

ORDINANCE 23-41

AN ORDINANCE ORDERING AN ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2010 IN THE CITY OF MORGAN'S POINT RESORT FOR THE PURPOSE OF SUBMITTING A ONE-FOURTH OF ONE PERCENT SALES AND USE TAX FOR ECONOMIC DEVELOPMENT WITHIN THE CITY OF MORGAN'S POINT RESORT; DESIGNATING THE PLACE OF HOLDING SUCH ELECTION; PROVIDING FOR NOTICES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF MORGAN'S POINT RESORT, TEXAS;

1. That the City Council does hereby submit the following sales and use tax to legally qualified voters of the City of Morgan's point Resort at the City Election to be held Tuesday, November 2, 2010:

The adoption of a Section 4B sales and use tax at the rate of one-fourth of one percent to undertake projects as described in Section 2(11) and Chapter 505 of the Local Government Code, including but not limited to projects for the promotion of professional and amateur athletics and sports including stadiums, ball parks, auditoriums, projects related to entertainment, convention, tourist, and exhibition facilities, amphitheaters, concert halls, and public parks, park facilities and events, open space improvements, military facilities, including closed or realigned military bases, primary job training facilities for use by institutions of higher education, research and development facilities, regional or national corporate headquarters facilities, museums and related stores, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, recycling facilities, and projects to promote new or expanded business enterprises that create or retain primary jobs, and public safety facilities, streets and roads, drainage, and related improvements, demolition of existing structures, development and expansion of affordable housing, and targeted infrastructure and any other improvements, expenditures, or facilities that are related to any of the above projects and any other project that the board determines will promote new or expanded business enterprises that create or retain primary jobs, and the maintenance and operations expenses for any of the above described projects.

2. The entire City shall constitute one election precinct for holding the election. The polling place designated for holding the election shall be the City's Community Center, 60 Morgan's Point Boulevard, Morgan's Point Resort, Texas 76513. The Presiding Judge and the Alternate Presiding Judge shall be appointed by written of the Governing Body.

The Presiding Judge shall appoint not less than (2) or more than (4) resident qualified voters of the City to act as clerks to properly conduct the election. However, 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 named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

Oral assistance in Spanish shall be made available to all persons requiring such assistance. Any person requiring oral assistance in Spanish should contact the Presiding Judge or the Early Voting Clerk.

The election shall be held in the City as prescribed by the applicable law and on the day of the election, the polls shall be open from 7:00 o'clock am to 7:00 o'clock p.m.

Early voting by personal appearance in the Election shall be for the period permitted by law, which shall begin on the 15th day and continue through the 4th day preceding the date of said Election. The hours designated for early voting by personal appearance shall be from 8:00 a.m. to 5:00 p.m. on each day for early voting which is not a Saturday, Sunday or official State holiday with the exception of Tuesdays, which shall be from 7:00 a.m. to 7:00 p.m.

The Early Voting Clerk for voting in the Election shall be with Bell County Clerks Office. Early voting by personal appearance shall be conducted at as follows: Bell County Annex, Temple Annex, Killeen Annex, Killeen Community Center, Salado Civic Center and Harker Heights Parks & Recreation.

Applications from voters to vote by mail in the Election shall be addressed to Bell County Clerks Office P.O. Box 480, Belton, Texas 76513.

The Early Voting Ballot Board shall consist of the Presiding Judge and Alternate Presiding Judge and other members, appointed by the Presiding Judge, who are eligible to serve in accordance with the Election Code.

3. Voting in the election for the proposition shall be by the use of paper ballots, which will be printed in both English and Spanish and which shall conform to the requirements of the Texas Election Code. The ballots shall be printed to permit voters to vote "FOR" or "AGAINST" the aforesaid proposition, which shall appear on the ballot substantially as follows:

PROPOSITION

"The adoption of a Type B sales and use tax in the City of Morgan's Point Resort, Texas, at the rate of one-fourth of one percent to undertake projects as described in Section 2(11) and Chapter 505 of the Local Government Code, including but not limited to projects for the promotion of professional and amateur athletics and sports including stadiums, ball parks, auditoriums, projects related to entertainment, convention, tourist, and exhibition facilities, amphitheaters, concert halls, and public parks, park facilities and events, open space improvements, military facilities, including closed or realigned military bases, primary job training facilities for use by institutions of higher education, research and development facilities, regional or national corporate headquarters facilities, museums and related stores, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, recycling facilities, and projects to promote new or expanded business enterprises that create or retain primary jobs, and public safety facilities, streets and roads, drainage, and related improvements, demolition of existing structures, development and expansion of affordable housing, and targeted infrastructure and any other improvements, expenditures, or facilities that are related to any of the above projects and any other project that the board determines will promote new or expanded business enterprises that create or retain primary jobs, and the maintenance and operations expenses for any of the above described projects."

4. All residents qualified voters of the City shall be permitted to vote at the election and on the day of the election, such voters shall vote at the designated polling place. The election shall be held and conducted in accordance with the provision of Texas Election Code, as amended and the provisions of the Local 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.
5. Not later than the 21st day before election day, a copy of the notice, which must include the location of polling place, shall be posted on the bulletin board used for posting notice of the

meetings of the Governing Body of the City of Morgan's Point Resort. The notice shall remain posted continuously through Election Day. Notice of the election shall also be given by publishing the notice at least once, not earlier than the 30th day or later than the 8th day before Election Day in the official newspaper of the City.

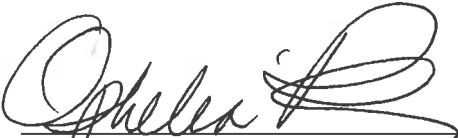
Notice of the election shall be in English and Spanish in the manner required by law.

6. 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 City Council.
7. All ordinances 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.
8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United State of America
9. 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 City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
10. 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 and 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.
11. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

PASSED AND ADOPTED, this the 17th day of August 2010.


W. Jared Bryan, Jr., Mayor

ATTEST:


Ophelia Rodriguez, City Secretary