

ORDINANCE NUMBER: 2021-08-10-01

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WAELDER, TEXAS CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, ON THE MEASURE OF AN INCREASE IN THE LOCAL SALES AND USE TAX RATE IN THE CITY OF WAELDER BY ONE HALF OF ONE PERCENT; PROVIDING FOR THE CONDUCT OF SUCH ELECTION; APPROVING A JOINT ELECTION WITH GONZALES COUNTY OR OTHER AUTHORIZED ENTITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 321 of the Texas Tax Code authorizes cities to adopt a sales and use tax to provide funds to be used for the city's general purposes and impose said tax on the receipts from the sale at retail of taxable items within the city; and

WHEREAS, Chapter 321 authorizes rate that are in an increment of one-eighth of one percent that the City determines to be appropriate so long as the combined sales and use taxes imposed by the City and all other taxing authorities does not exceed two percent (2%); and

WHEREAS, the imposition of a sales and use tax must be approved by the voters at an election called for that purpose; and

WHEREAS, the City currently has adopted a local general purpose sales and use tax in the amount of one percent (1%) and Gonzales County has adopted a sales and use tax within the boundaries of the City of Waelder in the amount of one-half of one percent (0.50%) for a total of one and one-half percent (1.50%); and

WHEREAS, there is an amount of one-half of one percent (0.50%) available for the City to adopt to maximize its allowable sales and use tax levy within the city limits; and

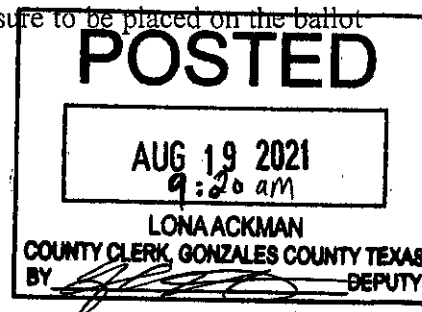
WHEREAS, the City Council desires to adopt the remaining one-half of one percent (0.05%) sales and use tax available to the City, bringing the total amount of the City's general purpose sales and use tax to one and one half percent (1.5%); and

WHEREAS, if approved, the total rate of the City's local sales and use tax levied within the city, shall equal two percent (2.00%); and

WHEREAS, the City Council finds that adopting said tax will provide additional revenue that is necessary to meet the ongoing needs of the City of Waelder and is in the best interest of the City.

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

Section 1. Election Ordered. An election shall be held in the City of Waelder, Texas on November 2, 2021, for the purpose of voting on the following measure to be placed on the ballot at that election:



CITY OF WAELDER, TEXAS – PROPOSITION A

“Shall the City Council of the City of Waelder (the “City”) be authorized to adopt a local sales and use tax at the rate of one and one-half percent (1.5%) to provide revenue for placement in the general fund to be used for any lawful purpose?”

Section 2. Official Ballot. Voting at the Election, and early voting therefor, shall be by the use of the lawfully approved voting systems identified in the Contract for Election Services between the City and Gonzales County. The official ballot for the Election shall be prepared in accordance with the Election Code so as to permit qualified voters to vote “FOR” or “AGAINST” the Propositions which shall be set forth on the ballots substantially as follows:

CITY OF WAELDER, TEXAS – PROPOSITION A

“THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE CITY OF WAELDER AT THE RATE OF ONE AND ONE-HALF PERCENT (1.50%).”

FOR: 5 AGAINST: 0

Section 3. Qualified Voters. All qualified voters of the City of Waelder shall be entitled to vote in said election.

Section 4. Joint Election. The City will conduct a joint election with other political subdivisions within Gonzales County and the City Manager is hereby authorized into a joint election agreement.

Section 5. Election Services contract. The City Manager is authorized to enter into an agreement with Gonzales County (“Agreement”) for election services. In the event of a conflict between this ordinance and the Agreement, the Agreement shall control. The City Secretary’s duties and responsibilities related to the election shall be set forth in the Agreement.

Section 6. Election Precinct, Voting Locations and Hours for Early Voting. That both early voting and Election Day voting by personal appearance will be conducted as designated by the Gonzales County Elections Division. The County Clerk for Gonzales County shall serve as early voting clerk; the appointment of a deputy clerk or clerks for early voting by the County Clerk shall be in accordance with the law. Early voting begins Monday, October 18, 2021, and ends on Friday, October 29, 2021. The Main Early Voting Location is:

Randle-Rather Building – EV Election Room
427 St. George, Gonzales, Texas 78629

The two designated weekdays for early voting are:

October 20th – 21st Wednesday-Thursday 7:00 a.m. – 7:00 p.m.

Additional specific early voting hours and locations will be made available on the Gonzales County Clerk's website at:

<http://www.co.gonzales.tx.us/page/gonzales.ElectionandVoterRegistrationNews>.

Additional locations may be established under the election services contract.

Section 7. Election Day Location and Hours. On Election Day, November 2, 2021, the polls shall be open between the hours of 7:00 a.m. and 7:00 p.m., at the locations established by Gonzales County or as provided for in the election services contract.

Section 8. Election Law and Notices. That said elections shall be held in accordance with the Election Code of this state and only resident qualified voters of said City shall be eligible to vote at said election. That Notice of the election s ordered herein, be given in the manner prescribed by Texas Election Code Ann., Title 1, Chapter 4, Sections 4.003, 4.004, 4.007 and 4.008, and a record of notice of the election be retained as provided in Texas Election Code Section 4.005.

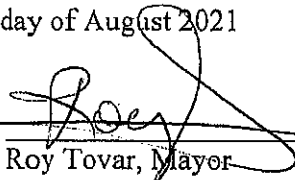
Section 9. City Secretary. The City Secretary is further authorized and directed to take such action necessary to implement the intent of this ordinance.

Section 10. Severability. It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 11. Public Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

Section 12. Effective Date. This ordinance shall become effective immediately upon its passage.

APPROVED on this day of 10th day of August 2021


Roy Tovar, Mayor

ATTEST:


Melinda Caballero, City Secretary