

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF GALVESTON ON THE 5<sup>TH</sup> DAY OF NOVEMBER 2019, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF GALVESTON, TEXAS A PROPOSITION TO DETERMINE WHETHER THE CITY'S EXISTING ONE-HALF OF ONE PERCENT SALES AND USE TAX, COLLECTIVELY AUTHORIZED AT ELECTIONS HELD ON NOVEMBER 2, 1993, DECEMBER 4, 1994 AND NOVEMBER 4, 2008 UNDER FORMER SECTION 4B OF ARTICLE 5190.6 REV.CIV.STAT.ANN, NOW CODIFIED AS TEX.LOC. GOVERNMENT CODE CH. 505 BE EXTENDED FOR AN ADDITIONAL TWENTY YEARS TO EXPIRE ON APRIL 1, 2049 FOR THE FOLLOWING CATEGORIES OF PROJECTS TO BE FUNDED WITH THE SALES AND USE TAX AS APPORTIONED AND PROVIDED AS FOLLOWS: ONE-EIGHTH OF ONE PERCENT FOR BEACH REMEDIATION PROJECTS (INCLUDING BEACH RENOURISHMENT) ALONG THE GULF OF MEXICO, ONE-EIGHTH OF ONE PERCENT FOR RECREATIONAL FACILITIES (PARKS AND PARK FACILITIES), AND ONE-FOURTH OF ONE PERCENT FOR INFRASTRUCTURE PROJECTS INCLUDING DRAINAGE AND STREET IMPROVEMENTS, SANITARY SEWER IMPROVEMENTS, RAIL SPURS; AIRPORT PROJECTS; PROJECTS RELATED TO THE CREATION, EXPANSION, OR RETENTION OF PRIMARY JOBS, AND PORT RELATED FACILITY PROJECTS TO SUPPORT WATERBORNE COMMERCE; INCLUDING THE MAINTENANCE AND OPERATION OF SUCH PROJECTS, ALL AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE CHAPTERS 501, 504 AND 505, PROVIDING THE MEANS AND METHODS OF CONDUCTING THE ELECTION; DESIGNATING THE POLLING PLACES; APPOINTING OFFICIALS OF THE ELECTION; DESIGNATING HOURS FOR VOTING; PROVIDING FOR PUBLICATION OF NOTICE OF THE ELECTION; PROVIDING FOR BILINGUAL ELECTION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; DECLARING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE FOR THE PROPOSED AMEDMENTS; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Council desires to submit to the qualified voters of the City of Galveston, Texas a proposed extension to April 1, 2049 of the City's existing one-half of one percent sales and use tax pursuant to Texas Local Government Code Ch. 505 Charter; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that political subdivisions, such as the City of Galveston, may call and hold elections only at certain dates in the year; and

WHEREAS, November 5, 2019, a uniform election date, is a date that the City of Galveston may hold an election to submit amendments to the City Charter under the provisions of Section 41.001 of the Texas Election Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. It is ordered that an election be held on the 5<sup>th</sup> day of November, 2019, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., at which election the following proposition for extension of the City's pre-existing one-half of one percent sales and use tax under Texas Local Government Code Chapters 501, 504 and 505 be extended until April 1, 2049 for the following categories of projects to be funded with the sales and use tax as apportioned and provided as follows: one-eighth of one percent for beach remediation projects (including beach renourishment) along the Gulf of Mexico; one eighth of one percent for recreational facilities (parks and park facilities: and one-fourth of one percent for infrastructure projects including drainage and street improvements, sanitary sewer improvements and rail spurs, airport projects, projects related to the creation, expansion, or retention of primary jobs and port related facility projects to support waterborne commerce and the maintenance of such projects and with such apportionment and use of the sales and use tax being subordinate to the current pledge and use of the existing sales and use tax for payment of debt service associated with currently outstanding bonds, shall be submitted to the qualified voters of the City for their action thereon.

**PROPOSITION ONE**

(Relating the extension of the City's preexisting one-half of one percent sales tax for categories of projects until April 1, 2049)

**SHALL THE CITY'S PRE-EXISTING ONE-HALF OF ONE PERCENT SALES AND USE TAX UNDER TEXAS LOCAL GOVERNMENT CODE CH. 505 BE EXTENDED FOR AN ADDITIONAL TWENTY YEARS TO EXPIRE ON APRIL 1, 2049 FOR THE FOLLOWING CATEGORIES OF PROJECTS TO BE FUNDED WITH THE SALES AND USE TAX AS APPORTIONED AND PROVIDED BELOW, ONE-EIGHTH OF ONE PERCENT FOR BEACH REMEDIATION PROJECTS (INCLUDING BEACH RENOURISHMENT) ALONG THE GULF OF MEXICO; ONE-EIGHTH OF ONE PERCENT FOR RECREATIONAL FACILITIES (PARKS AND PARK FACILITIES); AND ONE-FOURTH OF ONE PERCENT FOR INFRASTRCTURE PROJECTS INCLUDING DRAINAGE AND STREET IMPROVEMENTS, SANITARY SEWER IMPROVEMENTS, AND RAIL SPURS, AIRPORT PROJECTS, PROJECTS RELATED TO THE CREATION, EXPANSION, OR RETENTION OF PRIMARY JOBS, AND PORT RELATED FACILITY PROJECTS TO SUPPORT WATERBORNE COMMERCE, INCLUDING THE MAINTENANCE AND OPERATION OF SUCH PROJECTS?**

SECTION 3. The Proposition as detailed in Section 2 above shall appear on the ballot of this election in the following form:

**SPECIAL ELECTION**

**City of Galveston, Texas**

**November 5, 2019**

**OFFICIAL BALLOT**

**PROPOSITION ONE**

**SHALL THE CITY'S PRE-EXISTING ONE-HALF OF ONE PERCENT SALES AND USE TAX UNDER TEXAS LOCAL GOVERNMENT CODE CH. 505 BE EXTENDED FOR AN ADDITIONAL TWENTY YEARS TO EXPIRE ON APRIL 1, 2049 FOR THE FOLLOWING CATEGORIES OF PROJECTS TO BE FUNDED WITH THE SALES AND USE TAX AS APPORTIONED AND PROVIDED BELOW, ONE-EIGHTH OF ONE PERCENT FOR BEACH REMEDIATION PROJECTS (INCLUDING BEACH RENOURISHMENT) ALONG THE GULF OF MEXICO; ONE-EIGHTH OF ONE PERCENT FOR RECREATIONAL FACILITIES (PARKS AND PARK FACILITIES); AND ONE-FOURTH OF ONE PERCENT FOR INFRASTRUTCTURE PROJECTS INCLUDING DRAINAGE AND STREET IMPROVEMENTS, SANITARY SEWER IMPROVEMENTS, AND RAIL SPURS, AIRPORT PROJECTS, PROJECTS RELATED TO THE CREATION, EXPANSION, OR RETENTION OF PRIMARY JOBS, AND PORT RELATED FACILITY PROJECTS TO SUPPORT WATERBORNE COMMERCE, INCLUDING THE MAINTENANCE AND OPERATION OF SUCH PROJECTS?**

- FOR
- AGAINST

As to the foregoing propositions, each voter shall indicate his/her vote by marking the appropriate box which registers either a vote "FOR" or a vote "AGAINST" the proposition.

SECTION 4. The Special Election hereby ordered and called shall be held and conducted in accordance with all applicable provisions of the provisions of this Ordinance, the requirements of the Charter of the City of Galveston, and the Constitution and laws of the State of Texas regulating the holding of elections. The election called and ordered shall also be conducted in accordance with the provisions of the Election Services Agreement by and between the City and Galveston County (approved by City Council on \_\_\_\_\_). The ballots used in voting herein shall conform to all requirements of the laws of the State of Texas governing same.

SECTION 5. (a) In accordance with Chapter 43 and other applicable provisions of the Texas Election Code, this election shall be conducted utilizing countywide polling places as designated by the County of Galveston. The City Council hereby designates the locations listed in **Exhibit 1** as additional countywide polling places to be utilized for this joint election.

(b) The County of Galveston shall appoint eligible persons as presiding election judges and alternate presiding election judges to conduct the election in the respective voting precincts in accordance with the Texas Election Code.

(c) The presiding judge of each such Election Precinct shall appoint at least two (2), but no more than five (5), qualified voters to serve as election clerks. The alternate presiding judge shall serve as one of the clerks in an election conducted by the regularly appointed presiding judge. At least one clerk who is Spanish speaking shall be appointed to serve at each polling place. Compensation for the election judge and the alternate judge and clerks shall be fixed at a rate of \$10.00 per hour.

SECTION 6. The Special Election hereby called shall be held between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. on November 5, 2019, at the above designated polling places by such eligible persons designated by the County of Galveston and in accordance with state law.

SECTION 7. Voting machines and/or ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of voting machines, ballot boxes, and elections. The Hart Intercivic Direct Record Electronic (DRE) Machine will be utilized in this election.

SECTION 8. (a) In compliance with Section 271.006 of the Texas Election Code, Dwight D. Sullivan, Galveston County Clerk is appointed as the Early Voting Clerk. Other deputy early voting clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance. The main early voting polling place is designed as the Galveston County Justice Center, 600 – 59th Street, 2nd Floor Conference Room, Galveston, Texas 77551. Early voting by personal appearance is also available at the Galveston County Courthouse, 722 Moody (21st Street), Galveston, Texas 77550, the Joe Faggard Community Center, 1750 Highway 87, Crystal Beach, Texas 77650, and such other early voting polling places as designated by the Early Voting Clerk.

(b) Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. The Early Voting Clerk's address to which ballot applications and ballots voted by mail may be sent to: Dwight D. Sullivan, Early Voting Clerk, County of Galveston, P. O. Box 17253, Galveston, Texas 77553-7253; or may be delivered to Dwight D. Sullivan, Early Voting Clerk, County of Galveston, 600 – 59th Street, 2nd Floor, Galveston, Texas 77551. The first day to apply for a ballot by mail was January 1, 2019, and the last day to apply is October 25, 2019 (received, not postmarked). The deadline for a Federal Post Card Application is May 2, 2014.

(c) Early voting by personal appearance shall begin on Monday, \_\_\_\_\_, and end on Tuesday, \_\_\_\_\_, and shall be conducted during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of Operation</i>
Monday		8:00 a.m. until 5:00 p.m.
Tuesday		8:00 a.m. until 5:00 p.m.
Wednesday		8:00 a.m. until 5:00 p.m.
Thursday		8:00 a.m. until 5:00 p.m.
Friday		8:00 a.m. until 5:00 p.m.
Monday		7:00 a.m. until 7:00 p.m.
Tuesday		7:00 a.m. until 7:00 p.m.

There will be no early voting by personal appearance on Saturday, November 2, 2019 and Sunday, November 3, 2019.

(d) The City Council hereby appoints Douglas Godinich to the Early Voting Ballot Board.

Compensation for members of the Early Voting Ballot Board shall be the same as that fixed for presiding election judges, except that if the Board completes the work in less than 10 hours, the member may be paid for ten (10) hours in accordance with section 87.005 of the Texas Election Code.

SECTION 9. (a) Notice of said election shall be given (1) by filing a copy of this election Ordinance with the City Secretary, and (2) by publication as required by state law. The notice shall be in accordance with state law.

(b) The Mayor is hereby authorized to sign an "Order of Election" and "Notice of Special Election." Council directs the City Secretary to post the "Order of Election" and publish and post the "Notice of Special Election" in both English and Spanish in accordance with state law.

SECTION 10. Officers of the election shall immediately at the close of the election return to the City Council the results of the election in respect to each voting precinct. The City Council shall canvass the returns and declare the results of the election as provided in the agreement between the City and the County and as permitted by law.

SECTION 11. The provisions of 52 U.S.C.A §10503, 28 C.F.R. Part 55, and section 272.001, et. seq., of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing, programming, and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to the electoral process, including ballots, and all such election materials shall be printed, programmed, processed, and/or provided in the Spanish language as well as the English language; and at each Election Precinct there shall be a Judge, Alternate Judge or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

SECTION 12. The County of Galveston shall appoint eligible persons in the following capacities in accordance with the Texas Election Code and those persons shall have the duties and responsibilities as prescribed by state law:

Central County Station Manager, Clerk, Tabulation Supervisor, Assistant to Tabulation Supervisor, Judge of the Central County Station, and Clerks.

SECTION 13. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with federal, state, and local law in the conduct thereof. This will be provided through the Election Services of Galveston County.

SECTION 14. The Mayor shall issue all necessary orders, writs, and notices for the election, and returns of the election shall be made to the presiding officer of the City Council immediately after the closing of the polls. The City Council reserves the right to amend or modify this ordinance, including, but not limited to, the propositions submitted, ballot language, election judges, precincts, and election clerk compensation.

SECTION 15. A copy of this Ordinance shall be delivered to the presiding judges, along with the election judges' notice of appointment.

SECTION 16. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 17. It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by the Texas Open Meetings Act and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

SECTION 18. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 19. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 20. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

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DONALD GLYWASKY  
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the \_\_\_\_ day of August 2019, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_ day of August 2019.

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JANELLE WILLIAMS  
City Secretary for the City Council  
of the City of Galveston, Texas