a mantenimiento y reparación de calles municipales.)

Early voting by personal appearance will be conducted each weekday at:
(La votación adelantada en persona se llevará a cabo de lunes a viernes e:)

Bexar County Elections Department, 1103 S. Frio Street, Suite 100, San Antonio, TX 78207.

Day and time for early voting by personal appearance shall be as follows:
(Horario para la votación adelantada por acto de presencia será el siguiente:)

Monday, October 23 thru Friday, October 27, 2023.....8:00 a.m. to 6:00 p.m.
Saturday, October 28, 2023.....8:00 a.m. to 8:00 p.m.
Sunday, October 29, 202312:00 p.m. to 6:00 p.m.
Monday, October 30 thru Friday, November 3, 2023.....8:00 a.m. to 8:00 p.m.
(Subject to change.)

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

Jacquelyn F. Callanen, Elections Administrator
1103 S. Frio Street, Ste. 100, San Antonio, TX 78207
210-335-8683
votebymail@bexar.org
www.bexar.org/Elections-Department

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on October 27, 2023. *(La solicitud para boleta para votación adelantada por correspondencia debe ser recibida al fin de las horas de negocio el 27 de Octubre 2023.)*

Federal Post Card Applications (FPCAs) must be received no later than the close of business on October 18, 2023. *(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el 18 de Octubre 2023.)*

Issued this the 13th day of July, 2023 *(Emitida este día 13 de Julio 2023).*


Rich Whitehead, Mayor (Alcalde)

**NOTICE OF SPECIAL ELECTION
(AVISO DE ELECCIÓN ESPECIAL)**

To the registered voters of the City of Helotes, Texas: *(A los votantes registrados del Ciudad de Helotes, Tejas:)*

Notice is hereby given that polling places will be open from 7 a.m. to 7 p.m. on November 7, 2023, for voting in a Special Election for the purpose of voting for or against the reauthorization of the local sales and use tax in the City of Helotes, Texas at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. *(Notifíquese, por las presente, que los sitios de votación se abrirán desde las 7 a.m. hasta las 7 p.m. el 7 día de Noviembre 2023 con el propósito de votar a favor o en contra a la reautorización del impuesto de ventas y uso local en la Ciudad de Helotes, Tejas, a la tasa de un cuarto del un por ciento para seguir proporcionando ingresos a mantenimiento y reparación de calles municipales.)*

LOCATION OF POLLING PLACES (SITIOS DE VOTACION):

Bexar County Elections Department will set election day sites. Visit www.bexar.org for the complete list. *(Departamento de Elecciones del Condado de Bexar establecerá sitios de votacion para el dia de elección. Visita www.bexar.org para lista completa.)*

EARLY VOTING (VOTACION ADELANTADA):

Early voting by personal appearance will be at the main early voting location, Bexar County Elections Department, 1103 S. Frio St., Ste. 100, San Antonio, TX 78207, and other locations as set by Bexar County Elections Department. *(Horario para la Votación Adelantada por acto de presencia será en la localidad principal, Departamento de Elecciones del Condado de Bexar, 1103 S. Frio St., Ste. 100, San Antonio, TX 78207, y otros lugares establecidos por Departamento de Elecciones del Condado de Bexar.)*

- Monday, October 23 thru Friday, October 27, 2023.....8:00 a.m. to 6:00 p.m.
 - Saturday, October 28, 2023.....8:00 a.m. to 8:00 p.m.
 - Sunday, October 29, 2023.....12:00 p.m. to 6:00 p.m.
 - Monday, October 30 thru Friday, November 3, 2023.....8:00 a.m. to 8:00 p.m.
- (Subject to change.)*

Applications for ballot by mail shall be mailed to:

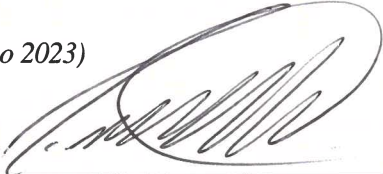
(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

Jacquelyn F. Callanen, Elections Administrator
1103 S. Frio Street, Ste. 100, San Antonio, TX 78207
210-335-8683 | votebymail@bexar.org | www.bexar.org/Elections-Department

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Issued this the 13th day of July, 2023 *(Emitida este día 13 de Julio 2023)*


Rich Whitehead, Mayor (Alcalde)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between Bexar County Elections Administrator (“ADMINISTRATOR”), acting on behalf of Bexar County and any and all political subdivisions that are holding a Tuesday, November 7, 2023 Amendment, General, Special, Charter or Bond Election. This MOU is the planning document necessary for the preparation and implementation of the Joint Agreement as required pursuant to Texas Election Code Section 271.002(a). The following entities have made a verbal confirmation to the Joint Election: Bexar County, (“County”); San Antonio River Authority (“SARA”); Castle Hills (“COCH”); Converse (“COC”); City of Helotes (“COH”); City of Sandy Oaks (“COSO”); City of Schertz (“COS”); City of Universal City (“COUC”); City of Windcrest (“COW”); Cibolo Creek Municipal Authority (“CCMA”); Emergency Service District #9 (“ESD# 9”); the Green Valley Special Utility District (“GVSUD”); the Comal ISD (“CISD”); ; Schertz Cibolo Universal City ISD (“SCUCISD they may also be joined by other entities acting by and through their duly appointed and qualified representatives, for the November 7, 2023 election. Any entity that is able to cancel their election will assume no cost for the planning of this election upon receipt of the proper paperwork. All costs will then be divided according to the pre determined pro rata share agreed upon. Contracts will be executed following the deadline to cancel an election and distributed for signatures and deposits.

WHEREAS, County will conduct an amendment election on Tuesday, November 7, 2023; and

WHEREAS, SARA will conduct a general election on Tuesday, November 7, 2023; and

WHEREAS, COC will conduct a general election on Tuesday, November 7, 2023; and

WHEREAS, COCH will conduct a special election on Tuesday, November 7, 2023; and

WHEREAS, COH will conduct a special election on Tuesday, November 7, 2023; and

WHEREAS, COSO will conduct a general election on Tuesday, November 7, 2023; and

WHEREAS, COS will conduct a general election on Tuesday, November 7, 2023; and

WHEREAS, COUC will conduct a special election on Tuesday, November 7, 2023; and

WHEREAS, COW will conduct a general and special election on Tuesday, November 7, 2023; and

WHEREAS, CCMA will conduct a general election on Tuesday, November 7, 2023; and

WHEREAS, ESD #9 China Grove will conduct a special election on Tuesday, November 7, 2023; and

WHEREAS, GVSUD will conduct a special election on Tuesday, November 7, 2023; and

WHEREAS, CISD will conduct a special election on Tuesday, November 7, 2023; and

WHEREAS, SCUCISD will conduct a general election on Tuesday, November 7, 2023; and

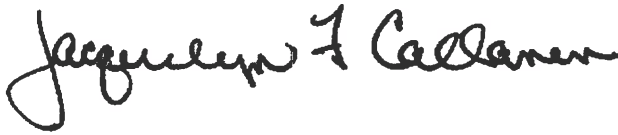
NOW THEREFORE, it is understood that the Entities will hold a joint election on November 7, 2023 (the "Joint Election").

The undersigned Entities are the duly authorized representatives of their governing bodies, and their signatures represent acceptance of the terms and conditions of this Memorandum of Understanding for planning purposes.

This MOU may be executed in two or more counterparts. Together the counterparts shall be deemed an executed original instrument. The Entities may execute this MOU and exchange counterparts of the signature pages by means of facsimile transmission, and the receipt of executed counterparts by facsimile transmission shall be binding on the Entities. Following such exchange, the parties shall promptly exchange original versions of such signature pages.

SIGNED and AGREED this 13 day of July, 2023.

BEXAR COUNTY ELECTIONS ADMINISTRATOR



Jacquelyn F. Callanen

ENTITY: CITY OF HELOTES, TEXAS (COH)

BY:



Rich Whitehead, Mayor

ITEMS AND ISSUES ON BALLOT: The reauthorization of the local sales and use tax in the City of Helotes, 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.