

RESOLUTION NO. 2023-02

A RESOLUTION OF THE CITY OF BALCONES HEIGHTS ORDERING A SPECIAL ELECTION TO BE HELD JOINTLY WITH BEXAR COUNTY ON MAY 6, 2023 IN THE CITY OF BALCONES HEIGHTS IN RESPONSE TO THE CRIME CONTROL AND PREVENTION DISTRICT RESOLUTION FOR THE CONSIDERATION OF THE CONTINUATION OF THE CITY OF BALCONES HEIGHTS CRIME CONTROL AND PREVENTION DISTRICT FOR AN ADDITIONAL PERIOD OF TWENTY YEARS AND TO CONTINUE THE PRESENT SALES AND USE TAX FOR A LIKE PERIOD OF TIME AND FURTHER PROVIDING THE WORDING OF THE BALLOT. DESIGNATING THE MAIN EARLY VOTING PLACE FOR SUCH ELECTION; AND PROVIDING FOR AN ORDER AND NOTICE OF SUCH SPECIAL ELECTION; PROVIDING FOR THE BEXAR COUNTY ELECTION SYSTEM, DS200, AND EXPRESS TOUCH FOR EARLY VOTING IN PERSON, EARLY VOTING BY MAIL, ELECTION DAY VOTING AND PROVISIONAL BALLOTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Balcones Heights created a Crime Control and Prevention District pursuant to an election duly held in September, 1998, and which further authorized the sales and use tax for the district, and;

WHEREAS, the City of Balcones Heights Crime Control and Prevention District and the Balcones Heights Crime Control and Prevention District sales and use tax are set to expire on December 31, 2023; and

WHEREAS, on December 12, 2022 the City of Balcones Heights Crime Control and Prevention District ordered a special election to be held jointly with the City of Balcones Heights, and Bexar County requesting the City Council to call for an election and to add the following language to the ballot *“Whether the City of Balcones Heights Crime Control and Prevention District should be continued for up to 20 years and the Balcones Heights Crime Control and Prevention District sales and use tax for a like period of time”*; and

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said elections, and in order to comply with said Code, a resolution and order should be passed ordering said elections; and

WHEREAS, the election will be held jointly with Bexar County on May 6, 2023 pursuant to Section 271.002(a) of the Texas Election Code; and

WHEREAS, Bexar County and entities desire that a joint election be held in order to provide a convenient, simple, and cost-saving election to the voters in their respective jurisdictions; and

WHEREAS, the City desires to enter into an agreement setting out respective duties and responsibilities for the May 6, 2023 election; and

WHEREAS, a Public Hearing was conducted on December 12, 2022 at a Crime Control and Prevention District meeting and on January 23, 2023 at the Regular City Council meeting to afford the citizens an opportunity to express their views.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, BEXAR COUNTY, TEXAS THAT:

1. A special election for the consideration of the continuation of the City of Balcones Heights Crime Control and Prevention District and to continue the present sales and use tax for a like period of time shall be held in the City of Balcones Heights on May 6, 2023. At said election herein ordered all the qualified voters of the City of Balcones Heights shall be permitted to vote on the following proposition:

“Whether the City of Balcones Heights Crime Control and Prevention District should be continued for 20 years and the crime control and prevention district sales tax should be continued for 20 years.”

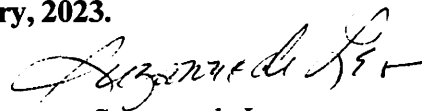
FOR: _____

AGAINST: _____

2. Voting on Election Day and during early voting shall be done on Election Systems & Software (ES&S) vendor, EVS6020 includes the DS200 precinct scanner, DS450 central scanner, DS 850 central scanner, and the Express Vote ballot marking device. The new voting system will be used for Early Voting and Election Day activities and requires adoption by the City of Balcones Heights.
3. The polling place designated for Balcones Heights voting precincts 2111 and 2146 for Early Voting for the May 6, 2023 Special Election shall be the Wonderland of Americas formerly known as Crossroads Mall located at 4522 Fredericksburg Rd., Balcones Heights, Texas, 78201. Dates for Early Voting to be determined by Bexar County and therefore will be posted accordingly.
4. Applications for ballot by mail shall be mailed to Bexar Elections Administrator, Jacquelyn F. Callanen, 1103 S. Frio St., Suite 100, San Antonio, Texas 78207. Applications for ballots by mail must be received by the Elections Administrator no later than the close of business on April 25, 2023.

5. Jacqueline F. Callanen, Bexar County Elections Administrator, is designated as the election officer to conduct the General Election of May 6, 2023 and Early Voting for the General Election. She shall appoint a sufficient number of clerks to assist in the proper conduct of the election and other persons to serve with her as Early Voting Ballot Board.
6. That notice of the May 6, 2023 Special Election of the City of Balcones Heights shall be posted and published in accordance with the Election Code of the State of Texas.
7. The Mayor is authorized to enter into a contract with Bexar County Elections Administrator to conduct the election ordered herein and committing to pay the fee charged by the Bexar County Elections Administrator for such services. The Mayor is furthermore authorized to enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.
8. That the returns of said election be made in accordance with the State Election Code and shall be canvassed by the City Council at a special City Council Meeting at a time to be set by Mayor in accordance with the Election Code of the State of Texas.
9. City Council has adopted a Resolution calling for a General Election and now adopts this Resolution calling for a Special Election and the City has met its legal requirements for calling such elections. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Election Code in carrying out and conducting the General and Special Elections, whether or not expressly authorized herein.
10. **Severability.** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.
11. That this Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 23rd day of January, 2023.



Suzanne de Leon
MAYOR

ATTEST:



Delia R. Sanchez
City Secretary