

**ORDINANCE NO. 720**

**AN ORDINANCE CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY OF KYLE, TEXAS, MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF SAID ELECTION; PROVIDING FOR THE COMBINING OF THE BOND ELECTION IN CONJUNCTION WITH THE GENERAL ELECTION; AUTHORIZING A JOINT ELECTION WITH OTHER ENTITIES HOLDING ELECTIONS ON THE SAME DATE IN THE TERRITORY OF THE CITY; AND CONTAINING OTHER PROVISIONS NECESSARY AND INCIDENTAL TO THE PURPOSES HEREOF**

WHEREAS, the City Council of the City of Kyle, Texas, hereby finds that a special election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amount and for the purposes hereinafter identified (the "Special Bond Election"); and,

WHEREAS, the City Council (the "City Council ") of the City of Kyle, Texas (the "City") has heretofore found that a city general election shall be held on the 11th day of May, 2013, wherein the electors of the City shall vote on the election of public officials and other matters (the "City General Election"); and

WHEREAS, the City Council has made provision for the conduct of the City General Election, and any special elections of the City, including an election to authorize issuance of bonds, to be conducted jointly with other political subdivisions holding elections on the same date in the territory of the City under the authority of Texas Election Code, Chapter 271; and,

WHEREAS, the City has made provision to contract with the Hays County Elections Administrator to conduct the City's general election and special bond election, pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code (the "Election Agreement"); and,

WHEREAS, the City Council hereby finds that it is in the public interest that the City General Election and the Special Bond Election be conducted as one election.

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

**SECTION 1: Call of Election; Date and Time; Qualified Voters.** A special election shall be held between the hours of 7:00 A.M. and 7:00 P.M. in the City of Kyle, Texas on the 11th day of May, 2013, which date is seventy one (71) or more days from the date of the adoption of this Ordinance and is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption hereof. All resident qualified electors of the City shall be permitted to vote at the election.

**SECTION 2: Proposition.** At such election the following measure shall be submitted:

Proposition

“SHALL the City Council of the City of Kyle, Texas, be authorized to issue bonds of said City in an amount not to exceed \$36,000,000 for the purpose of providing funds to plan, design, construct, extend, expand, repair, and improve the following City Streets: Bunton Creek Road, North Burleson Street, Goforth Road, Lehman Road, and Marketplace Avenue, including related sidewalk, utility, drainage, bridge, interchange, intersection, grade separation, lighting, and signalization improvements; and land acquisition therefore such bonds to mature serially or otherwise over a period not to exceed thirty (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) not exceeding the maximum rate prescribed by law as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and shall the City Council be authorized to levy ad valorem taxes upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

**SECTION 3: Ballot.** A single ballot containing the measure in this special election as well as any races in the general election of the City and other races or measures of the City in the joint election, shall be prepared in accordance with the Texas Election Code so as to permit qualified electors of the City to vote “FOR” or “AGAINST” the aforesaid measure, which shall appear on the ballot substantially as follows:

PROPOSITION

FOR

THE ISSUANCE OF \$36,000,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS TO BUNTON CREEK ROAD, NORTH BURLESON STREET, GOFORTH ROAD, LEHMAN ROAD, AND MARKETPLACE AVENUE, AND THE LEVY OF A TAX IN PAYMENT THEREOF

AGAINST

**SECTION 4: Joint Election; Use of Electronic Voting System; Authorization of Ballot.** The election shall be held as a joint election pursuant to Texas Election Code Chapter 271 in conjunction with the City General Election and other general and special elections which may be held on the election day by Hays Consolidated Independent School District (hereinafter “Participating Entities”) under a joint election agreement to be approved by the City. An electronic voting system shall be used for the election and for early voting by personal appearance. Paper ballots shall be used for early voting by mail.

**SECTION 5: Election Day Precincts; Polling Places.** The election precincts for this election shall be the Hays County Election Precincts wholly or partially within the territorial

limits of the City and polling places established for each of these precincts shall serve as common polling places for the joint elections of the Participating Entities. The polling place designated for each election precinct shall be as provided in the Order for the General Election and the Election Agreement, and as shown in Exhibit "A", which is attached hereto and incorporated herein by reference as a part hereof for all purposes. On the day of the election, resident qualified voters shall vote at the polling place designated for the election precinct in which they reside.

**SECTION 6: Conduct of Election.** The Hays County Elections Administrator and the Administrator's employees and appointees, and the election judges, alternate judges, and clerks properly appointed for the election shall hold and conduct the election in the manner provided by the Election Agreement and in accordance with the Texas Election Code and Chapter 1251, Texas Government Code. The official ballots, together with such other election materials as are required by the Texas Election Code and the Federal Voting Rights Act of 1965, shall be prepared in both the English and Spanish languages, and shall contain such provisions, markings, and language as is required by law.

**SECTION 7: Early Voting; Early Voting Polling Places, Dates and Times.** Early voting for the election shall be conducted jointly with the Participating Entities. The Hays County Elections Administrator shall serve as the Early Voting Clerk, and shall appoint any necessary early voting clerks to assist her. Early voting by personal appearance for the election shall be conducted jointly at the locations and on the dates and times specified in and as provided for in the Order for the General Election and the Election Agreement, and in Exhibit "B" which is attached hereto and incorporated herein by reference as a part hereof for all purposes. Qualified voters may submit applications for ballot by mail. Applications for early voting by mail must be submitted to the Early Voting Clerk during the time period and at the address set forth in Exhibit "B".

**SECTION 8. Election Judges and Clerks.** The presiding judges, alternate presiding judges, and clerks for the election shall be selected and appointed by Hays County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Hays County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The City Council will further confirm and appoint the election judges and alternate election judges who are appointed by Hays County for the election.

**SECTION 9. Election Materials and Supplies.** The City Secretary is instructed to aid the Hays County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Agreement between the City and Hays County, the Hays County Elections Administrator shall have the duty and be responsible for organizing and conducting the

election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Agreement.

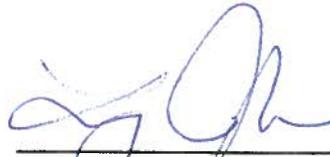
**SECTION 10: Notices.** A substantial copy of this Ordinance shall serve as proper notice of the election. The notice, including a Spanish translation thereof, shall be posted at three (3) public places within the City and at the City Hall not less than twenty-one (21) full days prior to the date on which the election is to be held, and be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first publication to appear not more than thirty (30) days and not less than fourteen (14) full days prior to the day of the election.

**SECTION 11. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

**SECTION 12. Open Meetings.** It is further found and determined that the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located at City Hall, a place convenient to the public, and the notice was posted continuously for at least 72 hours preceding the date of this meeting. A copy of the return of said posting shall be attached to the minutes of the meeting and shall be made apart thereof for all intents and purposes.

Passed and Approved on first reading this the 5<sup>th</sup> day of February, 2013.

Passed and Approved on second and final reading this the 19 day of February, 2013.



\_\_\_\_\_  
Lucy Johnson, Mayor  
City of Kyle, Texas

ATTEST:



\_\_\_\_\_  
Amelia Sanchez, City Secretary  
City of Kyle, Texas

[CITY SEAL]

**EXHIBIT "A"**

**MAY 11, 2013 SPECIAL BOND ELECTION  
City of Kyle  
Hays County, Texas**

**Election Day Polling Locations**

<b><u>Polling Place Location</u></b>	<b><u>Address</u></b>
Chapa Middle School	3311 Dacy Lane Kyle, Texas
Kyle City Hall	100 W. Center St. Kyle, Texas
Wallace Middle School	1500 W. Center St. Kyle, Texas

**EXHIBIT "B"**

**MAY 11, 2013 SPECIAL BOND ELECTION  
City of Kyle  
Hays County, Texas**

**EARLY VOTING BY PERSONAL APPEARANCE**

Electors may cast their early votes in person at the Early Voting Polling Place on the dates and during the times as shown below:

**Early Voting Polling Place**

Kyle City Hall  
100 W. Center Street  
Kyle, TX 78640

Hays CISD Administrative Office  
21003 IH 35  
Kyle, TX 78640

Buda Elementary Upper Campus  
300 San Marcos Street  
Buda, TX 78610

Tuesday, April 30, 2013 through Friday, May 3, 2013 - 8:00 a.m. to 5:00 p.m.  
Monday, April 29, 2013 and Monday, May 6, 2013 - 7:00 a.m. to 7:00 p.m.  
Saturday, May 4, 2013 - 10:00 a.m. to 2:00 p.m.

**EARLY VOTING BY MAIL**

Eligible voters may submit applications for ballot by mail. Applications for ballot by mail must be submitted to the following address, and must be received no later than the close of business on Friday, May 3, 2013:

Joyce A. Cowan  
Hays County Elections Administrator  
712 South Stagecoach Trail, Ste. 1045  
San Marcos, Texas 78666  
Attention: Early Voting