

ORDINANCE

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, IN THE CITY OF CORPUS CHRISTI, AUTHORIZING BOND ISSUANCES OF THE CITY SUPPORTED BY AD VALOREM TAXES; PROVIDING FOR THE PROCEDURES FOR HOLDING SUCH AN ELECTION; PROVIDING FOR NOTICE OF ELECTION AND PUBLICATION THEREOF; PROVIDING FOR THE 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, the City Council (the *Council*) of the CITY OF CORPUS CHRISTI, TEXAS (the *City*), located in Nueces, Aransas, Kleberg, and San Patricio Counties, Texas, hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amounts and for the purposes hereinafter identified (the *Special Election*); and

WHEREAS, the City will conduct the Special Election jointly with Nueces County (the *County*) and with other political subdivisions (such other political subdivisions, collectively, the *Participants*) for whom the County is also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the County, and the Participants, entered into in accordance with the provisions of Section 271.002 of the Texas Election Code, as amended (the *Election Code*), or other applicable law; and

WHEREAS, pursuant to the aforementioned joint election agreement, the County will conduct all aspects of the Special Election on the City's behalf; and

WHEREAS, the Council hereby finds and determines that it is in the best interests of the City to enter into one or more election agreements or contracts with the County and the Participants to conduct the Special Election in accordance with the laws of the State of Texas (the *State*) and applicable federal laws; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates that it is in the public interest to call and hold the Special Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, concurrently with the Special Election (and as a joint election with the County and any other Participants), the City will, pursuant to the City Charter of the City and by separate ordinance adopted by the Council on the date hereof, conduct its regular City election for Mayor and members of the Council (along with any necessary runoff election) (such regular election, the *General Election*) in addition to other special elections for measures identified by separate ordinance (the *Other Elections*); and

WHEREAS, after full review and consideration of each project listed under the proposition described below, the Council hereby finds and determines that each project is necessary for a public purpose and is in the best interests of the City and the residents of the City; and

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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 Special Election shall be held in the CITY OF CORPUS CHRISTI, TEXAS on the 8th day of November, 2016 (*Election Day*), which is a uniform election date under the Election Code, and is not less than seventy-eight (78) days nor more than ninety (90) days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following proposition (the *Proposition*) to the qualified voters of the City:

PROPOSITION 12

Measure -
Question posed to
the citizens

“Shall the City Council of the City of Corpus Christi, Texas be authorized, in accordance with applicable law, to issue and sell one or more series of general obligation bonds of the City, in the aggregate principal amount of not more than \$18,350,000, with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for the purpose of making permanent public improvements or for other public purposes, to wit: designing, constructing, renovating, improving, constructing, reconstructing, restructuring and extending streets and thoroughfares and related land and right-of-way (including pedestrian and bike traffic lanes), sidewalks, streetscapes, collectors, drainage, landscape, signage, lighting, traffic signals (including networking hardware and software), acquiring lands and rights-of-way necessary thereto or incidental therewith (but specifically excluding related City utility costs, which are the responsibility of the City’s utility system), with priority given to the following street projects:

- Residential Street Rebuild Program
- Americans with Disability Act (ADA) improvements
- Projects receiving external funding for all or part of their costs (including Texas Department of Transportation Participation Projects and Developer Participation Projects under the Unified Development Code)

and in providing for the above public improvements, the City Council shall have the option to (i) utilize other funds available for such purposes, including external funding sources (such as the U.S. Department of Transportation and Texas Department of Transportation, respectively) and (ii) abandon such indicated public improvements that are reliant, in part, on external sources of funding that (for whatever reason) do not materialize or because unforeseen changes in fact or circumstance make the anticipated expenditure no longer wise or necessary (as determined by the City Council), and after making due provision for the improvements listed above or determining that the public improvement project will not proceed for a reason heretofore described, the City Council may, in its discretion, use any excess funds for constructing, reconstructing, restructuring, and extending other streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, landscape, signage, equipment storage facilities, acquiring lands and rights-of-way necessary thereto or incidental therewith, including (and with priority given to) residential traffic management program improvements, and street curb and gutter improvements (but specifically excluding

related City utility costs, which are the responsibility of the City's utility system); and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, within the limitations prescribed by law, annual ad valorem taxes on all taxable property in the City sufficient to pay the annual interest and sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

SECTION 2. The City election precincts hereby established for the purpose of holding the Special Election and the polling places hereby designated for holding the Special Election in the City election precincts are identified in Exhibit A to this Ordinance, and this Exhibit A is hereby incorporated by reference into this Ordinance for all purposes. Nueces County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any District voter registered in Nueces County can vote in the Election at any polling place identified in Exhibit A for Nueces County.

At least seventy-nine (79) days prior to Election Day, or as soon as thereafter is reasonably practicable, the City Secretary, or her designee, in coordination with the County's election official (the *Election Official*) or the designee thereof, as necessary or desirable, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Special Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Election Official, the City, and the Participants to the extent permitted by applicable law.

The Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to act as clerks in order to properly conduct the Special Election. To the extent required by the Election Code or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

On Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

The main early voting location is designated in Exhibit B to this Ordinance (which is hereby incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Special Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Election Code.

Additionally, permanent and temporary branch offices for early voting by personal appearance shall be established and maintained in accordance with the Election Code. The locations, dates, and hours of operation for early voting at these offices (being the permanent and temporary branch offices) shall be determined by the Election Official, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 3. The eSlate direct recording equipment (*DRE*) shall be employed at each of the polling locations utilized for the Special Election in accordance with the Election Code; provided, however, in the event the use of such eSlate DRE is not practicable, the Special Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). eSlate DRE or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012 of the Election Code, the City shall provide at least one accessible voting system in each polling place used in the Special Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots, touch screen voting machines, and/or such other legally-permissible voting methods may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq. of the Election Code. The Election Official, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Election Code. The Council hereby appoints the Election Official, or the designee thereof, as the Tabulation Supervisor and the Election Official, or her designee, as the Programmer for the Station. Lastly, the Election Official will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Election Code.

SECTION 5. The official ballot shall be prepared in accordance with the Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION 12

The issuance of bonds for designing, constructing, renovating, and making permanent street, sidewalk, and drainage, and any related improvements in the aggregate principal amount not to exceed \$18,350,000, and levying a tax in payment thereof, with priority given to the following:

- Residential Street Rebuild Program
- Americans with Disability Act (ADA) improvements
- Projects receiving external funding for all or part of their costs (including Texas Department of Transportation Participation Projects and Developer Participation Projects under the Unified Development Code)

SECTION 6. In accordance with Section 52.072(c) of the Election Code, the Proposition shall appear on the City's ballot after the listing of offices that are the subject of the General Election and the measures that are the subjects of the Other Elections.

SECTION 7. The voter-approved bonds issued pursuant to the Proposition above shall be secured by and payable from the full tax rate authorized by Texas Constitution, in accordance with Article VIII, Section 1(b) of the City Charter.

SECTION 8. All resident qualified voters of the City shall be permitted to vote at the Special Election, and on Election Day, such voters shall vote at the designated polling places. The Special Election shall be held and conducted in accordance with the provisions of the Election Code and Chapters 1251 and 1331, as amended, Texas Government Code (collectively, the *Election Laws*), and as

Ballot proposition -
Wording appearing
on ballot to identify
the measure

may be required by any other law. All materials and proceedings relating to the Special Election shall be printed in both English and Spanish.

SECTION 9. A substantial copy of this Ordinance shall serve as a proper notice of the Special Election. This notice, including a Spanish translation thereof, shall be posted (i) at three (3) public places within the City and at the City Hall not less than twenty-one (21) days prior to Election Day and (ii) in a prominent location at each polling place on Election Day and during early voting and shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to Election Day. In addition, during the twenty-one (21) days prior to Election Day, the City shall, in a prominent manner, maintain such notice on its Internet website. The City Secretary is directed to post and publish such Special Election notices as specified above and as required by the Election Laws.

SECTION 10. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, added by the 83rd Texas Legislature, the City, as of its fiscal year beginning October 1, 2015, had outstanding an aggregate ad valorem tax-supported principal amount of debt equal to \$523,910,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$189,736,856; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.229458 per \$100 of taxable assessed valuation. Of the aforementioned City debt, the City considers \$103,794,050 and \$34,298,145 of that principal and interest, respectively, to be self-supporting debt payable from sources other than ad valorem taxes. The City estimates an ad valorem debt service tax rate of \$0.229458 per \$100 of taxable assessed valuation if the bonds that are subject of the Special Election are approved and are issued (taking into account the outstanding City bonds and bonds that are the subject of the Special Election, but not future bond authorizations of the City). This is only an estimate provided for Texas statutory compliance and does not serve as a cap on any City ad valorem debt service tax rate.

SECTION 11. The Council hereby appoints the City Secretary as the authority and officer responsible for the conduct of the Special Election and is hereby authorized and directed to make all necessary arrangements for the holding of the Special Election in accordance with the Elections Laws, which obligations include (but are not limited to) coordinating the Special Election process and negotiating, entering into, and carrying out the terms and provisions of one or more joint election agreements or contracts with the County and any Participants in accordance with the provisions of the Election Code. To the extent that any duty or obligation of the City, in general, or the City Secretary, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of the Election Laws relative to the same.

In addition, the City Manager and the City Secretary, individually or in concert and as necessary or desired, are hereby authorized and entitled to make such technical modifications to this Ordinance that are necessary for compliance with applicable State or federal law (including the Election Laws) or to carry out the intent of the Council, as evidenced herein.

SECTION 12. 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 13. 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.

Transparency
clause -
Neither
measure nor
ballot
proposition

SECTION 14. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 15. 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.

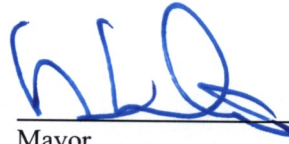
SECTION 16. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 17. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

* * *

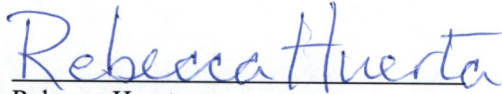
PASSED AND APPROVED on the 16th day of August, 2016.

CITY OF CORPUS CHRISTI, TEXAS



Mayor

ATTEST:

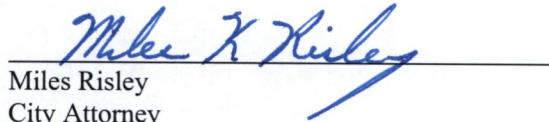


Rebecca Huerta
City Secretary



(SEAL)

APPROVED THIS 16th DAY OF AUGUST, 2016:



Miles Risley
City Attorney

THE STATE OF TEXAS

§

COUNTY OF NUECES

§

CITY OF CORPUS CHRISTI

§

§

I, the undersigned, City Secretary of the City of Corpus Christi, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of an Ordinance passed by the City Council of the City of Corpus Christi, Texas (and of the minutes pertaining thereto) on the 16th day of August, 2016, ordering a special election to be held on November 8, 2016, which ordinance is duly of record in the minutes of said City Council, and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Texas Government Code, Chapter 551.

EXECUTED UNDER MY HAND AND SEAL of said City, this the 16th day of August, 2016.

Rebecca Huerta

Rebecca Huerta
City Secretary

(CITY SEAL)

That the foregoing ordinance was read for the first time and passed to its second reading on this the 9th day of August, 2016, by the following vote:

Nelda Martinez

Aye

Michael T. Hunter

Aye

Chad Magill

Aye

Mark Scott

Aye

Carolyn Vaughn

Absent

Brian Rosas

Aye

Lucy Rubio

Absent

Colleen McIntyre

Aye

Rudy Garza Jr.

Aye

That the foregoing ordinance was read for the second time and passed finally on this the 16th day of August, 2016, by the following vote:

Nelda Martinez

Aye

Michael T. Hunter

Aye

Chad Magill

Aye

Mark Scott

No

Carolyn Vaughn

Aye

Brian Rosas

Aye

Lucy Rubio

Aye

Colleen McIntyre

Absent

Rudy Garza Jr.

Aye

PASSED AND APPROVED, this the 16th day of August, 2016.

ATTEST:

Rebecca Huerta

Rebecca Huerta
City Secretary

Nelda Martinez

Nelda Martinez
Mayor

APPROVED THIS 16th DAY OF AUGUST, 2016

Miles H. Risley

Miles Risley
City Attorney