

DRAFT

Ordinance ordering a special election to be held on November 8, 2016, in the City of Corpus Christi on the questions of: (1) abolishing the one-eighth of one percent sales tax approved by the voters on November 5, 2002 for economic development, baseball stadium and affordable housing, administered by a Type A corporation governed by Chapter 504 of Texas Local Government Code and adopting a one-eighth of one percent sales and use tax for 20 years to be administered by a Type B corporation governed by Chapter 505 of Texas Local Government Code for economic development, affordable housing and arterial and collector streets; (2) continuing the Corpus Christi Crime Control and Prevention District and associated sales tax for 10 years; and (3) providing for consideration of amendments to the Charter of the City of Corpus Christi; providing for procedures for holding such election; providing for notice of election and publication thereof; providing for establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County; and enacting provisions incident and relating to the subject and purpose of this ordinance.

WHEREAS, Texas Election Code § 3.004 provides that the governing body shall order elections pertaining to municipal affairs, give notice and appoint election officers to hold the election; and

WHEREAS, Nueces County will be conducting an election on November 8, 2016, and the City desires to conduct its election on that date to obtain the efficiencies of a joint election;

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

SECTION 1. A Special City election (hereinafter the "Election") shall be held in the City of Corpus Christi, Texas on November 8, 2016, for the purpose of submitting to the voters of the City ballot propositions on the questions of:

(1) abolishing the one-eighth of one percent sales and use tax approved by the voters on November 5, 2002 for economic development, baseball stadium and affordable housing, administered by a Type A corporation governed by Chapter 504 of Texas Local Government Code and adopting a one-eighth of one percent sales and use tax for 20 years to be administered by a Type B corporation governed by Chapter 505 of Texas Local Government Code for economic development, affordable housing and arterial and collector streets (Type A sales taxes other than the one-eighth of one percent sales tax approved on November 5, 2002 are not intended to be modified pursuant to this Election);

(2) continuing the Corpus Christi Crime Control and Prevention District and associated sales tax for 10 years; and

(3) providing for consideration of amendments to the Charter of the City of Corpus Christi.

SECTION 2. At the Election, all the qualified voters of the City of Corpus Christi shall be permitted to vote.

SECTION 3. The eSlate direct recording equipment (DRE) shall be employed at the Election in accordance with the Texas Election Code and the Election shall be held at the polling places in the regularly prescribed precincts of the City of Corpus Christi, as set forth on **Attachment A** hereto incorporated by reference and made part of this ordinance. The Election shall be held in accordance with the Election Laws of the State of Texas. The polls shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

SECTION 4. The City Secretary shall conduct the Election as directed by ordinance of the City Council and by law in accordance with the joint election agreement to be entered into with Nueces County.

SECTION 5. Early voting in person at each of the temporary branch polling places shall be conducted as follows:

Early voting in person may be conducted at the main early voting polling place located in the first floor lobby of the Nueces County Courthouse, 901 Leopard, and at the temporary branch polling places set forth in **Attachment B**, incorporated by reference and made a part of this ordinance (said **Attachment B** to be approved and attached when the temporary branch polling places are determined by Nueces County) hereby established as follows. Early voting in person may be conducted at the mobile temporary branch polling places set forth in **Attachment C**, incorporated by reference and made a part of this ordinance, during the days and hours specified therein (said **Attachment C** to be approved and attached when the mobile temporary branch polling places are determined by Nueces County). The City Secretary is authorized in the event of an emergency, preventing any of the designated polling places from being utilized, to provide for suitable replacement locations.

Each branch polling place and the main early polling place shall serve all Election precincts.

SECTION 6. The City Secretary is directed to post and publish such election notices as are required by the election laws of the State of Texas. The City Secretary is further appointed as the authority and officer responsible for the conduct of said Election and is hereby authorized and directed to make all necessary arrangements for the holding of said Election in accordance with and subject to the laws of this State including not limited to coordinating the election process, including use of tabulation equipment, supplies and printing of ballots, in accordance with the joint election agreement to be executed with Nueces County.

SECTION 7. At the Election, the voters shall be presented with the following propositions (in English and Spanish) in the form prescribed by the Texas Election Code:

PROPOSITION NO. 1

ABOLISH PART OF TYPE A SALES TAX AND ADOPT TYPE B SALES TAX

FOR _____
AGAINST _____

The abolition of the additional sales and use tax within the city in the amount of one-eighth of one percent approved by the voters on November 5, 2002 for new and expanded business enterprises, baseball stadium, and affordable housing, administered by a Type A corporation governed by Chapter 504 of the Texas Local Government Code, and the adoption of an additional sales and use tax within the City of Corpus Christi at the rate of one-eighth of one percent, to be administered by a Type B corporation governed by Chapter 505 of the Texas Local Government Code, to be effective for 20 years after an effective date of October 1, 2017, with the use of the proceeds for:

- (1) Minimum of Fifty percent for Economic Development, specifically the promotion and development of new and expanded business enterprises to the full extent allowed by Texas law;
- (2) Up to \$500,000 annually on affordable housing; and
- (3) Balance of proceeds to be used for construction, maintenance and repair of arterial and collector streets and roads."

PROPOSITION NO. 2
CONTINUATION OF CRIME CONTROL DISTRICT

FOR _____
AGAINST _____

Whether the Corpus Christi Crime Control and Prevention District should be continued for ten years and the crime control and prevention district sales tax should be continued for ten years.

PROPOSITION NO. 3
RESIDENTIAL STREET RECONSTRUCTION TAX

FOR _____
AGAINST _____

To amend the City Charter to establish a dedicated fund to be used solely for residential street reconstruction and authorizing the City Council to levy, assess and collect a property tax not to exceed Six Cents per one hundred dollars of assessed value for the purpose of residential street reconstruction, to be gradually implemented at a rate of not more than two cents per one hundred dollars of assessed value per year.

PROPOSITION NO. 4
DESIGNATION OF MAYOR PRO TEM

FOR _____
AGAINST _____

To amend the City Charter to provide that in the event of disability of the Mayor for more than 30 days, the Council Member elected at large who received the highest number of votes shall become the Mayor Pro Tem and act as the Mayor during the period of disability.

PROPOSITION NO. 5
INCREASE TERM FOR PROCUREMENT OF AUDITOR CONTRACTS

FOR _____
AGAINST _____

To amend the City Charter to allow for procurement of contracts for independent auditor with terms up to five years.

PROPOSITION NO. 6
ALLOW APPOINTMENT OF ALTERNATE MEMBERS TO CIVIL SERVICE BOARD

FOR _____
AGAINST _____

To amend the City Charter to provide for the appointment of two alternate members to the Civil Service Board.

PROPOSITION NO. 7
COMPLY WITH STATE LAW TO ALLOW CITY EMPLOYEES TO FILE FOR ELECTION TO MUNICIPAL OFFICE

FOR _____
AGAINST _____

To amend the City Charter to eliminate the prohibition on City employees filing for nomination or election to municipal public office to comply with Texas Local Government Code Section 150.041.

PROPOSITION NO. 8
ALLOW ISSUANCE OF BONDS IN ACCORDANCE WITH STATE LAW

FOR _____
AGAINST _____

To amend the City Charter to provide authority to issue bonds in accordance with the laws of the State of Texas.

PROPOSITION NO. 9

AMEND WAITING PERIODS FOR CITY LEASES

FOR _____
AGAINST _____

To amend the City Charter to clarify the approval process for leases, update the statutory reference, and eliminate the waiting periods for leases and lease amendments which do not exceed 5 years.

PROPOSITION NO. 10 UPDATE LEGAL REFERENCES AND CLARIFY GENERAL POWERS

FOR _____
AGAINST _____

To amend the City Charter to update legal references in the General Powers section and clarify the General Powers.

PROPOSITION NO. 11 CLARIFY PURCHASING PROCEDURES TO COMPLY WITH STATE LAW

FOR _____
AGAINST _____

To amend the City Charter to clarify the procedures regarding purchases and contracts in conformity with State law.

SECTION 8. Adoption of Proposition No. 3 would amend the City Charter, ARTICLE VIII, TAXATION AND BONDS, Section 1, as follows:

Sec. 1. - Taxation.

(a) The city council shall have power, and is hereby authorized annually, after the budget is adopted, to levy and collect taxes up to the maximum authorized by the Constitution of Texas based on the assessed value of all real and personal property in the city, not exempt by the Constitution and laws of Texas from taxation; provided that, except as provided in paragraph (b) and paragraph (c) below, the maximum tax rate for all purposes shall not exceed sixty-eight cents (\$0.68) per one hundred dollars (\$100.00) of assessed value. The maximum tax rate limitation shall remain in full force and effect until changed by Charter amendment or by ordinance duly adopted after a referendum election at which a majority of the registered voters voting at such election approved adoption of the ordinance.

(b) The maximum tax rate the city council may levy in support of debt service for any tax-supported obligations which are authorized by the voters of the city at an election held

after April 4, 1993, shall be limited to the tax rate limitation provided in the Texas Constitution. In the event any such voter-approved obligations are refunded by the issue of refunding obligations as authorized under Texas law, the debt service on such refunding obligations shall be subject to the maximum tax rate limitation in paragraph (a) above unless: (i) the refunding results in a net present value savings to the city as determined by the Texas Attorney General, or (ii) such refunding obligations are authorized by the voters of the city at an election held for such purpose.

(c) A dedicated fund to be used solely for residential street reconstruction is established, and the city council is authorized each year to levy, assess and collect a property tax not to exceed Six cents (\$0.06) per one hundred dollars (\$100.00) of assessed value for the purpose of residential street reconstruction to be deposited in such fund. Said taxes shall be used solely for the purpose of residential street reconstruction, including associated utilities work and professional engineering services, and shall be implemented gradually at a rate not to exceed two cents (\$0.02) per one hundred dollars (\$100.00) of assessed value per year. For the purposes of this provision, the term "reconstruction" is defined as removing all or a significant portion of the pavement material and replacing it with new or recycled materials. The dedicated fund established by this subsection (c) may not be used for payment of debt service.

~~(c-)~~ (d) If for any cause the city council shall fail or neglect to pass a tax ordinance for any year, levying taxes for that year, the tax ordinance last passed shall be considered in force and effect as the tax ordinance for the year for which the city council so failed to pass a tax ordinance, and the failure to pass such ordinance in any year shall not invalidate the collection of the tax for that year.

~~(d)~~ (e) The city council may also prescribe the date when taxes shall become due and prescribe penalties for nonpayment before they become delinquent.

~~(e)~~ (f) The city council may also levy, assess and collect any other types of taxes as provided by state law, provided that no such tax shall be greater than is authorized by such statute.

SECTION 9. Adoption of Proposition No. 4 would amend the City Charter, ARTICLE II, CITY COUNCIL, Section 5, as follows:

Sec. 5. Disability of Mayor.

If for any reason the mayor is absent from the city or unable to perform the duties of his or her office, the mayor pro tem shall act as mayor and during such absence or disability shall perform the duties and have the powers of the mayor; provided that, in the event that any disability of the mayor extends for a period longer than thirty (30) days, the council member elected at large who received the highest number of votes at the most recent City Council election shall become mayor pro tem and shall act as mayor for the remainder of the period of such disability. He or she shall have all of the authority, rights and benefits of the mayor during such period.

SECTION 10. Adoption of Proposition No. 5 would amend the City Charter, ARTICLE II, CITY COUNCIL, Section 27, as follows:

Sec. 27. - Independent audit.

The council shall provide for an independent annual audit for all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, ~~without requiring competitive bids,~~ procure designate such accountant or firm annually or for a period not exceeding ~~three~~ five years, provided that the designation for any particular fiscal year shall be made no later than thirty days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

SECTION 11. Adoption of Proposition No. 6 would amend the City Charter, ARTICLE VII, EMPLOYMENT REGULATIONS, Section 2, as follows:

Sec. 2. Civil Service Board.

There shall be a civil service board, which shall consist of three persons, citizens of Corpus Christi. No member of the board shall during his or her tenure be a candidate for or hold any city office or position, and no member of the board shall during his or her tenure hold any other public office, except notary public. The city council shall appoint the members of such board. The city council shall appoint two alternate members to serve for absent board members. The term of office of each member and alternate member of such board shall be for three years, or until a successor is appointed. The civil service board, subject to the approval of the council, shall adopt, amend and enforce a code of rules and regulations providing for appointment, employment or suspension in all positions in the classified service. The civil service board established herein shall promulgate rules and regulations that insure fair treatment of employees in hiring, promotions, grievances and disciplinary actions including suspensions, dismissals, or terminations in accordance with the policy stated herein.

SECTION 12. Adoption of Proposition No. 7 would amend the City Charter, ARTICLE VII, EMPLOYMENT REGULATIONS, Section 5, as follows:

Sec. 5. - Officers and employees, candidacies.

(a) A member of the city council may file as a candidate for nomination or election to any public office, including a position under this Charter. Upon the election or appointment to a non-city public office, such council member shall forfeit his or her office as a member of the council.

(b) A member of a city board, commission or committee may file as a candidate for nomination or election to any non-city public office. Upon the election or appointment to

a non-city public office or upon the filing as a candidate for any position under this Charter, such board, commission or committee member shall forfeit his or her position.

(c) A city employee may file as candidates for nomination or election to any non-city public office and may serve in such position if elected or appointed, so long as such activities do not interfere with his or her city employment contrary to ordinances and administrative regulations. ~~If any city employee shall file as a candidate for nomination or election to a position under this Charter, such employee shall forfeit his or her employment with the city.~~

SECTION 13. Adoption of Proposition No. 8 would amend the City Charter, ARTICLE VIII, TAXATION AND BONDS, Section 2, as follows:

Sec. 2. Authority to Issue Bonds

~~(a) The city council shall have the power and authority by resolution duly passed, to borrow money on the credit of the city and may issue bonds of the city therefor. It shall also have the power and is hereby authorized to issue bonds for the purpose of refunding outstanding bonds of the city.~~

~~(b) No bonds shall be issued for a term of longer than one year or to refund outstanding bonds at the same or a higher rate of interest and for such maturities that the aggregate amount to be paid on refunding, principal and interest, will exceed the aggregate amount due, principal and interest, on the entire outstanding bonds proposed to be refunded, unless approved by a majority vote of the qualified voters of the city voting at an election called for such purpose, except as authorized by state law.~~

~~(c) No bonds shall be issued drawing more than the maximum rate of interest per annum authorized by state law.~~

~~(d) The Bond and Warrant Law of 1931, as amended, shall govern the contracts of the city and revenue bonds, certificates of obligation, notes or warrants issued by it.~~

The city council shall have the power and authority to issue bonds in accordance with the general and special laws of the State of Texas, in effect from time to time and as applicable to the City.

SECTION 14. Adoption of Proposition No. 9 would amend the City Charter, ARTICLE IX, PUBLIC UTILITIES, FRANCHISES, AND LEASES, Section 3, as follows:

Sec. 3. - Ordinance granting franchise or lease of city property with term exceeding 5 years.

(a) Every ordinance granting, renewing, extending or amending or expanding a franchise or a lease of city property of the city with a term exceeding 5 years shall be read at two regular meetings of the council, and shall not be finally acted upon until the twenty-eighth day after the first reading thereof. Within five days following each of the two readings of

the ordinance, a description of the franchise or lease, including the names of the parties, the term, payments to the city and the purpose of the franchise or lease, shall be published one time in a newspaper of general circulation in the city, and the expense of such publication shall be borne by the prospective franchise holder or lessee. Copies of the full text of any such ordinance shall be made available to the public at no charge in the office of the city secretary. With the exception of any ordinance authorized by election provided herein, no ordinance granting, renewing, extending ~~or amending or expanding~~ a lease or franchise of more than five years shall become effective until the expiration of sixty days following the date of its final adoption by the council, and every such ordinance shall be subject to referendum procedure provided by state law, ~~Section 282.003, Texas Government Code,~~ Section 311.073, Texas Transportation Code, as amended now or in the future.

~~(b) Notwithstanding any other provision of this Charter, any ordinance granting or authorizing the execution of a lease having a term of five years or less may be finally passed and the lease authorized without publication of any notice, and in cases of declaration of emergency may be passed without necessity of two readings.~~

Section 15. Adoption of Proposition No. 10 would amend the City Charter, ARTICLE X, GENERAL POWERS AND PROVISIONS, Section 1, as follows:

Sec. 1. - General powers.

(a) The city shall have and may exercise, for any municipal purpose, all powers applicable to home rule cities in the Texas constitution, statutes and codes, and specifically including the ~~powers presently enumerated in Article 1175, Texas Civil Statutes, and formerly enumerated in Article 1175, which have been codified in other provisions of Texas statutes and codes, and which may be added thereto at any time in the future,~~ governmental functions contained in Texas Civil Practices & Remedies Code, Section 101.0215(a), as amended, including the power to establish fees for said functions, and the following powers, to the fullest extent it deems necessary, desirable, or convenient, except as clearly prohibited or limited by state law or this Charter:

- (1) To use a corporate seal.
- (2) ~~To sue and be sued~~ To sue in any court.
- (3) To contract.
- (4) To define and abate nuisances.
- (5) To levy and collect taxes and fees.
- (6) To borrow money by issue or sale of bonds, warrants, notes or other method.
- (7) To appropriate and expend monies.
- (8) To acquire and own property or any interest therein, within and without the corporate limits, by purchase, eminent domain, gift, devise, exaction, or any other means whatsoever.
- (9) To sell, lease or otherwise convey city property, real or personal.
- (10) To manage and control all city property.
- (11) To establish, improve and maintain a comprehensive system of streets and public ways and all appurtenances related thereto, and to control and regulate any use thereof; provided, no street or alley may be ~~opened or~~ closed except after notice by one publication

in a newspaper of general circulation in the city and by mail to the last known address of all owners within four hundred fifty feet therefrom and hearing by the city council.

(12) To assess the cost of street, sidewalk and related improvements against abutting property owners and fix a lien against such abutting property in any manner authorized by ~~Subchapter E of Chapter 402, Texas Local Government Code, and Chapters 312 and 313, Texas Transportation Code~~ state law, ~~as the same may be amended in the future, or other state law~~, or any city ordinance, which procedures are hereby adopted as alternatives which may be exercised.

(13) To levy and collect assessments and fees against property benefitted by improvements, and fix liens thereto, according to procedures established by ordinance or law.

[Remainder of Section 1 left unchanged.]

SECTION 16. Adoption of Proposition Amendment No. 11 would amend the City Charter, ARTICLE X, GENERAL POWERS AND PROVISIONS, Section 2, as follows:

Sec. 2. - Contracts.

(a) All contracts shall be authorized by the city council, except that the city manager may authorize contracts which do not require expenditures exceeding the limit at which competitive bids are required under the Texas Local Government Code, as amended, and may exceed that sum in the case of emergency which shall be reported to the council.

(b) No contract shall be binding until it has been (1) signed by the city manager or the manager's authorized representative, and (2) approved or objected to in writing by the city attorney, which objection shall be filed with the city secretary; ~~Provided~~, however, that as to standard contracts for multiple transactions, the city attorney need only approve the standard form.

(c) All purchases and contracts must comply with state law. ~~be competitively bid or proposed or based upon a procurement method authorized by state law. For any contract that is based on competitive bids or proposal, after approval of specifications by the city manager, advertisement of such contracts shall be published in a newspaper of general circulation in the city at least once in each week for two consecutive weeks, inviting competitive bids or proposals. All bids or proposals submitted shall be sealed and delivered in the manner required by the specifications. At the time announced in such notice, the bids or proposals shall be opened in the presence of one or more city employees designated by the city manager and in the presence of those bidders desiring to be present, except that confidentiality may be provided in accordance with state law. The council shall determine the most advantageous bid or proposal for the city. The city shall always have the right to reject any and all bids or proposals. In the event all bids or proposals are rejected, the city may call for new bids or proposals at its discretion, which shall be advertised in like manner as the original.~~

(d) No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts for personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city.

SECTION 17. The Election is expected to be conducted in accordance with an agreement between Nueces County and the City of Corpus Christi to hold a joint election on November 8, 2016, (which shall be approved and attached hereto as **Attachment D** and incorporated herein). The City Secretary is authorized to approve all lawful changes and additions to the procedures provided herein in order to implement such agreement, including but not limited to provisions for substations and mobile voting sites.

SECTION 18. By approving and signing this ordinance, the Mayor officially confirms and orders as the Mayor's actions all matters recited in this ordinance which by law come within the Mayor's jurisdiction.

SECTION 19. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance or the ballot herein shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect of its purpose.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2016 by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2016, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

PASSED AND APPROVED, this the _____ day of _____, 2016.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor