



**AN ORDINANCE CALLING AN ELECTION TO BE HELD IN THE CITY OF HILL COUNTRY VILLAGE, TEXAS TO AUTHORIZE THE ISSUANCE OF BONDS, TO AUTHORIZE THE USE OF CERTAIN CITY PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES, AND TO REPURPOSE AN ADDITIONAL SALES AND USE TAX FOR STREET REPAIRS AND MAINTENANCE; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

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WHEREAS, the City Council (the *Council*) of the CITY OF HILL COUNTRY VILLAGE, TEXAS (the *City*), located in Bexar County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the Council shall be authorized to (1) issue general obligation bonds of the City in the amount and for the purposes hereinafter identified, (2) repurpose and authorize the use a portion of approximately 14 acres of property owned by the City hereinafter more particularly described for the purposes of economic development within the City; and (3) change an existing 1/4 cent additional sales and use tax authorized by Chapter 505, as amended, Local Government Code, and approve it for the imposition of an additional sales and use tax for the maintenance and repair of City streets and sidewalks (the *Election*); and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Council hereby finds and determines that the City utilized the proceeds of general obligation bonds to purchase approximately 14 acres of property generally bordering Bitters Road and located within the City limits (hereinafter, the *Property*) after the registered voters of the City authorized the issuance of such bonds for the purpose of constructing and equipping a public building to be utilized for municipal/city hall purposes and the purchase of land therefor; and

WHEREAS, the Council hereby finds and determines that the registered voters of the City can authorize the use of the Property for economic development purposes at the Election in the same manner in which the general obligation bonds and their purposes were originally authorized; and

WHEREAS, the Council hereby finds and determines that the registered voters of the City previously authorized an additional sales and use tax of 1/4 cent permitted by Chapter 505, as amended, Texas Local Government Code (*Chapter 505*) for the purposes provided therein and an additional sales and use tax of 1/4 cent permitted by Chapter 327, as amended, Texas Tax Code (*Chapter 327*), for maintenance and repair of City streets and sidewalks, and that each of these additional sales and use taxes are subject to reauthorization at separate elections conducted in the City; and

WHEREAS, the Council hereby finds and determines that the registered voters of the City can, at the Election, authorize the City to utilize the additional sales and use tax of 1/4 cent permitted by Chapter 505 for the purposes permitted by Chapter 327, namely the maintenance and repair of existing City streets and sidewalks; and

WHEREAS, in compliance with Section 327.004, as amended, Texas Tax Code, 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; and

WHEREAS, the City will contract with the Elections Administrator (the *Administrator*) of the County to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with other political subdivisions (such other political subdivisions, collectively, the *Participants*) for whom the County is also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the County, and the Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code, or other applicable law, pursuant to which the County will conduct all aspects of the Election on the City's behalf; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILL COUNTRY VILLAGE, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF HILL COUNTRY VILLAGE, TEXAS on the 5th day of November, 2019 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not less than 78 days nor more than 90 days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following propositions to the qualified voters of the City:

### **PROPOSITION A**

“Shall the City Council of the City of Hill Country Village, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$8,500,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, upgrading, updating, and equipping City street, curb, gutter, and sidewalk improvements, demolition, repair, and rebuilding of existing streets, completing necessary or incidental utility relocation and drainage in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and City street maintenance improvements, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said

bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?"

### **PROPOSITION B**

"Shall the City Council of the City of Hill Country Village, Texas be authorized to use a portion of approximately 14 acres of property owned by the City generally bordering Bitters Road, having been previously purchased to construct and equip a public building to be utilized for municipal/city hall purposes and to acquire land therefore with the proceeds of general obligation bonds, for also promoting economic development within the City, through planning, designing, constructing, improving, upgrading, updating, extending, and expanding public streets and utilities, and otherwise providing for commercial, retail, residential, and/or mixed-use development on the aforesaid acreage?"

### **PROPOSITION C**

"If the existing one-quarter cent additional sales and use tax for Economic Development Corporation purposes is eliminated, shall the City Council of the City of Hill Country Village, Texas be authorized to repurpose the additional one-quarter cent sales and use tax within the City for the purposes authorized by Chapter 327, as amended, Texas Tax Code, including maintenance and repair of City streets and sidewalks, for a period expiring on the 4th anniversary of the date of the Election unless the imposition of the tax is reauthorized pursuant to Chapter 327, as amended, Texas Tax Code?"

SECTION 2. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in Exhibit A to this Ordinance (which is incorporated herein by reference for all purposes). At least 79 days prior to Election Day, or as soon thereafter as is reasonably practicable, the City, acting through the Mayor, the City Administrator, or the designee thereof, in coordination with the Administrator, or the designee thereof, as necessary or desirable, will appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Administrator, the City, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the

absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

B. On Election Day, the polls shall be open as designated on Exhibit A.

The County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any City voter can vote in the Election at any polling place identified in Exhibit A.

C. The main early voting location is designated in Exhibit B to this Ordinance (which is hereby incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the City to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., Texas Election Code, as amended. The Administrator, or the designee thereof, is hereby appointed as the Administrator and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code, as amended. The Council hereby

appoints the Administrator, or the designee thereof, as the Tabulation Supervisor and the Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

SECTION 5. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid propositions which shall appear on the ballot substantially as follows:

**PROPOSITION A**

“THE ISSUANCE OF NOT TO EXCEED \$8,500,000 OF CITY OF HILL COUNTRY VILLAGE, TEXAS GENERAL OBLIGATION BONDS FOR STREETS, SIDEWALK, AND DRAINAGE IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

**PROPOSITION B**

“THE REPURPOSING OF A PORTION OF APPROXIMATELY 14 ACRES OF CITY PROPERTY GENERALLY BORDERING BITTERS ROAD FOR ECONOMIC DEVELOPMENT PURPOSES.”

**PROPOSITION C**

“IF THE EXISTING ONE-QUARTER CENT SALES AND USE TAX FOR ECONOMIC DEVELOPMENT CORPORATION PURPOSES IS ELIMINATED, SHALL THE CITY BE AUTHORIZED TO REPURPOSE THE LOCAL SALES AND USE TAX IN THE CITY OF HILL COUNTRY VILLAGE AT THE RATE OF ¼ OF 1% TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE 4TH ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.”

SECTION 6. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Ordinance, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day; (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early

voting, and (iv) in a prominent location on the City's internet website not less than 21 days prior to Election Day. A sample ballot, if available, will be posted on the District's internet website not less than 21 days prior to Election Day.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the City, as of its fiscal year beginning October 1, 2018, had outstanding an aggregate principal amount of debt equal to \$291,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$4,023; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.05 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Council's adoption of this Ordinance, the maximum interest rate for any series of bonds authorized at the Election is 5% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise overall a specified number of years (not more than 40 years from their date), as preserved by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated maximum net effective interest rate and amortization period are only estimates, provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Council authorizes the Mayor, the City Administrator, or their respective designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Administrator, or their respective designee of either of such parties to make such technical modifications to this Ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same. By incorporating all essential terms necessary for a joint election agreement, this Ordinance is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the City Council. To the extent needed or desirable, the Administrator is hereby appointed joint custodian of voted ballots for the purposes of Section 31.096, as amended, Texas Election Code.

SECTION 10. 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 a part of the judgment and findings of the Council.

SECTION 11. All ordinances and resolutions, 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 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. 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 14. If any provision of this 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 15. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

//s// Frank Morales, Jr. City Secretary, City of Hill Country Village, Texas



**Exhibit A**

**ELECTION DAY PRECINCTS AND POLLING PLACES**

Election Day: Tuesday, November 5, 2019

Election Day Polling Locations open from 7 a.m. to 7 p.m.

Presiding Judges and Alternates: to be identified by the Administrator.

<b>City Precinct</b>	<b>County Precinct</b>	<b>Polling Locations*</b>
1	1091	Hill Country Village City Hall 116 Aspen Lane, Hill Country Village, Texas 78232

\*Bexar County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters will be able to cast their Election Day ballots at any of the Vote Centers identified on the County's website:

<https://www.bexar.org/1568/Elections-Department>.

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## Exhibit B

### EARLY VOTING

Early voting begins Monday, October 21, 2019 and ends on Friday, November 1, 2019.  
Early Voting Clerk: Jacquelyn Callanen, 1103 S. Frio, Ste. 100, San Antonio, Texas 78207.  
Presiding Judge of the Early Voting Ballot Board: to be identified by the Administrator.  
Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site.

**Bexar County Elections**, 1103 S. Frio, Ste. 100, San Antonio, Texas 78207 (main location)

**\*\*Bexar County Justice Center**, 300 Dolorosa, San Antonio, Texas 78205

**Brookhollow Library**, 530 Heimer Rd., San Antonio, Texas 78232

**Castle Hills City Hall** (Community Room), 209 Lemonwood Dr., Castle Hills, Texas 78213

**Claude Black Center**, 2805 East Commerce, San Antonio, Texas 78212

**Cody Library**, 11441 Vance Jackson, San Antonio, Texas 78230

**Collins Garden Library**, 200 North Park, San Antonio, Texas 78204

**Converse City Hall**, 405 S. Seguin Rd., Converse, Texas 78109

**Copernicus Community Center**, 5003 Lord Rd., San Antonio, Texas 78220

**Encino Branch Library**, 2515 East Evans Rd., San Antonio, Texas 78259

**Fair Oaks Ranch City Hall** (Council Chambers), 7286 Dietz Elkhorn, Fair Oaks Ranch 78015

**Great Northwest Library**, 9050 Wellwood, San Antonio, Texas 78250

**Henry A. Guerra, Jr. Library**, 7978 West Military Dr., San Antonio, Texas 78227

**John Igo Library**, 13330 Kyle Seale Parkway, San Antonio, Texas 78249

**Johnston Library**, 6307 Sun Valley Dr., San Antonio, Texas 78227

**Julia Yates Semmes Library** (Comanche Lookout Park) 15060 Judson Rd., San Antonio 78247

**Las Palmas Library**, 515 Castroville Rd., San Antonio, Texas 78238

**Leon Valley Conference Center**, 6421 Evers Rd., San Antonio, Texas 78240

**Lion's Field**, 2809 Broadway, San Antonio, Texas 78209

**Maury Maverick Jr. Library**, 8700 Mystic Park, San Antonio, Texas 78254

**McCreeless Library**, 1023 Ada St., San Antonio, Texas 78223

**Memorial Library**, 3222 Culebra, San Antonio, Texas 78228

**Mission Library**, 3134 Roosevelt Ave., San Antonio, Texas 78214

**Northside Activity Center**, 7001 Culebra, San Antonio, Texas 78238

**Olmos City Hall**, 120 West El Prado, Olmos Park, Texas 78212

**Parman Library @ Stone Oak**, 20735 Wilderness Oak, San Antonio, Texas 78258

**Precinct 1 Satellite Office**, 3505 Pleasanton Rd., San Antonio, Texas 78221

**Precinct 3 Satellite Office**, 320 Interpark Blvd., San Antonio, Texas 78216

**Schaefer Library**, 6322 U.S. Hwy. 87 East, San Antonio, Texas 78222

**Shavano Park City Hall** (Council Chambers), 900 Saddletree Ct., Shavano Park, Texas 78231

**Somerset ISD Admin. Bldg.**, 7791 6th St., Somerset, Texas 78069

**South Park Mall**, 2310 S.W. Military Dr., San Antonio, Texas 78224

**Southside ISD Admin. Bldg.**, 1460 Martinez-Losoya Rd., San Antonio, Texas 78221

**Tobin Library @ Oakwell**, 4134 Harry Wurzbach, San Antonio, Texas 78209

**Universal City Library**, 100 Northview Dr., Universal City, Texas 78148

**Windcrest Takas Park Civic Center**, 9310 Jim Seal Dr., San Antonio, Texas 78233

**Wonderland Mall of The Americas @ Crossroads**, 4522 Fredericksburg, San Antonio 78201

Monday, October 21, 2019 through Friday, October 25, 2019	8:00 a.m. – 6:00 p.m.
Saturday, October 26, 2019	10:00 a.m. – 6:00 p.m.
Sunday, October 27, 2019	12:00 noon – 6:00 p.m.
Monday, October 28, 2019 through Wednesday, October 30, 2019	8:00 a.m. – 6:00 p.m.
Thursday, October 31, 2019 through Friday, November 1, 2019	8:00 a.m. – 8:00 p.m.

\*\* Early Voting Will not be conducted on Saturday or Sunday or after 6:00 pm on weekdays.

### **Early Voting by Mail**

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Friday, October 25, 2019. Applications should be sent to:

Jacquelyn Callanen  
1103 S. Frio, Ste. 100  
San Antonio, Texas 78207  
fax: (210) 335-0343  
email for application for ballot by mail: [votebymail@bexar.org](mailto:votebymail@bexar.org)  
email for federal postcard application: [FPCA@bexar.org](mailto:FPCA@bexar.org)

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

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