

ORDINANCE NO. _____

ONE READING ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF CORPUS CHRISTI, TEXAS TO REPURPOSE A LOCAL SALES AND USE TAX TO PROVIDE FUNDS FOR DOWNTOWN SEAWALL FLOOD CONTROL STRUCTURES AND OTHER CITY-WIDE FLOOD CONTROL, DRAINAGE AND COASTAL RESILIENCY PROJECTS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION

WHEREAS, the City Council (the *Council*) of the City of Corpus Christi, Texas (the *City*), located in Nueces, San Patricio, Aransas and Kleberg Counties, Texas, hereby finds and determines that an election should be held to establish whether the City will be authorized to repurpose a local sales and use tax as further described in this ordinance (the *Election*); and

WHEREAS, the majority of registered voters voting in an election held on November 7, 2000 (the *2000 Election*) authorized the City to adopt a sales and use tax at a rate of 1/8 of 1% (the *Type A Sales Tax*) for 25 years for the purpose of maintaining and operating the downtown Seawall as permitted by Section 4A, Texas Development Corporation Act of 1979 (*Section 4A*), now codified as Chapter 504, Texas Local Government Code (*Chapter 504*); and

WHEREAS, the Type A Sales Tax is administered by the Corpus Christi Business and Job Development Corporation under Section 4A (the *Type A Corporation*); and

WHEREAS, while the Type A Sales Tax will soon expire, Chapter 505, Texas Local Government Code (*Chapter 505*) permits the City to repurpose the Type A Sales Tax voted authorization through the abolition of the Type A Sales Tax and the adoption of a sales and use tax pursuant to Chapter 505 (the *Type B Sales Tax*) to be administered by the Corpus Christi B Corporation (the *Type B Corporation*); and

WHEREAS, Chapter 505 further permits the City to submit to the electorate new categories of projects to be administered by the Type B Corporation under Chapter 505, including downtown seawall flood control structures and other City-wide flood control, drainage, stormwater, and coastal resiliency; and

WHEREAS, the Council finds and determines that infrastructure improvement projects pertaining to City-wide flood control, drainage, stormwater, and coastal resiliency are necessary for the promotion and development of new and expanded business enterprises within the City; and

WHEREAS, the Council hereby finds and determines that asking the electorate to repurpose the Type A Sales Tax for new purposes and duration as permitted by Chapter 505 and as detailed in the measure below is in the best interest of the public; and

WHEREAS, should the electorate approve the changes proposed by the measure in this ordinance, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed 2%, in compliance with Section 327.004, Texas Tax Code; and

WHEREAS, the City will contract with the county clerk of Nueces County (the *County Clerk*) to conduct all aspects of the Election; and

WHEREAS, the City does not currently have registered voters in San Patricio, Aransas, or Kleberg Counties but, to the extent necessary, the City may also contract with these counties to conduct the Election; and

WHEREAS, the Election may be held jointly with other political subdivisions (collectively, the *Participants*), as provided pursuant to an election services agreement, a joint election agreement, or similar contract between or among (as applicable) the City, any Participants, and the respective election officials of Nueces, San Patricio, Aransas or Kleberg Counties, entered into according to the Texas Election Code, as amended (the *Code*); and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS THAT:

SECTION 1. The Election shall be held in the City of Corpus Christi, Texas on November 5, 2024 (*Election Day*), which is a uniform election date under the Code not less than 78 days from the date of the adoption of this ordinance, for the purpose of submitting the following measure to the qualified voters of the City:

CITY OF CORPUS CHRISTI MEASURE F
(CITY-WIDE FLOOD CONTROL, DRAINAGE AND COASTAL RESILIENCY)

Shall the City Council of Corpus Christi, Texas, be authorized to repurpose the expiring Type A sales and use tax of 1/8 of 1% (being 0.125 cents per \$1) for seawall improvements by the adoption of a Type B sales and use tax at the rate of 1/8 of 1% (being 0.125 cents per \$1), with annual sales tax collections being used for promotion and development of new and expanded business enterprises limited to infrastructure improvement projects pertaining to downtown seawall flood control structures and other City-wide flood control, drainage, stormwater, and coastal resiliency projects, to be imposed for 20 years, to be administered by the Corpus Christi B Corporation under Chapter 505 of the Texas Local Government Code?

SECTION 2. A. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in Exhibit B to this ordinance (which will be approved and attached hereto, and incorporated herein, when such polling places are determined by Nueces County). In compliance with the Texas Election Code, the County Clerk will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election. The Mayor, the City Manager, City Secretary, or their designees can correct, modify, or change the Exhibits to this ordinance based upon the final locations and times agreed upon by the City, the County, and the Participants, if any and as applicable, to the extent permitted by applicable law. To the extent required by the Texas Election Code or other applicable law, the appointment of election officials at polling locations must include a person fluent in the Spanish language. The election will be conducted in accordance with applicable law.

B. On Election Day, the polls shall be open as designated on Exhibit B.

C. The main early voting location is designated in Exhibit A to this ordinance (which will be approved and attached hereto, and incorporated herein, when such voting location is determined by Nueces County). The individual named as the Early Voting Clerk as designated in Exhibit A is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerk. This main early voting locations and any branches shall remain open to permit early voting on the days and at the times as stated in Exhibit A.

D. The County Clerk is authorized to establish an Early Voting Ballot Board for their respective counties and to designate the Presiding Judge of such Early Voting Ballot Board. The Presiding Judges of the Early Voting Ballot Board shall appoint two or more additional members to constitute their respective Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

SECTION 3. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance, and when required by the Code, at least one accessible voting system per polling place will be provided. Certain early voting may be conducted by mail according to the Code.

SECTION 4. The Council authorizes the County Clerk to utilize a Central Counting Station (the *Station*) as provided by the Code. The County Clerk, or designee thereof, is hereby appointed as the Manager of the Station who will establish a written plan for the orderly operation of the Station according to the Code. The Council authorizes the County Clerk, or the designee thereof, to appoint the Presiding Judge, the Tabulation Supervisor, and the Programmer of the Station and may appoint Station clerks as needed or desirable. The County Clerk will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks according to the Code.

SECTION 5. The official ballot shall be prepared according to the Code to permit voters to vote “FOR” or “AGAINST” the aforesaid measure which shall appear on the ballot substantially as follows:

CITY OF CORPUS CHRISTI MEASURE F
(CITY-WIDE FLOOD CONTROL, DRAINAGE AND COASTAL RESILIENCY)

Repurposing the expiring Type A sales and use tax of 1/8 of 1% (being 0.125 cents per \$1) for seawall improvements by the adoption of a Type B sales and use tax at the rate of 1/8 of 1% (being 0.125 cents per \$1), with annual sales tax collections being used for promotion and development of new and expanded business enterprises limited to infrastructure improvement projects pertaining to downtown seawall flood control structures and other City-wide flood control, drainage, stormwater, and coastal resiliency projects, as authorized by the Development Corporation Act and available to Type B corporations, to be imposed for 20 years.

SECTION 6. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the Texas Election Code and as may be required by other law. To the extent required by law, materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published in a newspaper of general circulation in the City not more than 30 nor less than 10 days before Election Day. Moreover, notice of election, including a Spanish translation thereof, shall be posted not less than 21 days before Election Day on the electronic bulletin board used for posting notices of Council meetings and on the City’s internet website.

SECTION 8. The Council has authorized the City Manager, Assistant City Manager, City Secretary, or their respective designees to negotiate and enter into one or more joint election agreements, election service contracts, and/or similar contracts or agreements with the Nueces County, acting by and through the County Clerk, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the Texas Election Code. In addition, the Council authorizes the City Manager, Assistant City Manager, City Secretary, or their respective designees to make such technical modifications to this ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein.

SECTION 9. 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 Council.

SECTION 10. All ordinances and 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.

SECTION 11. This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 12. 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, 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.

SECTION 13. 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 Council hereby declares that this ordinance would have been enacted without such invalid provision.

SECTION 14. Upon written request of the Mayor or five City Council members, copy attached, the City Council: (1) finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City's affairs and (2) suspends the Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and takes effect upon first reading as an emergency measure on this 13th day of August, 2024.

Corpus Christi, Texas

_____ day of _____, _____

TO THE MEMBERS OF THE CITY COUNCIL
Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced or at the present meeting of the City Council.

Respectfully,

Respectfully,

Paulette Guajardo
Mayor

Council Members

The above ordinance was passed by the following vote:

Paulette Guajardo	_____
Roland Barrera	_____
Sylvia Campos	_____
Gil Hernandez	_____
Michael Hunter	_____
Jim Klein	_____
Mike Pusley	_____
Everett Roy	_____
Dan Suckley	_____

PASSED AND ADOPTED on August 13, 2024.

CITY OF CORPUS CHRISTI, TEXAS

Paulette Guajardo
Mayor

ATTEST:

Rebecca Huerta
City Secretary

(CITY SEAL)

[Signature Page to ordinance Calling a Special Election]