

ORDINANCE NO. 06-10

AN ORDINANCE PROVIDING FOR THE CONDUCT OF A SPECIAL ELECTION ON MAY 13, 2006 TO SUBMIT PROPOSITIONS AS TO WHETHER OR NOT THE EXISTING SECTION 4A SALES TAX SHALL BE UTILIZED FOR VARIOUS CATEGORIES OF PROJECTS AS DESCRIBED IN SECTION 4B OF ARTICLE 5190.6, VERNON'S TEXAS CODE ANNOTATED, AND PROVIDING FOR PUBLICATION OF THE ELECTION NOTICE

WHEREAS, pursuant to Section 4A (s) of Article 5190.6 Vernon's Texas Code Statutes, the City Council is authorized to call a Special Election on the usage of Section 4A sales tax for categories of projects under Section 4B Article 5190.6 Vernon's Texas Code Statutes; and

WHEREAS, the City Council desires to submit propositions to the voters thereon, said propositions being described in Exhibit "A-1" to the Order attached hereto as Exhibit "A".

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR, TEXAS:

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That a Special Election is hereby ordered to be held on May 13, 2006 to submit the propositions as to the usage of Section 4A funds for Section 4B categories of projects as delineated in Exhibit "A-1" to Exhibit "A".

Section 3. That the City Council will take due consideration as to the proposed cost and impact of the project or category of projects as delineated in the propositions and will

take due consideration of the comments of the citizens at the February 28, 2006 public hearing.

Section 4. That pursuant to Section 4A (s) of Article 5190.6 Vernon's Texas Code Statutes, the City Council is authorized to call an Election on the usage of Section 4A sales tax for categories of projects under Section 4B Article 5190.6 Vernon's Texas Code Statutes.

Section 5. That one (1) voting place shall be provided, (as shown in Exhibit "B-1" to the proposed Order and Notice of Election) within each of the precincts or combined precincts into which the City is divided for voting purposes.

Section 6. That all persons are qualified to vote at said election who are qualified voters under the Constitution and Laws of the State of Texas and the City Charter.

Section 7. That said election shall be by Electronic Voting System as authorized in Texas Election Code Sec. 123.001. Early voting shall be conducted at the locations shown on Exhibit "A" attached hereto; and shall be under the control and supervision of the City Secretary. This includes the usage of the iVotronic Voting System v8.0.1.0 and the Model 100 v5.00 by Election Systems and Software which have been certified by the Secretary of State.

Section 8. That the Mid-County Office Building located at 2748 Viterbo Road, Nederland, Texas, the Central Counting Station established by Jefferson County, Texas, is hereby designated as the "Central Counting Station" to receive and tabulate voted ballots.

Section 9. That pursuant the City Council of the City of Port Arthur shall meet on May 23, 2006, which is within eleven (11) days following election day (May 13, 2006) and officially canvass the returns and declare the results of said Election.

Section 10. That Christopher Mouton, a qualified voter of Jefferson County, Texas, is hereby appointed as manager of the Central Counting Station and said manager's duties shall be as set forth in Sec. 127.002 of the Texas Election Code.

Section 11. That Ken Seholm and Paul Helegda, qualified voters of Jefferson County, Texas, are hereby appointed as Tabulation Supervisors of the Central Counting Station and said Supervisor's duties are set forth in Sec. 127.003 of the Texas Election Code.

Section 12. That Harold Joseph, Sr., a qualified voter of the City of Port Arthur, Texas, is hereby appointed as Presiding Judge of the Central Counting Station, and said Judge's duties and compensation are set forth in Sec. 127.005 of the Texas Election Code.

Section 13. That the conduct of such election shall be in accordance with the requirements of the Voting Rights Act, the Federal Help America Vote Act (HAVA) and the rules of the Department of Justice, including provisions for bilingual assistance, notices, instructions, ballots, and other written materials and information relating to the electoral process, for which presentation and assistance is required. In addition to the

election officers to be designated and appointed, Fernando Ramirez, a qualified resident/voter of the City of Port Arthur, who reads and speaks the Spanish language fluently, as well as Khoi Tran, a qualified resident/voter of the City of Port Arthur, who reads and speaks the Vietnamese language fluently, are hereby appointed as election officers to be on call on a standby basis to render personal assistance to any voter requesting personal assistance at polling places on Election Day and during Early Voting in accordance with the Election Laws at a sum of \$8.00 per hour. Translators of election documents shall be paid in the sum of \$25.00 per hour, subject to the limitations of the Texas Election Code.

Section 14. That in accordance with Chapter 32 of the Election Code, and Article III, Section 4 of the City Charter, the City Council hereinafter shall appoint a Presiding Judge and an Alternate Presiding Judge and Clerks for each polling place.

Section 15. That the Judges and Clerks shall be paid the sum of eight (\$8.00) dollars per hour subject to the limitations of Sections 32.091 through 32.094 of the Texas Election Code. The Judge who delivers the returns of the Election shall be further paid the amount of twenty-five (\$25.00) dollars for that service.

Section 16. That the City Secretary is hereby directed to cause the official ballots for use at said Election to be prepared in the manner prescribed by Article III, of the Charter and the Texas Election Code.

Section 17. That an Early Voting Ballot Board, consisting of the Presiding Judge and Clerks from Precinct No.'s 44, 47, 93 and 102, and any other election precincts deemed necessary, be established to process early voting results, mail ballots and provisional ballots from the Voter Registrar.

Section 18. That the election shall be held jointly with the Port Arthur Independent School District, the Sabine Pass Independent School District, and the Sabine Pass Port Authority in accordance with Chapter 271 of the Texas Election Code. The City Secretary of the City of Port Arthur agrees to coordinate, supervise and handle all aspects of administering said joint election in accordance with the provisions of the Texas Election Code.

Section 19. That the Mayor shall cause notice of this election to be given in accordance with Section 4.003 of the Texas Election Code by publishing a copy of the Notice of Election in the official newspaper of the City of Port Arthur at least one (1) time, not earlier than the thirtieth (30<sup>th</sup>) day nor later than the tenth (10<sup>th</sup>) day before election day; and a copy of this Ordinance together with a copy of said Notice shall be filed in the office of the City Secretary and another copy of said notice shall be posted on the bulletin board used for posting notices of the meetings of the City Council of the City of Port Arthur at least twenty-one (21) days before the election. The Notice of Election shall include the location of each polling place and shall comply with Exhibit "A" attached and made part hereof.

Section 20. That the notice of the election for the general and special elections on May 13, 2006 may be combined and the propositions may be sequentially renumbered at the discretion of the Mayor, subject to the approval as to form by the City Attorney.


Section 21. That the City Attorney shall prepare and file the necessary submission to the Justice Department as required under Section 5 of the Voting Rights Act.

Section 22. That this Ordinance shall take effect immediately from and after its passage.

Section 23. That a copy of this Ordinance shall be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 28<sup>th</sup> day of February, A.D., 2006, at a Regular Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES: Mayor Ortin, Councilmembers Lewis;  
Barker, Henderson, Flood, Beard;  
Prince and Sinegal.  
NOES: None.

  
OSCAR ORTIZ, MAYOR

**ATTEST:**

  
EVANGELINE GREEN, CITY SECRETARY

**APPROVED AS TO FORM:**

  
CITY ATTORNEY

**APPROVED FOR ADMINISTRATION:**

  
STEVE FITZGIBBONS, CITY MANAGER

# **EXHIBIT "A"**



**ORDER AND NOTICE OF A SPECIAL ELECTION IN THE CITY OF  
PORT ARTHUR, TEXAS AS TO SUBMIT PROPOSITIONS PERTAINING  
TO THE USAGE OF SECTION 4A FUNDS FOR SECTION 4B  
CATEGORIES OF PROJECTS**

I, Oscar G. Ortiz, Mayor of the City of Port Arthur, Texas, as authorized by the City Council, do hereby Order and give Notice of a Special Election to be held in the City of Port Arthur, Texas, on Saturday, May 13, 2006, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting propositions to the voters as delineated in Exhibit "A-1", as to use Section 4A funds for Section 4B categories of projects.

Said election shall be by Electronic Voting System as provided in Section 123.001 of the Election Code, Section 9.004, et seq., Local Government Code and the City Charter. The location of each polling place is shown on Exhibit "B-1". Early voting by personal appearance will be conducted each weekday at the following locations between the hours of 8:00 a.m. and 5:00 p.m. beginning on May 1, 2006 and ending on May 9, 2006:

City Hall, 444 Fourth Street  
Port Arthur Public Library, 4615 Ninth Avenue  
Fire Station No. 1, 1215 Woodworth  
H.O.P.E. Building, 701 Rev. Dr. Ransom Howard Street  
Fire Station No. 3, 2232 Canal  
Sabine Pass High School, 5641 S. Gulfway Drive

Early voting by personal appearance will be conducted on Sunday, May 7, 2006, between the hours of 8:00 a.m. and 1:00 p.m. at the following location:

St. Joseph's Hall, 800 Ninth Avenue

Early voting by personal appearance will be conducted on Sunday, May 7, 2006, between the hours of 1:00 p.m. and 4:00 p.m. at the following locations:

City Hall, 444 Fourth Street  
Port Arthur Public Library, 4615 Ninth Avenue  
Fire Station No. 1, 1215 Woodworth  
H.O.P.E Building, 701 Rev. Dr. Ransom Howard Street  
Fire Station No. 3, 2232 Canal

Early voting by personal appearance will be conducted on Thursday, May 4, 2006, and on Tuesday, May 9, 2006, between the hours of 8:00 a.m. and 8:00 p.m. at the following location of the main early voting polling place:

City Hall, 444 Fourth Street

Applications for ballot by mail shall be mailed to:

City Secretary of the City of Port Arthur	or	City Secretary of the City of Port Arthur
444 Fourth Street		P. O. Box 1089
Port Arthur, Texas 77640		Port Arthur, Texas 77641-1089

Applications for mail ballots must be received no later than the close of business on Friday, May 5, 2006.

Issued this \_\_\_ day of \_\_\_\_\_, 2006.

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Oscar G. Ortiz, Mayor  
City of Port Arthur

# **EXHIBIT "A-1"**

## **PROPOSITIONS**

### **PROPOSITION NO. 1:**

For the next two years, shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for amateur sports, and athletic purposes and events, including ball parks, soccer fields, football fields, and related concession, and facilities, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes, with the condition that total annual spending on all Section 4B projects by the City of Port Arthur Section 4A Economic Development Corporation will not exceed \$500,000 per year. Said period of time can be extended an additional two years by the City Council by a 2/3 vote of the City Council after receiving public comment of the proposed cost and impact of the projects.

### **PROPOSITION NO. 2:**

For the next two years, shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized to promote or develop new or expanded business enterprises that create or retain primary jobs, including a project to provide demolition of existing structures, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes, with the condition that total annual spending on all Section 4B projects by the City of Port Arthur Section 4A Economic Development Corporation will not exceed \$500,000 per year. Said period of time can be extended an additional two years by the City Council by a 2/3 vote of the City Council after receiving public comment of the proposed cost and impact of the projects.

# **EXHIBIT "B-1"**

**CITY ELECTION PRECINCTS:**

**SABINE PASS HIGH SCHOOL**  
(All or a portion of Jefferson  
County Election Precinct 32)

**STEPHEN F. AUSTIN SCHOOL**  
(All or a portion of Jefferson  
County Election Precincts 33, 34,  
106, 111, 112, 113, 114, 115,  
PAISD 35, 80 & 107)

**TYRRELL ELEMENTARY**  
(All or a portion of Jefferson  
County Election Precincts 44, 47,  
93, 102, PAISD 60 & 61)

**STILWELL TECHNICAL CENTER**  
(All or a portion of Jefferson  
County Election Precincts 45, 46,  
70, 82, 95, 96, 98, 109  
PAISD 43, 97, 105 & 110)

**ROBERT E. LEE ELEMENTARY SCHOOL**  
(All or a portion of Jefferson  
County Election Precincts 48, 49 &  
76)

**THOMAS EDISON MIDDLE SCHOOL**  
(All or a portion of Jefferson  
County Election Precincts 50 &  
51)

**DEQUEEN ELEMENTARY SCHOOL**  
(All or a portion of Jefferson  
County Election Precincts 52 &  
53)

**WOODROW WILSON MIDDLE SCHOOL**  
(All or a portion of Jefferson  
County Election Precinct 54, 55,  
57 & 81)

**MEMORIAL HIGH SCHOOL**  
**9<sup>TH</sup> GRADE CENTER**  
(FORMERLY LINCOLN HIGH SCHOOL)  
(All or a portion of Jefferson  
County Election Precincts 58, 59  
& 94)

**TAFT ELEMENTARY SCHOOL**  
(All or a portion of Jefferson  
County Election Precinct 71 and a  
portion of Orange County Election  
Precinct 28)

**POLLING PLACES:**

**5641 S. Gulfway Drive**

**2441 - 61<sup>st</sup> Street**

**4401 Ferndale**

**4801 Ninth Avenue**

**3939 Delaware**

**3501 12<sup>TH</sup> Street**

**710 DeQueen Boulevard**

**1500 Lakeshore Drive**

**1023 Abe Lincoln**

**2500 Taft Avenue**