

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS CALLING AN ELECTION TO BE HELD WITHIN THE CITY TO INCREASE THE CITY SALES AND USE TAX PURSUANT TO CHAPTER 321, TEXAS TAX CODE; AND CONTAINING OTHER PROVISIONS RELATING THERETO

WHEREAS, the sales and use taxes imposed by political subdivisions within the City of League City, Texas (the “City”), are comprised of the City’s local sales and use tax (1.00%), the City’s additional sales and use tax for property tax relief (0.50%), and the sales and use tax imposed by the City of League City Section 4B Industrial Development Corporation (0.25%); and

WHEREAS, the combined rate of all sales and use taxes imposed by the City and other political subdivisions of the state of Texas having territory in the City currently equals one and three-fourths percent (1.75%), which allows the City to increase its general purpose local sales and use tax rate by one-fourth of one percent (0.25%) before reaching the state law combined cap of two percent (2%); and

WHEREAS, Chapter 321 of the State Tax Code provides that a municipality may call an election on the question of increasing the sales and use tax rate; and

WHEREAS, the City Council of the City (“City Council”) has determined that an election should be held on a proposed increase in the rate of the City’s local sales and use tax levied pursuant to Chapter 321, Texas Tax Code, by one-fourth of one percent (0.25%) for the purpose of funding roadway, traffic mobility, and drainage infrastructure improvements within the City; and

WHEREAS, upon approve of the increase in the rate of the City’s local sales and use tax levied pursuant to Chapter 231 Texas Tax Code, the total of all sales and use taxes levied within the City shall equal two percent (2.00%);

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS:

Section 1. Findings. The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Section 2. Election Ordered; Date; Proposition. A sales tax election (the “Election”) shall be held in the City on Saturday, May 4, 2019 (“Election Day”), a uniform election date as established by Section 41.001(a) of the Texas Election Code, as amended (the “Code”). At the Election, the following proposition (the “Proposition”) shall be submitted to the qualified voters of the City in accordance with law:

City of League City, Texas -- Proposition C

“Shall the City Council of the City of League City (the “City”) be authorized to increase the levy of the local sales and use tax pursuant to Chapter 321 by one quarter of one percent (0.25%) such that the total City local sales and use tax levied pursuant to Chapter 321 shall equal one and one quarter percent (1.25%)?”

Section 3. Official Ballot.

(a) Voting at the Election, and early voting therefor, shall be by the use of the lawfully approved voting systems identified in the Contract for Election Services between the City and Galveston County.

(b) The official ballots for the Election shall be prepared in accordance with the Code so as to permit the electors to vote “FOR” or “AGAINST” the Propositions which shall be set forth on the ballots substantially in the following form:

CITY OF LEAGUE CITY, TEXAS – PROPOSITION C

- FOR “THE ADOPTION OF A LOCAL SALES AND USE TAX
IN THE CITY OF LEAGUE CITY AT THE RATE OF
ONE AND ONE QUARTER PERCENT (1.25%)”
- AGAINST

Section 4. Bilingual Election Materials. All notices, instructions, and ballots pertaining to the Election shall be furnished to voters in both English and Spanish and any other languages as may be required by law.

Section 5. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 6. Election Precincts, Voting Locations and Voting Hours on Election Day. The election precincts for the Election shall consist of the territory within the boundaries of the City situated within one or more Galveston County election precincts located wholly or partially within the boundaries of the City. The precinct numbers for the City’s election precincts shall correspond with the Galveston County precinct number for each election precinct wholly or partially within the City. The voting locations for voting on Election Day shall be the county-wide vote center polling locations as set forth in Exhibit A, or at such other locations as hereafter may be designated by the Galveston County Clerk (the “County Clerk”) in accordance with the Contract for Election Services. The City Manager is hereby authorized to update Exhibit A to

reflect the final locations designated by the County Clerk, which locations are hereby adopted and approved. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 7. Early Voting Clerk; Early Voting Locations, Dates and Times.

(a) Dwight D. Sullivan, the Galveston County Clerk is appointed as the Early Voting Clerk for the Election.

(b) Applications for early voting by mail shall be submitted as follows: Dwight D. Sullivan; Early Voting Clerk; County of Galveston; P.O. Box 17253; Galveston, TX 77553-7253. If mailing by common contract carrier, applications for early voting by mail should be submitted to: Dwight D. Sullivan, Galveston County Clerk; 600 59th Street, Suite 2001; Galveston, Texas 77551-4180.

(c) The early voting polling place shall be as designated in Exhibit B, which is attached hereto and incorporated herein for all purposes. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth in Exhibit B, or at such other locations as hereafter may be designated by the County Clerk as provided in the Contract for Election Services. The City Manager or her designee is hereby authorized to update Exhibit B to reflect the final locations designated by the County Clerk, and such locations are hereby approved.

Section 8. Joint Election. The City, pursuant to the applicable provisions of the Code, will conduct a joint election with other political subdivisions within Galveston County and contract with Galveston County for election services.

Section 9. Appointment of Election Officials; Establishment of Central Counting Station. The election judges, alternate judges, clerks, members of the early voting ballot board, the central counting station officials, and other personnel necessary for conducting the Election shall be appointed, election judges and alternate judges may be changed, polling places may be combined for some precincts, and the central counting station shall be established and staffed by Galveston County as provided in the Election Agreement and such actions are hereby approved. Further, the City Council hereby authorizes the City Manager to appoint any such other officials not designated herein or appointed pursuant to the Contract for Election Services as are necessary and appropriate to conduct the Election in accordance with the Code. The central counting stations to receive and tabulate votes shall be at the locations designated by Galveston County.

Section 10. Notice of Election. Notice of the Election shall be given in the manner required by law.

Section 11. Conduct of Election. The Election shall be held in accordance with the Code, except as modified by the Texas Education Code, and the Federal Voting Rights Act of 1965, as amended.

Section 12. Use of Proceeds. If the increase to the rate of the sales and use tax levied pursuant to Chapter 321, Texas Tax Code is approved by the voters, the City shall allocate the revenue from such increase (0.25%) solely for expenditures relating to construction,

maintenance, improvement to or operation of roadway, street, traffic mobility, flood protection and drainage improvements.

Section 13. Necessary Actions. The Mayor of the City Council or the City Manager of the City, or their designees, acting on behalf of the City Council, in consultation with the City's attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code, the Texas Education Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 14. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 15. Effective Date. This Ordinance shall take effect immediately upon its approval.

[Execution Page Follows]

PASSED AND APPROVED this _____, 2019.

John Baumgartner, City Manager
City of League City, Texas

ATTEST:

Diana Stapp, City Secretary
City of League City, Texas

[SEAL]

APPROVED AS TO FORM:

Nehiem V. Doan, City Attorney
City of League City, Texas

APPROVED:

Bond Counsel
City of League City, Texas

EXHIBIT A

ELECTION DAY POLLING LOCATIONS AND SCHEDULE

ELECTION DAY SCHEDULE

Saturday, May 4, 2019 – Polls are open from 7:00 a.m. to 7:00 p.m.

ELECTION DAY POLLING LOCATIONS

Galveston County utilizes countywide voting centers. City voters may vote at any of the following locations on Election Day:

Location	Address
Joe Faggard Community Center	1750 Hwy. 87, Crystal Beach, TX 77650
Rebecca Sealy Hospital	404 8 th St., Classroom (1 st Floor), Galveston, TX 77550
GISD Administration Building	3904 Avenue T, Galveston, TX 77550
Alamo School	2500 Avenue N. 1/2, Galveston, TX 77550
Galveston County Court House	722 Moody Ave., Galveston, TX 77550
Moody Methodist Church	2803 53 rd St., Galveston, TX 77551
L.A. Morgan Elementary School	1410 37 th St., Galveston, TX 77550
Weist Intermediate School	7100 Stewart Rd., Galveston, TX 77551
Seaside Baptist Church	16534 Termini-San Luis Pass Rd., Galveston, TX 77554
MUD 12 Galveston	2929 Hwy. 6, Ste. 300, Bayou Vista, TX 77563
Hitchcock ISD Administration	7801 Neville Ave., Building B, Hitchcock, TX 77563
Santa Fe City Hall	12002 Hwy. 6, Santa Fe, TX 77510
La Marque Community Center	1109-B, Bayou Rd., La Marque, TX 77568
Carver Park Community Center	6415 Park Ave., Texas City, TX 77591
Nessler Center	2010 5 th Ave. North, Texas City, TX 77590
Bacliff Community Center	4503 11 th St., Bacliff, TX 77518
Kemah Fire Department	905 Hwy. 146, Kemah, TX 77565
Clear Lake Shores Club House	931 Cedar Rd., Clear Lake Shores, TX 77565

EXHIBIT B

EARLY VOTING POLLING LOCATIONS AND SCHEDULE

EARLY VOTING SCHEDULE

Monday, April 22, 2019 through Friday, April 26, 2019

Polls are open from 8 a.m. – 5 p.m.

Monday, April 29, 2019 through Tuesday, April 30, 2019

Polls are open from 7 a.m. – 7 p.m.

Main Early Voting Location	
Galveston County Justice Center 600 59 th St., Galveston, TX 77551 (2 nd Floor Conference Room)	
Early Voting Locations	
Location	Address
Joe Faggard Community Center	1750 Hwy 87, Crystal Beach, TX 77650
Galveston County Court House	722 Moody Ave., Galveston, TX 77550
Moody Methodist Church	2803 53 rd St., Galveston, TX 77551
Seaside Baptist Church	16534 Termini-San Luis Pass Rd., Galveston, TX 77554
MUD 12 Galveston	2929 Hwy. 6, Ste. 300, Bayou Vista, TX 77563
Hitchcock City Hall	7423 Hwy. 6, Hitchcock, TX 77563
La Marque Community Center	1109-B, Bayou Rd., La Marque, TX 77568
Carver Park Community Center	6415 Park Ave., Texas City, TX 77591
Nessler Center	2010 5 th Ave. North, Texas City, TX 77590
Bacliff Community Center	4503 11 th St., Bacliff, TX 77518
Kemah Fire Department	905 Hwy. 146, Kemah, TX 77565
Clear Lake Shores Club House	931 Cedar Rd., Clear Lake Shores, TX 77565
Santa Fe City Hall	12002 Hwy. 6, Santa Fe, TX 77510