

ORDINANCE NO. 21-12

AN ORDINANCE OF THE CITY OF HELOTES, TEXAS CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2021 ON A PROPOSITION TO INCREASE THE CITY'S GENERAL PURPOSE SALES AND USE TAX RATE PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE SPECIAL ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION; AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) TO SERVE AS A PLANNING DOCUMENT FOR THE PREPARATION AND IMPLEMENTATION OF A JOINT AGREEMENT FOR ELECTION SERVICES WITH BEXAR COUNTY, TEXAS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH SPECIAL ELECTION.

WHEREAS, the current sales and use tax rate within the City of Helotes (the "City") is 8.00% and comprised of the following: the State of Texas sales and use tax (6.25%), the City's general purpose sales and use tax (1.00%), the City's street maintenance sales and use tax for repair of municipal streets (0.25%), and the sales and use tax by the City of Helotes Economic Development Corporation (0.50%); and

WHEREAS, the combined rate of all sales and use taxes levied by the City currently equals one and three-fourths percent (1.75%), which allows the City to increase its general purpose sales and use tax rate by one-fourth of one percent (0.25%) before reaching the maximum amount of two percent (2%) for local taxing entities; and

WHEREAS, Chapter 321 of the Texas Tax Code provides that a municipality may call an election on the question of increasing the sales and use tax rate to a total maximum tax rate of 8.25% in any given location; and

WHEREAS, the City Council has determined that an election should be held on a proposed increase of one-fourth of one percent (0.25%) on the City's general purpose sales and use tax rate for the betterment of the City by funding such projects like infrastructure improvements, public safety initiatives, and beautification of public facilities; and

WHEREAS, upon approval of the increase in the City's general purpose sales and use tax rate, the total combined rate of all taxes levied by the City shall equal two percent (2%).

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

SECTION ONE. ORDER OF ELECTION. A joint election with Bexar County is hereby ordered to be held on Tuesday, November 2, 2021, 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 an increase in the general purpose sales and use tax rate, pursuant to Chapter 321 of the Texas Tax Code, by one quarter of one percent (0.25%), and upon approval of the increase, the City's general purpose sales and use tax rate shall equal one and one quarter percent (1.25%),

and the total combined rate of all taxes levied by the City shall equal two percent (2%). 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 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 2, 2021 (2 de Noviembre de 2021)

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 A

The adoption of a local sales and use tax in the City of Helotes at the rate of one and one quarter percent (1.25%).

(PROPUESTA A)

(La adopción de un impuesto local sobre las ventas y el uso en la Ciudad de Helotes a una tasa del uno y un cuarto por ciento (1.25%).

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 22, 2021 if delivered in person and at the close of business on November 2, 2021 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 18 thru Friday, October 22, 2021.....8:00 a.m. to 6:00 p.m.
Saturday, October 23, 2021.....8:00 a.m. to 8:00 p.m.
Sunday, October 24, 202112:00 p.m. to 6:00 p.m.
Monday, October 25 thru Friday, October 29, 2021.....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 held between November 5 – 15, 2021.

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.

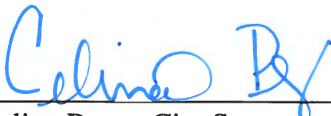
PASSED AND APPROVED this 22nd day of July, 2021.

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 2, 2021, for the purpose of voting for or against the adoption of a local sales and use tax in the City of Helotes at the rate of one and one quarter percent (1.25%).

(Por la presente se ordena que se llevará a cabo una elección el 2 día de Noviembre 2021 con el propósito de votar a favor o en contra la adopción de un impuesto local sobre las ventas y el uso en la Ciudad de Helotes a una tasa del uno y un cuarto por ciento (1.25%).

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 18 thru Friday, October 22, 2021.....8:00 a.m. to 6:00 p.m.
Saturday, October 23, 2021.....8:00 a.m. to 8:00 p.m.
Sunday, October 24, 202112:00 p.m. to 6:00 p.m.
Monday, October 25 thru Friday, October 29, 2021.....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:)

Early Voting Clerk
Jacquelyn F. Callanen, Elections Administrator
1103 S. Frio Street, Ste. 100
San Antonio, TX 78207

Applications for ballot by mail must be received no later than the close of business (5:00 p.m.) on October 22, 2021 if delivered in person and at the close of business on November 2, 2021 if delivered by mail.

(La solicitud para boleta para votación adelantada por correspondencia debe ser recibida al fin de las horas de negocio (5:00 p.m.) el 22 de Octubre 2021 si se entrega en persona y al cerrar las puertas de negocio en el 2 de Noviembre 2021 si se entrega por correo.)

Issued this the 22nd day of July, 2021 (Emitida este día 22 de Julio 2021).



Rich Whitehead, Mayor (Alcalde)

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar immediately after ordering the election.

**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 2, 2021 for voting in a Special Election for the purpose of voting for or against the adoption of a local sales and use tax in the City of Helotes at the rate of one and one quarter percent (1.25%).

(Notifíquese, por las presente, que los sitios de votación se abrirán desde las 7 a.m. hasta las 7 p.m. el 2 día de Noviembre 2021 con el propósito de votar a favor o en contra la adopción de un impuesto local sobre las ventas y el uso en la Ciudad de Helotes a una tasa del uno y un cuarto por ciento (1.25%).)

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 18 thru Friday, October 22, 2021.....8:00 a.m. to 6:00 p.m.
 - Saturday, October 23, 2021.....8:00 a.m. to 8:00 p.m.
 - Sunday, October 24, 2021.....12:00 p.m. to 6:00 p.m.
 - Monday, October 25 thru Friday, October 29, 2021.....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

Applications for ballot by mail must be received no later than the close of business (5:00 p.m.) on October 22, 2021 if delivered in person and at the close of business on November 2, 2021 if delivered by mail. *(La solicitud para boleta para votación adelantada por correspondencia debe ser recibida al fin de las horas de negocio (5:00 p.m.) el 22 de Octubre 2021 si se entrega en persona y al cerrar las puertas de negocio en el 2 de Noviembre 2021 si se entrega por correo.)*

Issued this the 22nd day of July, 2021 *(Emitida este día 22 de Julio 2021)*

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 2, 2021 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 Hill Country Village (“COHCV”); City of Sandy Oaks (“COSO”); City of Schertz (“COS”); City of Windcrest (“COW”); Cibolo Creek Municipal Authority (“CCMA”); Emergency Service District #9 (“ESD# 9”); the Town of Hollywood Park (“TOHP”); the Green Valley Special Utility District (“GVSUD”); the Schertz Cibolo Universal City ISD (“SCUCISD”); Somerset ISD (“SISD”) they may also be joined by other entities acting by and through their duly appointed and qualified representatives, for the November 2, 2021 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 2, 2021; and

WHEREAS, SARA will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, COC will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, COCH will conduct a special election on Tuesday, November 2, 2021; and

WHEREAS, COH will conduct a special election on Tuesday, November 2, 2021; and

WHEREAS, COHCV will conduct a bond election on Tuesday, November 2, 2021; and

WHEREAS, COSO will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, COS will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, COW will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, CCMA will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, ESD #9 China Grove will conduct a special election on Tuesday, November 2, 2021; and

WHEREAS, TOHP will conduct a bond election on Tuesday, November 2, 2021; and

WHEREAS, GVSUD will conduct a special election on Tuesday, November 2, 2021; and

WHEREAS, SCUCISD will conduct a general election on Tuesday, November 2, 2021; and

WHEREAS, SISD will conduct a bond election on Tuesday, November 2, 2021.

NOW, THEREFORE, it is understood that the Entities will hold a joint election on November 2, 2021 (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.

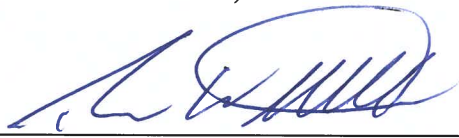
SIGNED and AGREED this 22nd day of July, 2021.

BEXAR COUNTY ELECTIONS ADMINISTRATOR:



Jacquelyn F. Callanen

CITY OF HELOTES, TEXAS:

BY: 

Rich Whitehead, Mayor

ITEMS AND ISSUES ON BALLOT:

Proposition to increase the City's general purpose sales and use tax rate from 1.00% to 1.25%, as imposed under sections 321.101(a) and 321.103(a) of the Texas Tax Code.