

**Agenda Item 4.B. Ordinance**  
**Artículo de orden 4.B. Ordenanza**

**ORDINANCE NO. 12-002**

**AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF LEON VALLEY, TEXAS; 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 LEON VALLEY, 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 issue general obligation bonds of the City in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the City will contract with the County's Election Administrator (the *Administrator*) 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 it is in the best interests of the City to enter into one or more election agreements or contracts with the County and the Participants to conduct the Election in accordance with the laws of the State of Texas (the *State*) and applicable federal laws; 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 actions hereinbefore described are in the best interests of the qualified voters of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF LEON VALLEY, TEXAS on the 12th day of May, 2012 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not less than seventy-one (71) days nor more than ninety (90) days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following proposition to the qualified voters of the City:

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PROPOSITION

“Shall the City Council of the City of Leon Valley, 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 \$7,000,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, improving, renovating, demolishing, expanding, and equipping a Public Safety and Support Services Complex to house police, fire, municipal court, and City administration service departments, and expenses incidental and necessary to the foregoing (including necessary utility relocation, acquisition of easements, rights-of-way, and other real property interests, landscaping, and streetscape modification and improvements), such bonds to mature serially or otherwise 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?”

SECTION 2. The City election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election in the City election precincts are identified in Exhibit A to this Ordinance, and this Exhibit is incorporated by reference for all purposes. At least 72 days prior to Election Day, the City, acting through the City Manager, or the designee thereof, in coordination with the Administrator (or her designee), as necessary or desirable, will identify and formally approve the appointment of 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.

The Presiding Judge shall appoint not less than two (2) 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.

On Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

The main early voting location is designated in Exhibit B to this Ordinance (which is 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 office or place 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.

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Additionally, permanent and temporary branch offices for early voting by personal appearance shall be established and maintained in accordance with the Texas Election Code. The locations, dates, and hours of operation for early voting at these offices (being permanent and/or temporary branch 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 (2) resident qualified voters of the County 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 Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots, touch screen voting machines, and/or such other 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.

The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., as amended, Texas Election Code, as amended. The Administrator, or her designee, is hereby appointed as the Manager 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 her designee, as the Tabulation Supervisor and the Administrator, or her designee, 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.

SECTION 4. 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 proposition which shall appear on the ballot substantially as follows:

PROPOSITION

"THE ISSUANCE OF NOT TO EXCEED \$7,000,000 OF CITY OF LEON VALLEY, TEXAS GENERAL OBLIGATION BONDS FOR DESIGNING, ACQUIRING, CONSTRUCTING, IMPROVING, RENOVATING, DEMOLISHING, EXPANDING, AND EQUIPPING A PUBLIC SAFETY AND SUPPORT SERVICES COMPLEX."

SECTION 5. 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, Chapter 1251, as amended, Texas Government Code, and as may be required by any other law. All materials and proceedings relating to the Election shall be printed in both English and Spanish.

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SECTION 6. A substantial copy of this Ordinance shall serve as a proper notice of the Election. This notice, including a Spanish translation thereof, shall be posted at three (3) public places within the City and at the City Hall not less than twenty-one (21) days prior to Election Day, and be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to Election Day.

SECTION 7. The Council authorizes the City Manager, or his designee, to negotiate and enter into one or more joint election agreements or contracts with the County, through its Administrator, and the Participants in accordance with the provisions of the Texas Election Code, as amended, and as necessary or desired, 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.

SECTION 8. 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 9. 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 10. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 11. 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 12. 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.

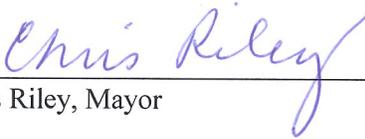
SECTION 13. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

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PASSED AND APPROVED on the 27th day of February, 2012.

CITY OF LEON VALLEY, TEXAS

  
\_\_\_\_\_  
Chris Riley, Mayor

ATTEST:

  
\_\_\_\_\_  
Janie Willman, City Secretary

(SEAL)



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**EXHIBIT A**

**ELECTION PRECINCT AND ELECTION DAY POLLING LOCATIONS**

Election Day: May 12, 2012

Election Day Polling Locations open from 7:00 a.m. to 7:00 p.m.

<u>City Election Precincts</u>	<u>County Election Precincts</u>	<u>Polling Places</u>

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**EXHIBIT B**

**MAIN, PERMANENT BRANCH, AND TEMPORARY BRANCH  
POLLING PLACES, DATES, AND TIMES**

**Early voting begins Monday, April 30, 2012 and ends on Tuesday, May 8, 2012**

Early Voting Clerk: Jacque Callanen  
Early Voting Clerk's address: 203 West Nueva, Suite 3.61  
San Antonio, Texas 78207

Presiding Judge of the Early Voting Ballot Board: Jacque Callanen

**Location, Dates & Hours of Main Early Voting Polling Places**

**Location, Dates & Hours of Temporary Branch Early Voting Polling Places**

**Monday, April 30**  
***lunes, 30 de abril***

**Friday, May 4**  
***viernes, 4 de mayo***

**Monday, May 7**  
***lunes, 7 de mayo***

**Tuesday, May 1**  
***martes, 1 de mayo***

**Saturday, May 5**  
***sábado, 5 de mayo***

**Tuesday, May 8**  
***martes, 8 de mayo***

**Wednesday, May 2**  
***miércoles, 2 de mayo***

**Sunday, May 6**  
***domingo, 6 de mayo***

**Thursday, May 3**  
***jueves, 3 de mayo***

**EARLY VOTING BY MAIL:**

Applications for voting by mail should be mailed to be received no earlier than Tuesday, March 13, 2012 and no later than the close of business (4:30 p.m.) on Friday, May 4, 2012.

**Applications should be mailed to:**  
**Jacque Callanen**  
**Elections Administrator**  
**Bexar County, Texas**  
**203 West Nueva, Suite 3.61**  
**San Antonio, Texas 78207**