

***THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED  
ORDINANCE ADOPTED BY THE CITY COUNCIL***

**AN ORDINANCE**

**ORDERING A SALES AND USE TAX ELECTION TO BE HELD ON THE 6<sup>TH</sup> DAY OF NOVEMBER, 2012, IN THE CITY OF SAN ANTONIO, TEXAS, FOR VOTER CONSIDERATION OF THE PRE-K 4 SA PROPOSITION; SPECIFYING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH OTHER PARTICIPATING LOCAL POLITICAL SUBDIVISIONS; AND MAKING PROVISIONS FOR THE HOLDING OF THE ELECTION.**

**WHEREAS**, Chapter 379A, Texas Local Government Code (the "Act") authorizes a municipality to create a municipal development corporation to develop and implement programs for early childhood development that prepare each child to enter school and make each child ready to learn after completing the program, that provide educational services to promote literacy, and that establish math, reading, and lifelong learning skills; and

**WHEREAS**, the City Council (the "City Council") of the City of San Antonio, Texas (the "City") has authorized the creation of the San Antonio Early Childhood Education Municipal Development Corporation (the "Corporation") for the purposes of developing early childhood literacy and educational programs in accordance with the Act; and

**WHEREAS**, pursuant to the Act, the City may levy a sales and use tax for the benefit of the Corporation if the tax is authorized by a majority of the voters of the municipality voting at an election called for that purpose; and

**WHEREAS**, the City Council of the City believes the purposes of the Corporation are in the best interest of the City and desires to call such a sales and use tax election for November 6, 2012 (the "Election") to determine whether the City Council shall be authorized to levy a sales and use tax of one-eighth of one percent under the Act; and

**WHEREAS**, the City hereby finds that the levy of the proposed sales and use tax on behalf of the Corporation will not result in a combined sales and use tax rate of more than two percent within the City; and

**WHEREAS**, the City will contract with the Elections Administrator (the "Administrator") of Bexar County, Texas (the "County") to conduct the Election on the City's behalf; and

**WHEREAS**, the governing bodies of numerous other local political subdivisions situated in the County also intend to call elections to be held on November 6, 2012 and for such elections to be also conducted on their behalf by the Administrator (such other political subdivisions, the "Participants"); and

**WHEREAS**, the City wishes to conduct the Election jointly with the Participants, as permitted by the provisions of Section 271.002, as amended, Texas Election Code; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The Election shall be held on Tuesday, the 6th day of November, 2012, in accordance with the laws of the State of Texas and the provisions of the Charter of the City of San

Antonio (the “City Charter”), and the official ballots for the Election shall be prepared in accordance with the Texas Election Code and at the Election the following PROPOSITION shall be submitted to the qualified City voters in accordance with law as follows:

SALES AND USE TAX FOR THE  
“PRE-K 4 SA” EARLY CHILDHOOD EDUCATION PROGRAM

“Shall the City Council of the City of San Antonio, Texas be authorized to assess, levy, and collect a sales and use tax of one-eighth of one percent within the City of San Antonio for a maximum period of eight years for the purpose of financing authorized programs for early childhood development and education services for the development of math, reading, and life long learning skills and the promotion of literacy skills to be implemented and developed by the San Antonio Early Childhood Education Municipal Development Corporation pursuant to Chapter 379A, Texas Local Government Code.”

**Section 2.** The official ballots for the Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid PROPOSITION with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

SALES AND USE TAX FOR THE  
“PRE-K 4 SA” EARLY CHILDHOOD EDUCATION PROGRAM

FOR                    ADOPTION OF A SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT FOR THE PURPOSE OF FINANCING AUTHORIZED PROGRAMS OF THE SAN ANTONIO EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION FOR A MAXIMUM PERIOD OF EIGHT YEARS

AGAINST

**Section 3.** The City Council hereby authorizes the Election to be held jointly with the Participants and authorizes the execution of an agreement with the County, acting through the Administrator, for the conduct of the Election as a joint election with the Participants (as identified in such agreement). Pursuant to Section 61.012, as amended, Texas Election Code, the Administrator 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 requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

**Section 4.** The Election shall be held as prescribed by law at the following voting places in the several precincts of the City, as listed in **Attachment I**, between the hours of 7:00 o’clock a.m. and 7:00 o’clock p.m. on the day of the Election. **Attachment I** is attached hereto and incorporated herein for all purposes.

**Section 5.** Voting on Election Day shall be conducted by the use of AIS650 Tabulators, paper ballots or the iVotronic™ touch screen voting system, as determined by the City Clerk of the City (the “City Clerk”) and the Administrator. The City Clerk hereby determines that AIS650 Tabulators and paper ballots shall be used for the casting of early votes by mail at the Election and for provisional voting. The City Clerk hereby determines that voting at early voting by personal

appearance shall be conducted by the use of the iVotronic™ touch screen voting system. The equipment shall be placed at the main, permanent, and temporary branch early voting locations as listed in **Attachment II**, which is attached hereto and incorporated herein for all purposes.

**Section 6.** The main, permanent branch, and temporary branch early voting times and locations, as indicated in **Attachment II**, are adopted and approved by the City Council as the times and locations for the conduct of early voting by personal appearance. Early voting by personal appearance shall commence Monday, October 22, 2012 and end on Friday, November 2, 2012, including Saturday, October 27, 2012 and Sunday, October 28, 2012. Hours and locations of early voting shall be established by the Administrator in accordance with the applicable provisions of Texas law. The Administrator is designated as the Early Voting Clerk for the Election.

**Section 7.** Qualified voters may submit ballot applications and cast their early vote by mail, and the Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to, is as follows:

Jacquelyn F. Callanen  
Bexar County Elections Administrator  
203 W. Nueva 3.61  
San Antonio, Texas 78207  
Attention: Early Voting Clerk

**Section 8.** Notice of such sales and use tax election shall be given in accordance with the provisions of the Texas Election Code, and any other applicable law, by posting a substantial copy of this Ordinance, both in English and in Spanish, at three public places in the City and also at the City Hall, not less than 21 days prior to Election Day; and a substantial copy of this Ordinance also shall be published, both in English and in Spanish, in a newspaper of general circulation published in the City, the date of the publication to be not less than 10 nor more than 30 days prior to the date set for the Election.

**Section 9.** All resident qualified voters of the City shall be permitted to vote at the Election and on Election Day, such electors shall vote at their designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, the City Charter, and the provisions of the Texas Government Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

**Section 10.** The City Council authorizes the City Manager of the City, or her designee to negotiate and enter into any additional agreements with the Administrator and the Participants in accordance with the Texas Election Code, as amended, and as may be desired or determined to be necessary, to make such technical modifications to this Ordinance, including the Attachments, for the purpose of compliance with Texas or federal law or to carry out the City Council's intent as evidenced in this Ordinance.

**Section 11.** The recitals contained in the preamble hereof are 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 City Council.

**Section 12.** 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 13.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 14.** If any provision of this Ordinance or the application thereof to any person or circumstances 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 City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 15.** 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 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 16.** This Ordinance shall take effect immediately if passed by eight affirmative votes; otherwise, this Ordinance shall take effect ten days from the date of passage.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2012.

**M A Y O R**  
Julian Castro

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

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Michael D. Bernard, City Attorney