

ORDINANCE NO: 2025- 01

AN ORDINANCE OF THE CITY OF BAYOU VISTA, ORDERING A GENERAL AND SPECIAL ELECTION TO BE HELD ON MAY 3, 2025, FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN, AND CALLING FOR PROPOSITION 1 TO INCREASE THE CITY'S GENERAL PURPOSE SALES AND USE TAX PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE; MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL/GENERAL ELECTION; DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTION; PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYOU VISTA, TEXAS:

**SECTION 1:** In accordance with the Constitution and general laws of the State of Texas, a General Municipal Election is hereby called and ordered for the first Saturday in May, the same being the 3<sup>rd</sup> day of the month, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City each for a full Term through May 2027:

Alderman, Position 2  
Alderman, Position 3  
Alderman, Position 4

In accordance with the Constitution and general laws of the State of Texas, a **Special Municipal Election** is hereby called and ordered for the first Saturday in May 2025, the same being the 3<sup>rd</sup> day of said month, at which election all qualified voters of the City.

**WHEREAS**, the current sales and use tax rate within the City of Bayou Vista (the "City") is 8.00% and comprised of the following: the State of Texas sales and use tax (6.25%), the City's general-purpose sales and use tax (1.00%), the City's sales tax for the purpose to lower property taxes (.50%) and the City's street maintenance sales and use tax for repair of municipal streets (0.25%) and;

**WHEREAS**, the combined rate of all sales and use taxes levied by the City currently equals one and three fourths percent (1.75%). Which allows the City to increase its general purpose sales and use tax rate by one-fourth of one percent (0.25%); before reaching the maximum amount of two percent (2%) for local taxing entities; and

**WHEREAS**, Chapter 321 of the Texas Tax Code provides that a municipality may call an election on the question of increasing the sales and use tax rate to a total maximum tax rate of 8.25% in any given location; and

**WHEREAS**, the City Council has determined that an election should be held on a proposed increase of one-fourth on one percent (.25%) on the City's general purpose sales and use rate for the betterment of the City by funding such projects like infrastructure improvements, public safety initiatives, and beautification of public facilities; and

**WHEREAS**, upon arrival of the increase in the City's general purpose sales and use tax rate, the total combined rate of all taxes levied by the City shall equal two percent (2%).

**SECTION 2:** No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person shall file his or her sworn application, as provided by Section 141.031 of the Texas Election Code, with the City Secretary of the City at the City Office, located at 2929 Highway 6, Bayou Vista, Texas, 77563, **beginning on January 15, 2025** and **not later than five o'clock (5:00) p.m. on February 14, 2025.** The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the position the candidate is seeking.

**SECTION 3:** The present boundaries of the City constituting one (1) election precinct, the polls shall be open voting from seven o'clock (7:00) a.m., until seven o'clock (7:00) p.m., at the following polling place and the following are hereby appointed officers to conduct the election at said polling place:

**POLLING PLACE**

City of Bayou Vista, Texas  
Galveston County Municipal Utility District No. 12 – Reception Hall  
2929 Highway 6  
Bayou Vista, Texas 77563

The City of Bayou Vista, the Contracting Authority, contracted for Election Services with the Honorable Dwight D. Sullivan, County Clerk and County Election Officer for Galveston County, (Contracting Officer), to participate in a Local Entity County-wide Vote Center Election with the duties and services to be provided by the "Contracting Officer" as

specified in the Election Services contracted approved by the City Council, Regular Meeting of January 28, 2025.

**SECTION 4:** Early voting by personal appearance shall begin on **April 22, 2025**, the twelfth (12<sup>th</sup>) day preceding the date of the election and continuing through the **April 29, 2025**, between the hours of **8:00 a.m. and 5:00 p.m.** Furthermore, there shall be two (2) weekdays where polls are open for twelve (12) hours during the period of early voting by personal appearance. The days are as follows: **Monday, April 28, 2025, – 7:00 A.M. – 7:00 P.M. and Tuesday, April 29, 2025, – 7:00 A.M. – 7:00 P.M.**

The early voting mailing address to which ballot applications and ballots voted by mail shall be sent is:

Dwight Sullivan County Clerk and County Election Officer

P.O. Box 17253

Galveston, Texas 77552-7253

409-770-5108

**SECTION 5:** The Contract for Election Services is between the Galveston Election Division, as the Contracting Officer, and the City of Bayou Vista, passed and approved by the City Council of Bayou Vista on January 28, 2025, pursuant to Texas Election Code, Chapter 31, Subchapter D. The contract states that Galveston County shall be responsible for performing the following duties and furnishing the following services and equipment in connection with the election and any subsequent runoff.

- (1) Program or arrange to have programmed the electronic ballot.
- (2) Arrange to have published the legal notices of the first test of the electronic tabulating equipment as provided in Texas Election Code §127.096 and conduct all required tests of the electronic tabulating equipment under Texas Election Code §§127.096-127.098 and §§129.021-129.023. The first test shall be conducted at least five days prior to the election. In addition, it will be performed during normal business hours and be open to the public.
- (3) Provide technical and equipment support for the electronic poll pads, voting machines and equipment being provided by the County Election Officer and will remedy any equipment failure by phone or dispatch the appropriate technical support personnel and equipment.
- (4) On behalf of the City of Bayou Vista, obtain voter registration lists from the Voter Registrar to be used during Early Voting and on Election Day.
- (5) Provide Ballot by Mail services for the City of Bayou Vista.

- (6) Hire Judges, Alternate Judges, and clerks to serve as election workers at the polling location.
- (7) Select the countywide vote center polling locations in coordination with Bayou Vista and with the approval of Galveston County Commissioner's Court.
- (8) Provide the City and where possible the candidates running for office, with a sample ballot to proof and approve and provide corrections.

**SECTION 6.** The City, as the Contracting Authority, will be responsible to:

- (1) Prepare and submit any required submissions to the U.S. Department of Justice under the Federal Voting Rights Act of 1965 for its election and runoff election.
- (2) Publish notices of the election in accordance with §4.003 (a) of the Texas Election Code.
- (3) Provide Galveston County with the City's requirements for official voter registration lists for Early Voting and Election Day.
- (4) In accordance with the Texas Election Code §4.008 as amended, deliver written notice of the election to Galveston County.
- (5) Possibly modify election order after January 31, 2025, to reflect the actual early voting and election Day polling locations once the final polling locations once the final determination has been made as to which entities will actually be holding an election.
- (6) Provide Galveston County the language for any ballot propositions, the names of election contest, the names of candidates as they are to appear on the ballot, a copy of a sample ballot, ballot draw information and a completed "Requirements to Program the Ballots" form. These materials will be provided in an electronic form to Galveston County on or before February 13, 2025. All language on the ballot must be provided in both English and Spanish in a Word format. In addition, the City will provide to Galveston County the names, addresses, phone numbers and email addresses to all the candidates who are to appear on its ballot.
- (7) Return to Galveston County by March 18, 2025, confirmation that the sample ballots Galveston County has prepared and provided to the City are satisfactory or provide changes that need to be made. Galveston County intends to conduct the L&A test on the City's ballot no later than March 13, 2025. The City may either sent a representative to sign an affidavit signifying the ballot proofs are accurate and acceptable to send a signed electronic response approving the ballot.

(8) As required by §67.017 (b) and the Secretary of State's Office, make an electronic precinct-by-precinct report to the Secretary of State's Office by no later than the 30<sup>th</sup> date after the Election Day.

(9) Unless otherwise stipulated, Galveston County will transport or have the Presiding Election Judges transport on its behalf, the voting machines and equipment to and from the City's early voting and Election Day locations.

(10) Monitor, with the assistance of Galveston County, the overall conduct of its election in the Contracting Authorities jurisdiction including the supervision tabulation of results.

(11) City to pay a \$125 fee per Early Voting and Election Day polling location within its jurisdiction for additional support staff to provide the City and its Judges election support services throughout the term of the Contract.

**SECTION 7:** The candidate for each position receiving the highest number of all the votes cast shall be declared elected (plurality vote). In the event that two or more candidates for the same office tie for the number of votes, a second election to fill the office shall be held according to Texas Election Code.

**SECTION 8:** Pursuant to Chapter 146 of the Texas Election Code, write-in votes cast in the election shall not be counted unless the name written in appears on the list of write-in candidates. To be entitled to a place on the list of write-in candidates, a candidate must make a declaration of write-in candidacy. Such declaration is to be filed with the City Secretary not later than 5 p.m. on February 22, 2025, and all of said declarations shall be on a form prescribed by the Secretary of State.

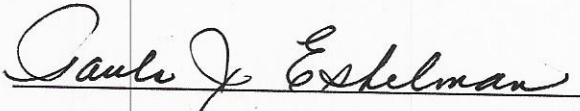
**SECTION 9:** The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice in her office, at least seventy-two hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by such candidate, shall have a right to be present and observe the drawing.

**SECTION 10:** Notice of this election shall be given in accordance with provisions of the Texas Election Code and returns of such notice shall be made as provided for in said

Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

**SECTION 11:** In the event any clause, phrase, provision, sentence, or part of this Ordinance of the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bayou Vista, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED, APPROVED, AND ADOPTED** this the 28th of January, 2025.

  
Paula J. Eshelman Mayor

**ATTEST:**



Lillian Salinas, City Administrator/City Secretary