

**NOTICE OF ELECTION**

The State Of Texas	§
	§
County Of Nueces	§
	§
City Of Port Aransas	§

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To The Resident, Qualified Voters Of The

City Of Port Aransas

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Take notice that an election will be held in the City of Port Aransas, Texas on November 3, 2020, concerning authorizing the City of Port Aransas Texas to provide for the planning, acquisition, establishment, development, construction, financing, and renovation of a Sports and Community Venue Project in accordance with the Chapter 334, as amended, Texas Local Government Code, including the payment of the costs of maintenance and operation thereof, and described generally to consist of an arena, coliseum, stadium, or other type of area or facility, adjacent support facilities (including parking facilities), and any related infrastructure (i) that is used or is planned for use for one or more professional or amateur sports events, community events, or other sports events, including competitive gymnastics, cheerleading, basketball, and volleyball tournaments, promotional events, and other civic or charitable events (which, upon completion, will be a City-owned recreation facility on City-owned property known as “The Port Aransas Sports Complex” and located in the City and (ii) for which a fee for admission to the events is charged or is planned to be charged, all for use by the public, in and around the City, collectively being a Sports and Community Venue Project of the type described and defined in Chapter 334, as amended, Texas Local Government Code, and to impose the following tax to pay the costs of the Sports and Community Venue Project and to secure the payment of revenue bonds of the City issued to pay the costs of the Sports and Community Venue Project: the imposition of an additional hotel occupancy tax at a rate not to exceed two percent (2%), as authorized by Subchapter H of Chapter 334, as amended, Texas Local Government Code, the proceeds of which are to be deposited into a venue project fund created under, and to be used for any purpose authorized by, Subchapter C of Chapter 334, as amended, Texas Local Government Code, and also approving and authorizing the implementation of the Comptroller Resolution adopted by the City Council on July 29, 2020, all in obedience to an ordinance duly entered by the City Council of the City of Port Aransas, Texas on August 17, 2020, which ordinance reads substantially as follows:

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS CALLING A VENUE PROJECT ELECTION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 334, AS AMENDED, TEXAS LOCAL GOVERNMENT CODE AND OTHER APPLICABLE LAW; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE**

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WHEREAS, the City Council (the *Council*) of PORT ARANSAS, TEXAS (the *City*), located in Nueces County (the *County*), hereby finds and determines that an election should be held to determine whether the Council shall be authorized to establish certain Sports and Community Venue Projects (as defined in the hereinafter-defined Act) in accordance with the provisions of Chapter 334, as amended, Texas Local Government Code (the *Act*) and other applicable law and for the purposes hereinafter identified; and

WHEREAS, the Council has previously adopted a resolution on July 29, 2020 (the *Comptroller's Resolution*) to provide for the planning, acquisition, establishment, development, construction, and renovation of a Sports and Community Venue Project, as provided herein and in accordance with the provisions of the Act, specifically being an arena, coliseum, stadium, or other type of area or facility, adjacent support facilities, including parking facilities, and any related infrastructure (i) that is used or is planned for use for one or more professional or amateur sports events, community events, or other sports events, including competitive gymnastics, cheerleading, basketball, and volleyball tournaments, promotional events, and other civic or charitable events; and (ii) for which a fee for admission to the events is charged or is planned to be charged (the *City's Venue Project*); and

WHEREAS, the Council has followed the procedures prescribed by the Act to obtain, and has in fact obtained, the determination from the Comptroller of Public Accounts of the State of Texas (the *Comptroller*) that the implementation of the Comptroller's Resolution will not have a significant negative fiscal impact on revenues of the State of Texas (the *State*); and

WHEREAS, the Council desires to present to the qualified voters of the City, voting at an election hereby called and held in accordance with applicable law (the *Election*), to consider approval and implementation of the Comptroller's Resolution and designating the method of financing the City's Venue Project and payment of the costs of maintenance and operation thereof; and

WHEREAS, the Council now desires to proceed with the submission of the approval and implementation of the Comptroller's Resolution and designating the method of financing the City's Venue Project to the City's qualified voters through its conduct of the Election, as provided by the Act; and

WHEREAS, the City's conduct of the Election allows the City's qualified voters to consider the planning, acquisition, establishment, development, construction, financing, and

renovation of the City's Venue Project, as well as consider approval of a source of payment of the operating and maintenance costs thereof, in accordance with and as required by the Act; and

WHEREAS, the Council, in the Comptroller's Resolution, found and determined that the City's Venue Project is not to, and will not, be primarily used for community, civic, and charitable events that are attended only by residents of the community; and

WHEREAS, the Comptroller's Resolution designated the imposition of an additional hotel occupancy tax at a rate not to exceed two percent (2%) as and to the extent authorized by Subchapter H of the Act; and

WHEREAS, the Council hereby finds, determines, and declares for all constitutional and statutory purposes that the City's Venue Project will be owned, used, and held for public purposes by the City, and the City hereby adopts as applicable to and confirms the application of the provisions of Section 334.044 of the Act with respect to the City's Venue Project; and

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

WHEREAS, the Election will be held jointly 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, as amended, Texas Election Code, or other applicable law, pursuant to which the County will conduct all aspects of the Election on the City's behalf; and

WHEREAS, by this Ordinance, it is in the intention of the City to provide for the call and conduct of the Election; and

WHEREAS, the Council hereby finds and determines that this action is in the best interests of the residents of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS THAT:

SECTION 1. The Election shall be held on the 3rd day of November, 2020 (*Election Day*), a uniform election date, in the CITY OF PORT ARANSAS, TEXAS, which date is seventy-eight (78) or more days from the date of the adoption of this Ordinance for the purpose of submitting the following proposition to the qualified voters of the City:

PROPOSITION

"SHALL the City Council of the City of Port Aransas, Texas be authorized to provide for the planning, acquisition, establishment, development, construction, financing, and renovation of a Sports and Community Venue Project in accordance with the Chapter 334, as amended, Texas Local Government Code, including the payment of the costs of maintenance and operation thereof, and described generally to consist of an arena, coliseum, stadium, or other type of area

or facility, adjacent support facilities (including parking facilities), and any related infrastructure (i) that is used or is planned for use for one or more professional or amateur sports events, community events, or other sports events, including competitive gymnastics, cheerleading, basketball, and volleyball tournaments, promotional events, and other civic or charitable events (which, upon completion, will be a City-owned recreation facility on City-owned property known as “The Port Aransas Sports Complex” and located in the City and (ii) for which a fee for admission to the events is charged or is planned to be charged, all for use by the public, in and around the City, collectively being a Sports and Community Venue Project of the type described and defined in Chapter 334, as amended, Texas Local Government Code, and to impose the following tax to pay the costs of the Sports and Community Venue Project and to secure the payment of revenue bonds of the City issued to pay the costs of the Sports and Community Venue Project: the imposition of an additional hotel occupancy tax at a rate not to exceed two percent (2%), as authorized by Subchapter H of Chapter 334, as amended, Texas Local Government Code, the proceeds of which are to be deposited into a venue project fund created under, and to be used for any purpose authorized by, Subchapter C of Chapter 334, as amended, Texas Local Government Code, and also approving and authorizing the implementation of the Comptroller Resolution adopted by the City Council on July 29, 2020?”

**SECTION 2.** 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 A to this Ordinance (which is incorporated herein by reference for all purposes). At least 79 days prior to Election Day, or as soon thereafter as is reasonably practicable, the City, acting through the Mayor, the City Manager, the City Secretary, or the designee thereof, in coordination with the Clerk, 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 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 Clerk, the City, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, 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.

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

The County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any District voter can vote in the Election at any polling place identified in Exhibit A.

C. 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 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 Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Clerk, 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 resident qualified voters of the City to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the 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. Any legally permissible voting method 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., Texas Election Code, as amended. The Clerk, 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 Texas Election Code, as amended. The Council hereby appoints the Clerk, or the designee thereof, as the Tabulation Supervisor and the Clerk, or the designee thereof, as the Programmer for the Station. Lastly, the Clerk 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 Texas Election Code, as amended.

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

**PROPOSITION A**

“Authorizing the City of Port Aransas, Texas to provide for the planning, acquisition, establishment, development, construction, financing, and renovation of a Sports and Community Venue Project, adjacent support facilities, and any related infrastructure, collectively known as “The Port Aransas Sports Complex” and located in the City in accordance with the Chapter 334, as amended, Texas Local Government Code, including the payment of the costs of maintenance and operation thereof, and to impose a new and additional hotel occupancy tax at a rate not to exceed two percent (2%) in the City of Port Aransas, Texas for the purpose of financing the Sports and Community Venue Project. If approved, the maximum hotel occupancy tax rate in the City of Port Aransas, Texas would be fifteen percent (15%) of the price paid for a room in a hotel.”

**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 provisions of the Texas Election Code, as amended, the applicable provisions of the Act, and as may be required by any other applicable law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in both English and Spanish.

**SECTION 7.** A substantial copy of this Ordinance shall serve as a proper notice of the Election. This notice, including a Spanish translation thereof, shall be posted (i) at three public places within the City and at the City Hall not less than 25 days prior to Election Day, (ii) in a prominent location at each polling place on Election Day and during early voting, and shall be published in a newspaper of general circulation in the City not more than 30 full days, and not less than 10 full days prior to Election Day. In addition, during the 25 days prior to Election Day, the City shall, in a prominent manner, maintain such notice on its internet website. Any omission or irregularity in the publication or posting of this proclamation, call, and ordinance, or in the signing of the same, shall not in any way affect or invalidate the special election.

**SECTION 8.** The Council authorizes the Mayor, the City Manager, or their respective designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Clerk, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or their respective designee of either of such parties 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. To the extent that any duty or obligation of the City, in general, or any City official, 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 applicable Texas law concerning the Election relative to the same. By incorporating all essential terms necessary for a joint election agreement, this Ordinance is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the City Council.

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. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

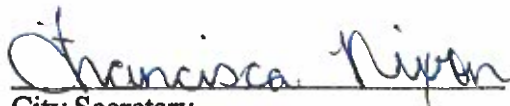
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PASSED AND APPROVED, this the 13th day of August, 2020.

CITY OF PORT ARANSAS, TEXAS

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary





**CERTIFICATE OF CITY SECRETARY**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF NUECES                   §  
  §  
CITY OF PORT ARANSAS               §

THE UNDERSIGNED HEREBY CERTIFIES that:

On the 13th day of August, 2020, the City Council (the *Council*) of the City of Port Aransas, Texas (the *City*) convened in special session at its regular meeting place in the City Hall of the City (the *Meeting*), the duly constituted members of the Council being as follows:

Charles R. Bujan	Mayor
Wendy Moore	Mayor Pro Tem
Shannon Solimine	Councilmember, Place 2
Beth Owens	Councilmember, Place 3
Bruce Clark Charles	Councilmember, Place 4
Crawford, Jr.	Councilmember, Place 5
Joan Holt	Councilmember, Place 6

and all of such persons were present at the Meeting, except the following: \_\_\_\_\_, thus constituting a quorum. Among other business considered at the Meeting, the attached ordinance (the *Ordinance*) entitled:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS CALLING A VENUE PROJECT ELECTION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 334, AS AMENDED, TEXAS LOCAL GOVERNMENT CODE AND OTHER APPLICABLE LAW; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE

was introduced and submitted to the Council for passage and adoption. After presentation and discussion of the Ordinance, a motion was made by Councilmember Owens that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Mayor Pro Tem Moore and carried by the following vote:

6 voted "For" 0 voted "Against" 1 abstained

all as shown in the official Minutes of the Council for the Meeting.

The attached Ordinance is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Council on the date of the

Meeting are those persons shown above, and, according to the records of my office, each member of the Council was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Ordinance would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Ordinance, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

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IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City, this 13th day of August, 2020.

*Francisca Nixon*

City Secretary  
City of Port Aransas

