

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 14, 2011, FOR THE FOLLOWING PURPOSES: ELECT A MAYOR FOR A TWO (2) YEAR TERM, ELECT ONE (1) COUNCIL MEMBER FOR PLACE 4 FOR A TWO (2) YEAR TERM, ELECT ONE (1) COUNCIL MEMBER FOR PLACE 5 FOR A TWO (2) YEAR TERM, VOTING "FOR" OR "AGAINST" THE AUTHORIZATION OF THE MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE AT THE RATE OF ONE-FOURTH OF ONE PERCENT, PURSUANT TO CHAPTER 327 OF THE TEXAS TAX CODE, AS AMENDED, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF HAWK COVE, TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HAWK COVE, TEXAS, A BALLOT PROPOSITION ON THE ADOPTION OF THE MUNICIPAL DEVELOPMENT DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT; DEFINING THE BOUNDARIES OF THE HAWK COVE MUNICIPAL DEVELOPMENT DISTRICT; PROVIDING THE BOUNDARIES OF SAID DISTRICT SHALL CONFORM TO THE BOUNDARIES OF THE CITY OF HAWK COVE, TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HAWK COVE, TEXAS; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended, (hereinafter referred to as the "Code") establishes Saturday, May 14, 2011, as a "uniform election date" for the purposes of conducting an election; and

WHEREAS, the City Council of the City of Hawk Cove, Texas, ("City Council"), desires to call an election for the purpose of authorizing the municipal sales and use tax for street maintenance, at the rate of one-fourth of one percent, pursuant to Chapter 327 of the Texas Tax Code, as amended: and

WHEREAS, the City Council has on its own motion, determined to submit to the qualified voters of said City of Hawk Cove, Texas, and the extraterritorial jurisdiction ("ETJ") of the City of Hawk Cove, Texas, a ballot proposition to consider the adoption of a municipal development district sales and use tax, at the rate of one-fourth of one percent, authorized pursuant to Chapter 377 of the Texas Local Government Code.

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

Section 1. Findings.

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

Section 2. Election Order; Election Date; Purpose of Election.

That a general and special election in the City of Hawk Cove, Texas, and the extraterritorial jurisdiction of the City of Hawk Cove, Texas, shall be held on the 14th day of May, 2011, between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.), for the following purposes:

- (1) to elect a Mayor for a two (2) year term;
- (2) to elect a Council Member, for Place 4, for a two (2) year term;
- (3) to elect a Council Member, for Place 5, for a two (2) year term;
- (4) to consider the authorization of the municipal sales and use tax for street maintenance at the rate of one-fourth of one percent; and
- (5) to consider the adoption of the municipal development district sales and use tax, at the rate of one-fourth of one percent, authorized by chapter 377 of the Texas Local Government Code.

Section 3. Candidate Filing Deadline.

That candidates for Mayor, Council Member, for Place 4, and Council Member, for Place 5, may file with the City Secretary of the City of Hawk Cove, Texas, for one of the three (3) places beginning on Monday, February 12, 2011, and until 5:00 p.m. on March 14, 2011. Last day for a write-in candidate shall be 5:00 p.m. on March 21, 2011.

Section 4 Defining Boundaries of the Hawk Cove Municipal Development District.

That the boundaries of the Hawk cove Municipal Development District shall include all of the municipal boundaries of the City of Hawk Cove, Texas, and the extraterritorial jurisdiction of the City of Hawk Cove, Texas, as depicted in *Exhibit A*, which is attached hereto and Incorporated herein for all purposes. Pursuant to Section 377.021 (g) of the Texas Local Government Code, should the eligible voters approve the ballot proposition on the Hawk Cove Municipal Development District, the boundaries of the Hawk Cove Municipal Development District shall conform automatically to any subsequent changes in the boundaries of the city Limits of the City of Hawk Cove, Texas, or the boundaries of the extraterritorial jurisdiction of the City of Hawk Cove, Texas.

Section 5. Voting System, Ballot Proposition.

Voting on the date of the election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the election shall conform to the Texas Election Code, as amended, so as to permit the electors of the City of Hawk Cove, Texas, and the extraterritorial jurisdiction of the City of Hawk Cove, Texas, as applicable, to vote "For" or "Against" the ballot propositions. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Propositions shall be set Forth on said ballots in substantially the following form and language:

**GENERAL AND SPECIAL ELECTION
City and ETJ of the City of Hawk Cove, Texas
May 14, 2011**

OFFICIAL BALLOT

**Mayor
Council Member, Place 4
Council Member, Place 5**

**PROPOSITION NO. 1
Street Maintenance Sales and Use Tax Ballot Proposition**

**FOR _____
AGAINST _____**

"The authorization of the local sales and use tax in the City of Hawk Cove at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets."

**PROPOSITION NO. 2
Municipal Development District Sales and Use Tax Ballot Proposition**

**FOR _____
AGAINST _____**

"Authorizing the creation of the Hawk Cove Municipal Development District and the imposition of a sales and use tax at the rate of one-fourth of one percent for the purpose of financing development projects beneficial to the district."

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in the official newspaper of the City, or between April 14, 2011 and May 4, 2011;
- (b) Filing with the City Secretary, a copy of the notice of the election;
- (c) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election, by April 25, 2011; and
- (d) Delivering notice of the election to the Hunt County clerk not later than the 60th day before election day, or March 15, 2011.

The City Secretary shall file with the City Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

Section 13. Severability Clause.

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 14. Effective Date.

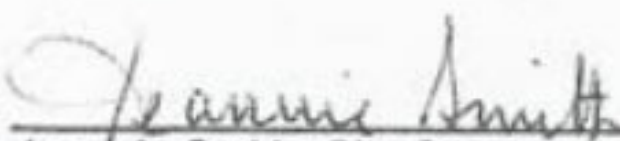
This Ordinance shall take effect immediately upon its adoption and passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS ON THIS 10 DAY OF March, 2011.



Billy Cosby, Mayor
City of Hawk Cove, Texas

ATTEST:



Jeannie Smith, City Secretary
City of Hawk Cove, Texas