



ORDINANCE NO. 1616

AN ORDINANCE PROVIDING FOR THE CONDUCT OF A SPECIAL ELECTION ON MAY 7, 2016, TO SUBMIT PROPOSITIONS AS TO WHETHER THE CITY OF PORT ARTHUR SHALL IMPLEMENT A STREET MAINTENANCE SALES TAX AT A RATE OF 1/8 PERCENT BY REDUCING THE EXISTING SECTION 4A (TYPE A ECONOMIC DEVELOPMENT CORPORATION) SALES AND USE TAX (1/2 PERCENT) BY 1/8 TO FACILITATE THIS PURPOSE AND WHETHER THE EXISTING TYPE A SALES TAX SHALL BE UTILIZED FOR VARIOUS CATEGORIES OF PROJECTS AUTHORIZED FOR TYPE B CORPORATIONS PURSUANT TO CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE, AND PROVIDING FOR THE PUBLICATION OF THE ELECTION NOTICE

WHEREAS, the Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation has requested that the City Council consider two propositions related to the use of sales and use tax; and

WHEREAS, the first proposition is for the implementation of a Street Maintenance Sales Tax, and the second proposition is for the use of the Type A Sales tax for a project related to Affordable Housing, which is a 4B project, pursuant to Section 505.153 of the Texas Local Government Code; and

WHEREAS, with regard to Affordable Housing proposition, pursuant to Chapter 504.152 of the Texas Local Government Code (formerly 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 Type A sales tax for categories of projects applicable to Type B Corporations pursuant to Chapter 505 of the Texas Local Government Code (formerly 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 pursuant to the provisions of Section 9.004 and Section 9.006 Texas Local Government Code, a Special Election is hereby ordered to be held on May 7, 2016, to submit the proposed propositions on the usage of Type A sales tax for categories of projects applicable to Type B Corporations pursuant to Chapter 505 of the Texas Local Government Code (formerly Article 5190.6 Vernon's Texas Code Statutes). A copy of said Order and Notice of Election is attached as Exhibit "A", with the proposed propositions attached as Exhibit "A-1" thereto, and the polling locations being attached as Exhibit "A-2" thereto.

Section 3. That pursuant to 504.153 of the Texas Local Government Code, a public hearing must be held in order for Type A corporations to perform a Type B project.

Section 4. 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 Tuesday, March 22, 2016, public hearing at 9:00 a.m.

Section 5. That the City Secretary shall post notices of the date, time, place, and subject of the Public Hearing in the official newspaper of the City on the following Sundays: February 21, 2016, February 28, 2016, March 6, 2016, March 13, 2016, and on March 20, 2016, and otherwise as required by law.

Section 6. That pursuant to Section 504.152 Local Government Code, the City Council is authorized to call an Election on the usage of Type A sales tax for categories of projects under Type B, as delineated under Chapter 505 Local Government Code.

Section 7. That one (1) voting place shall be provided, (as shown in Exhibit "A-2" to the proposed Order and Notice of Elections, attached hereto as Exhibit "A") within each of the precincts or combined precincts into which the City is divided for voting purposes.

Section 8. That all persons are qualified to vote at said elections who are qualified voters under the Constitution and Laws of the State of Texas and the City Charter.

Section 9. 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-1" attached hereto; and shall be under the control and supervision of the City Secretary. This includes the usage of electronic voting equipment certified by the Secretary of State.

Section 10. That said election shall only provide one kind of voting system, no paper ballots will be provided, as mandated by Texas Election Code Sec 123.005.

Section 11. That the Robert E. "Bob" Bowers Civic Center at 3401 Cultural Center Drive is hereby designated as the "Counting Station" to receive and tabulate voted ballots.

Section 12. That pursuant to Section 67.003 of the Texas Election Code, the City Council of the City of Port Arthur shall meet on May 18, 2016, which is within eleven (11) days following election day (May 7, 2016) and officially canvass the returns and declare the results of said Election.

Section 13. That the conduct of such election shall be in accordance with the requirements of the Texas Election Code, including provisions for bilingual assistance, notices, instructions, electronic ballots, and other written materials and information relating to the electoral process, for which presentation and assistance is required.

Section 14. That in accordance with Chapter 32 of the Election Code, and Article III, Section 4 of the City Charter, the City Council shall hereinafter appoint the following: Presiding Judges for each polling place as set forth in Sections 32.031 and 32.032 of the Texas Election Code and with such compensation as to be set by the City Council per Sections 32.091 and 32.092 of the Texas Election Code.

- Manager of the Counting Station with such duties as set forth in Section 127.002 of the Texas Election Code and with such compensation as to be set by the City Council.
- Tabulation Supervisor of the Counting Station with such duties as set forth in Section 127.003 of the Texas Election Code.
- Presiding Judge and Alternate Presiding Judge of the Counting Station with duties and compensation as set forth in Section 127.005 of the Texas Election Code and with such compensation as to be set by the City Council.
- Early Voting Ballot Board with such duties as delineated in Section 87.002 of the Election Code which includes the processing of mail ballots and provisional ballots from the Voter Registrar and with such compensation as to be set by the City Council per Section 87.005 of the Election Code.
- Signature Verification Committee if requested by the Early Voting Clerk pursuant to Section 87.027 of the Texas Election Code.

Section 15. That in addition to the election officers to be designated and appointed, Karina Shields, a registered voter of Jefferson County who reads and speaks the Spanish language fluently, as well as Huy Tran, a registered voter in Jefferson County 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 \$15 per hour. Before serving as an interpreter, Karina Shields and Huy Tran shall take the oath as delineated in Section 61.035 of the Election Code. The City Secretary shall place placards that Spanish and Vietnamese interpreters are available via cell phone and listing their phone numbers. If a person needs assistance, the interpreters will visit the polling locations. Written translations of election documents shall be paid in the sum of \$0.10 per word, subject to the limitations of the Texas Election Code and with such qualifications as delineated in the Election Code.

Section 16. That the Judges and the Alternate Judges shall be paid the sum of fifteen (\$15.00) dollars per hour and the Election Clerks shall be paid the sum of thirteen (\$13.00) 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 17. 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 18. 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 (30th) day nor later than the tenth (10th) 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.

Section 19. That 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 this Ordinance shall take effect immediately from and after its passage.

Section 21. That a copy of this Ordinance shall be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 16th day of February, A.D., 2016, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES: Mayor: Prince; Mayor Pro Tem Frank

Councilmembers: Scott, Hamilton, Albright, Mosely, Lewis, Watland and Moses.

NOES: None.

Deloris Prince
DELORIS PRINCE, MAYOR

ATTEST:
Sherrí Bellard
SHERRI BELLARD, CITY SECRETARY

APPROVED AS TO FORM:



VALECIA TIZENO, CITY ATTORNEY

APPROVED FOR ADMINISTRATION:



BRIAN MCDUGAL, CITY MANAGER

**ORDER AND NOTICE
OF A GENERAL, JOINT AND SPECIAL ELECTION
IN THE CITY OF PORT ARTHUR,
JEFFERSON COUNTY, TEXAS**

Notice is hereby given that the City of Port Arthur will hold a General, Joint and Special Election for the purpose of electing a Mayor in conjunction with the Port Arthur Independent School District, the Port of Port Arthur Navigation District, the Sabine Pass Independent School District, Sabine Pass Port Authority, and a Special Election to submit propositions as to whether or not the City of Port Arthur shall implement a Street Maintenance Sales Tax at a rate of 1/8 percent by reducing the existing Section 4A (type A Economic Development Corporation) sales and use tax (1/2 percent) by 1/8 to facilitate this purpose and the usage of Type A sales tax for categories of projects applicable to Type B Corporations pursuant to Chapter 505 of the Texas Local Government Code (formerly Article 5190.6 Vernon's Texas Code Statutes) on Saturday, May 7, 2016, between the hours 7:00 a.m. and 7:00 p.m.

I, Deloris "Bobbie" Prince, Mayor of the City of Port Arthur, Texas, as authorized by the City Council, do hereby Order and give Notice of a General Election to be held in the City of Port Arthur, Texas, on Saturday, May 7, 2016, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing a Mayor. The term of office for Mayor shall be for a period of three years until his/her respective successor shall have been elected and duly qualified. Candidates may file an application with the City Secretary for a place on the ballot beginning January 20, 2016 through February 19, 2016 at 5:00 p.m.

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 proposed Charter Change Amendment being attached as "A-1". The location of each polling place is shown on Exhibit "A-2". 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 April 26, 2016 and ending on May 3, 2016:

**City Hall, 444 Fourth Street
Port Arthur Public Library, 4615 Ninth Avenue**

Early voting by personal appearance will be conducted on Thursday, April 28, 2016, and on Tuesday, May 3, 2016, between the hours of 7:00 a.m. and 7:00 p.m. at the following location of the main early voting polling place:

City Hall, 444 Fourth Street

**ORDER AND NOTICE OF GENERAL, JOINT AND SPECIAL ELECTION
TO BE HELD MAY 7, 2016**

Please contact the City Secretary's Office at (409) 983-8115 for an Application for a Ballot by Mail or submit your request by e-mail at mailballotapplications@portarthurtx.gov.

Applications for a Ballot by Mail shall be mailed to:

City of Port Arthur
City Secretary Sherri Bellard
Post Office Box 1089
Port Arthur, Texas 77641-1089

Or City of Port Arthur
City Secretary Sherri Bellard
444 Fourth Street
Port Arthur, Texas 77640

*Return
to*

Applications delivered by the voter in person must be received no later than 5:00 p.m. on Friday, April 22, 2016. Applications for Mail Ballots by mail must be received no later than the close of business on Tuesday, April 26, 2016.

Issued this _____ day of _____, 2016.

Deloris "Bobbie" Prince, Mayor
City of Port Arthur

PROPOSED PROPOSITIONS:

Proposition No. 1:

For the next four (4) years, commencing October 1, 2016, shall the City of Port Arthur authorize the adoption a local sales and use tax in the City of Port Arthur at a rate of 1/8 percent to provide revenue for maintenance and repair of municipal streets by reducing the existing Section 4A (Type A Economic Development Corporation) Sales and Use Tax (1/2 percent) by 1/8 to facilitate this purpose and for the retention of the remaining 3/8 percent to continue to be utilized for the Section 4A (Type A Economic Development Corporation) Sales and Use Tax?

Proposition No. 2:

For the next three (3) years, commencing on October 1, 2016 and extending until September 30, 2019, the existing Section 4A (Type A Economic Development Corporation) Sales and Use Tax within the City of Port Arthur shall be utilized for the cost of land, buildings, equipment, facilities, and improvements found by the City of Port Arthur Section 4A Economic Development Corporation Board of Directors to be required or suitable for the promotion of development and expansion of affordable housing, as described by 42 U.S.C. 12745, with a project area bounded by Atlanta Street on the west, 8th Street on the north, Nashville Street on the east and 5th Street on the south within the City of Port Arthur, Texas, which is a category of projects under Section 505.153 of the Local Government Code (Type B Economic Development Corporation), with the condition it will be limited to single family dwellings and the total annual spending by the City of Port Arthur Section 4A Economic Development Corporation will not exceed \$300,000. Said period of time can be extended an additional three (3) years by the City Council by a two-thirds (2/3) vote of the City Council after reviewing public comment on the proposed cost and impact of the project.

ELECTION PRECINCTS:

R. L. ELDRIDGE COMMUNITY CENTER
(Sabine Pass)
(All or a portion of Jefferson County Election
Precinct 32)

MEMORIAL 9TH GRADE ACADEMY
(Formerly known as Stephen F. Austin)
(All or a portion of Jefferson County Election
Precincts 33 & 34)

TYRRELL ELEMENTARY
(All or a portion of Jefferson County Election
Precincts 43, 44, 47, 48, 49, 76 & 93)

PORT ARTHUR PUBLIC LIBRARY
(All or a portion of Jefferson County Election
Precincts 45, 46, 70, 82, 95, 96, 98, 101 & 105)

PORT ARTHUR CITY HALL
(All or a portion of Jefferson County Election
Precinct 50, 51, 52, 53, 54, 55 & 81)

ABRAHAM LINCOLN MIDDLE SCHOOL
(FORMERLY KNOWN AS MEMORIAL HIGH SCHOOL
9TH GRADE CAMPUS AND LINCOLN HIGH SCHOOL)
(All or a portion of Jefferson County Election
Precincts 57, 58, 59 & 104)

TAFT ELEMENTARY SCHOOL
(All or a portion of Jefferson County Election
Precincts 42, 60, 61, 71 & 102)

POLLING PLACES:

5262 S. Gulfway Drive

2441 - 61st Street

4401 Ferndale

4615 Ninth Avenue

444 Fourth Street

1023 Abe Lincoln

2500 Taft Avenue

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Carolyn L. Guidry

Carolyn L. Guidry, County Clerk
Jefferson County, Texas

March 02, 2016 03:39:40 PM

FEE: \$0.00 BELT

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