



* * * * PUBLIC NOTICE * * * *

**NOTICE OF A CITY COUNCIL SPECIAL SESSION
OF THE CITY OF CORINTH
Thursday, February 13, 2020, 6:00 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:
"Honor the Texas Flag: I pledge allegiance to thee; Texas, one state under God, one and indivisible".

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

BUSINESS AGENDA

1. Consider and act on an Ordinance ordering an Election to be held on May 2, 2020 for the purpose of approving and implementing Resolution No. 20-02-06-08 designating a Multipurpose Amphitheater Venue Project and adopting a short term rental vehicle tax at a rate of five percent; providing other matters relating to the conduct of the election; and providing an effective date.
2. Consider and act on an Ordinance to order, call and hold a Joint Special Election to consider a ballot proposition approving the City of Corinth Fire Control, Prevention and Emergency Medical Services District and adopting a sales and use tax for the District at a rate of one-fourth of one percent dedicated to fire control, prevention and emergency medical services, a ballot proposition authorizing the City Council to be appointed as the permanent Board of Directors of the District upon approval at election, and on other matters related to the election.

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

ADJOURN

Posted this 7th day of February, 2020 at 11:30 a.m. on the bulletin board at Corinth City Hall.

Kimberly Pence
 Kimberly Pence, City Secretary
 City of Corinth, Texas

BUSINESS ITEM 1.**City Council Special Session****Meeting Date:** 02/13/2020**Title:** Ordinance ordering a New Short-Term Motor Vehicle Rental Tax Election**Submitted For:** Jason Alexander, Director**Submitted By:** Jason Alexander, Director**City Manager Review: Approval:** Bob Hart, City Manager

Strategic Goals: Land Development
 Infrastructure Development
 Economic Development
 Citizen Engagement & Proactive
 Government
 Regional Cooperation

AGENDA ITEM

Consider and act on an Ordinance ordering an Election to be held on May 2, 2020 for the purpose of approving and implementing Resolution No. 20-02-06-08 designating a Multipurpose Amphitheater Venue Project and adopting a short term rental vehicle tax at a rate of five percent; providing other matters relating to the conduct of the election; and providing an effective date.

AGENDA ITEM SUMMARY/BACKGROUND

Chapter 334 of the Texas Local Government Code, as amended, permits municipalities and counties to impose a wide variety of taxes as methods to finance tourism, sports and community venues. One of those taxes is the short-term motor vehicle rental tax. It is a tax, however, that requires the approval of voters before it can be imposed on motor vehicle rentals of 30 days or less and at a rate not to exceed five (5) percent. In accordance with the provisions of Chapter 334 of the Texas Local Government Code, as amended, the City Council approved Resolution No. 20-02-06-08 on February 6, 2020 which designated the multi-purpose amphitheater and its related infrastructure as a venue project and designated a new short-term motor vehicle rental tax as a method for financing the venue project. Also, in accordance with the provisions of state law, the Texas Comptroller of Public Accounts performed an analysis to "determine if approval and implementation of the resolution will have a significant negative impact on state revenue" and provided the City with written notice of the results. The Texas Comptroller of Public Accounts determined that the approval and implementation of Resolution No. 20-02-06-08 will not have a negative impact on state revenue.

Accordingly, the City Council may order an election for the Short-Term Motor Vehicle Rental Tax to be held on May 2, 2020. The Resolution, as attached, has been prepared in accordance with the provisions of Chapter 334 of the Texas Local Government Code, as amended, and other applicable laws.

RECOMMENDATION

Staff recommends that the City Council approve the Ordinance ordering a Short-Term Motor Vehicle Rental Tax Election to be held on May 2, 2020 as presented.

Attachments

Ordinance

ORDINANCE NO. 20 - 02 - 06 - ____

AN ELECTION ORDER OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ORDERING A JOINT SPECIAL ELECTION BETWEEN THE CITY OF CORINTH, TEXAS, (“CITY”), AND DENTON COUNTY, TEXAS, (“COUNTY”), TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF CORINTH, TEXAS, A BALLOT PROPOSITION ON THE QUESTION OF APPROVING AND IMPLEMENTING RESOLUTION NO. 20 - 02 - 06 - 08 DESIGNATING A MULTIPURPOSE AMPHITHEATER AND RELATED INFRASTRUCTURE AS A SPORTS AND COMMUNITY VENUE PROJECT, (“AMPHITHEATER VENUE PROJECT”), AND ADOPTING A NEW TAX, A SHORT TERM MOTOR VEHICLE RENTAL TAX AT A MAXIMUM RATE OF FIVE PERCENT (5%), TO FUND THE AMPHITHEATER VENUE PROJECT, PURSUANT TO CHAPTER 334 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE DATE OF ELECTION AND PURPOSE OF ELECTION; PROVIDING AN ELECTION NOTICE; PROVIDING FOR THE ADMINISTRATION OF A JOINT ELECTION AND APPROVAL OF A JOINT CONTRACT FOR ELECTION SERVICES WITH COUNTY; PROVIDING FOR EARLY VOTING; PROVIDING THE METHOD OF VOTING; PROVIDING GOVERNING LAW AND QUALIFIED VOTERS; REQUIRING POSTING OF NOTICE; PROVIDING FOR CANVASSING OF RETURNS AND NECESSARY ACTIONS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 334 of the Texas Local Government Code, as amended, (the “Act”), authorizes a municipality to designate various sports and community-related capital improvements and related infrastructure as a “venue” and to designate a method of financing the planning, acquisition, establishment, development, and construction of the venue subject to: (1) a determination by the Texas Comptroller (“Comptroller”), that approval and implementation of the venue project will not have a significant negative fiscal impact on state revenue; and (2) approval by a majority of the qualified voters of the City of Corinth, Texas, voting at an election on the matter; and

WHEREAS, Section 334.001(5) of the Act defines a “sports and community venue project” as a venue and related infrastructure that is planned, acquired, established, developed, constructed, or renovated under the Act; and

WHEREAS, Section 334.001(4) of the Act defines “venue” as an arena, coliseum, stadium, or other type of area or facility that is planned for civic or community use and for which a fee for admission is or is planned to be charged; and

WHEREAS, the multipurpose amphitheater that will be constructed pursuant to the Comptroller’s and voters’ approval of the Amphitheater Venue Project, further defined in Exhibit “A”, attached hereto and incorporated as set forth fully herein, is intended for civic and community use and the City plans to charge a fee for admission to the multipurpose amphitheater, pursuant to Sections 334.001(4) and 334.044 of the Act; and

WHEREAS, Section 334.001(3) of the Act defines “related infrastructure” as any store, restaurant, on-site hotel, concession, automobile parking facility, area transportation facility, road, street, water or sewer facility, park, or other on-site or off-site improvement that relates to and enhances the use, value, or appeal of a venue, including areas adjacent to the venue, and any other expenditure reasonably necessary to construct, improve, renovate, or expand a venue, including an expenditure for environmental remediation; and

WHEREAS, before calling an election on the matter, the Act requires a municipality to adopt a resolution providing for the planning, acquisition, establishment, development, construction and renovation of the Amphitheater Venue Project and the proposed method of financing the project and that the Comptroller provide written notice to the City that implementation of Resolution No. 20 - 02 - 06 - 08 will not have a significant negative fiscal impact on state revenue; and

WHEREAS, on February 6, 2020, the City Council adopted Resolution No. 20 - 02 - 06 - 08 authorizing the designation of a multipurpose amphitheater and related infrastructure as a venue project pursuant to Section 334.001 of the Act, the Amphitheater Venue Project, and designating a method of financing the project, a tax at a rate not to exceed 5% on the gross rental receipts from the short-term rental of motor vehicles in the City, as and to the extent authorized by Subchapter E of the Act; and

WHEREAS, by letter dated _____, 2020, the Comptroller notified the City of the Comptroller’s determination that approval and implementation of Resolution No. 20 - 02 - 06 - 08 would not have a significant negative fiscal impact on state revenue; and

WHEREAS, since the Comptroller determined that Resolution No. 20 - 02 - 06 - 08 does not have a significant negative fiscal impact on state revenue, the City Council of Corinth may call and hold an election to ascertain whether to authorize the Amphitheater Venue Project and adopt a short term motor vehicle rental tax at a maximum rate of 5% to finance the project, after giving notice of such election as required by Chapter 4 of the Texas Elections Code; and

WHEREAS, in accordance with the Act, the City of Corinth wishes to order a special election by the qualified voters of the City of Corinth, Texas, on the question of approving and implementing Resolution No. 20 - 02 - 06 - 08 designating the Amphitheater Venue Project as a venue project and designating the method of financing the project; and

WHEREAS, the City Council of Corinth desires to hold a joint election with Denton County and to enter into a Contract for Election Services whereby the special election will be administered by the Denton County Elections Administrator; and

WHEREAS, Section 41.001 of the Texas Election Code, as amended, establishes May 2, 2020, as a “uniform election date” for the purposes of conducting a special election; and

WHEREAS, Chapter 67 of the Texas Election Code requires the City Council of Corinth to canvass election results as provided herein.

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

Section 1. Incorporation of Premises. The above premises are true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Special Election Called; Location, Date, and Time of Special Election. The City Council of Corinth, Texas, hereby calls a joint special election with Denton County, Texas, as prescribed by Chapter 334 of the Texas Local Government Code and the Texas Election Code, and the election shall be held at the Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208, on the 2nd of May, 2020, from 7:00 a.m. until 7:00 p.m.

Section 3. Purpose; Proposition. The purpose of this Special Election is to consider one ballot proposition: whether to approve and implement Resolution No. 20 - 02 - 06 - 08 authorizing the City of Corinth, Texas, to provide for the planning, acquisition, establishment, development, construction, renovation and financing of a new multipurpose amphitheater and related infrastructure at the location of 3221 Corinth Parkway, Corinth, Texas 76208, the Amphitheater Venue Project, and to designate the Amphitheater Venue Project as a sports and community venue project and to impose a short term motor vehicle rental tax on the gross rental receipts from the short-term rental of motor vehicles within the City of Corinth, Texas, at a maximum rate of 5%, for the purpose of financing the Amphitheater Venue Project, pursuant to applicable law. Pursuant to Section 334.101 of the Local Government Code, short term rental is defined as “an agreement by the owner of a motor vehicle to authorize for not longer than 30 days the exclusive use of that vehicle to another for consideration.”

Section 4. Election Notice. Notice of the election shall be given as required by the Election Code, and the Charter of the City of Corinth. Notice shall be provided by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at Corinth City Hall on the bulletin board used for posting notices of the meetings of the City Council and by publication of such notice one time in a newspaper of general circulation published within the City; the date of the publication to be not earlier than the 30th day or later than the 10th day before the Election day. The notice shall contain information as provided by the Election Administrator regarding polling places and early voting and such other matters as required by law.

Section 5. Ballot Language. Voting on the date of the Special Election, and early voting therefor, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Special Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote "For" or "Against" the Propositions. Said ballots shall have printed therein such provisions, markings, and language as may be required by law, and the Propositions shall be set forth on said ballots in substantially the following form and language:

**CITY OF CORINTH SPECIAL ELECTION
May 2, 2020
OFFICIAL BALLOT
CITY OF CORINTH PROPOSITION A**

FOR _____

AGAINST _____

“Authorizing the City of Corinth, Texas, to provide for the planning, acquisition, establishment, development, construction, renovation and financing of a new multipurpose amphitheater and related infrastructure at the location of 3221 Corinth Parkway, Corinth, Texas 76208, the Amphitheater Venue Project, and to designate the Amphitheater Venue Project as a sports and community venue project within the City of Corinth, Texas, and to impose a new short term rental tax on the gross rental receipts of the short term rental of motor vehicles within the City of Corinth, Texas, at a maximum rate of five percent (5%), for the purpose of financing the Amphitheater Venue Project.”

Section 6. Denton County to Conduct Joint Special Election; Approval of Election Contract. The Election shall be conducted in accordance with the Election Code under the jurisdiction of the Denton County Elections Administrator (the “Election Administrator”), pursuant to an Election Services Contract between the City and County, and other participating entities, if any, as described therein, (the “Contract”), a copy of which Contract shall be incorporated herein as Exhibit “B” upon its final approval and execution by the City.

The Mayor, the City Manager or designee, is authorized to amend or supplement any and all contracts for the administration of the Election, including without limitation the Election Services Contract, to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Election Administrator and in accordance with the Election Code. In the event that no election is necessary, the City Secretary shall notify the County and shall present the City Council a Resolution or Ordinance cancelling the election.

Section 7. Early Voting. The main early voting place is located at 701 Kimberly Drive, Suite A101, Denton, Texas 76208 and voting shall occur as provided herein. Early Voting hours are Monday, April 20, 2020 through Saturday, April 25, 2020 from 8:00 a.m. to 5:00 p.m. each day. Additional Early Voting hours are Monday, April 27, 2020 and Tuesday, April 28, 2020 from 7:00

a.m. until 7:00 p.m. each day. Early Voting at Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208 shall occur on the same dates and times listed herein. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above.

Early voting by mail shall be conducted in conformance with the requirements of the Election Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, 701 Kimberly Drive, Suite A101, Denton, Texas 76208 (the official mailing address of the Early Voting Clerk). The voting precincts for the Election shall be designated by their respective county precinct numbers.

Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated herein and on Exhibit "B" hereto (described below) in accordance with this section. Early voting location and times may be changed, or additional early voting locations may be added by the Denton County Elections Administrator without further action of the City Council or amendment to this Resolution, as is necessary for the proper conduct of the Election.

Section 8. Election Administrator; Early Voting Clerk. The Election Administrator, Frank Phillips, shall serve as the Early Voting Clerk. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Further, the Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Election Code.

Section 9. Method of Voting. The Election Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the election. Voting at the Election shall be by use of electronic system ballots. Preparation of the official ballots for the Election shall conform to the requirements of the Texas Election Code, and in so doing shall permit the voter to vote for or against each proposed amendment to the City Charter.

Section 10. Governing Law; Qualified Voters. The Election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 11. Publication and Posting of Notice of Election. Notice of the election shall be given as required by the Election Code, the Local Government Code, and the Charter of the City of Corinth.

Section 12. Necessary Actions. The Mayor and City Secretary in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Local Government Code, the Election Code, and the City Charter in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13. Canvass of Election. Pursuant to Section 67.002 of the Election Code, the City Council shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of: (1) the third day after election day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Section 14. Cumulative Repealer Clause. This Ordinance shall be cumulative of all provisions of Ordinances of the City of Corinth, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 15. Severability. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 16. Effective Date. This Ordinance shall be effective upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ON THE __ DAY OF _____, 2020.

CITY OF CORINTH

Bill Heidemann, Mayor

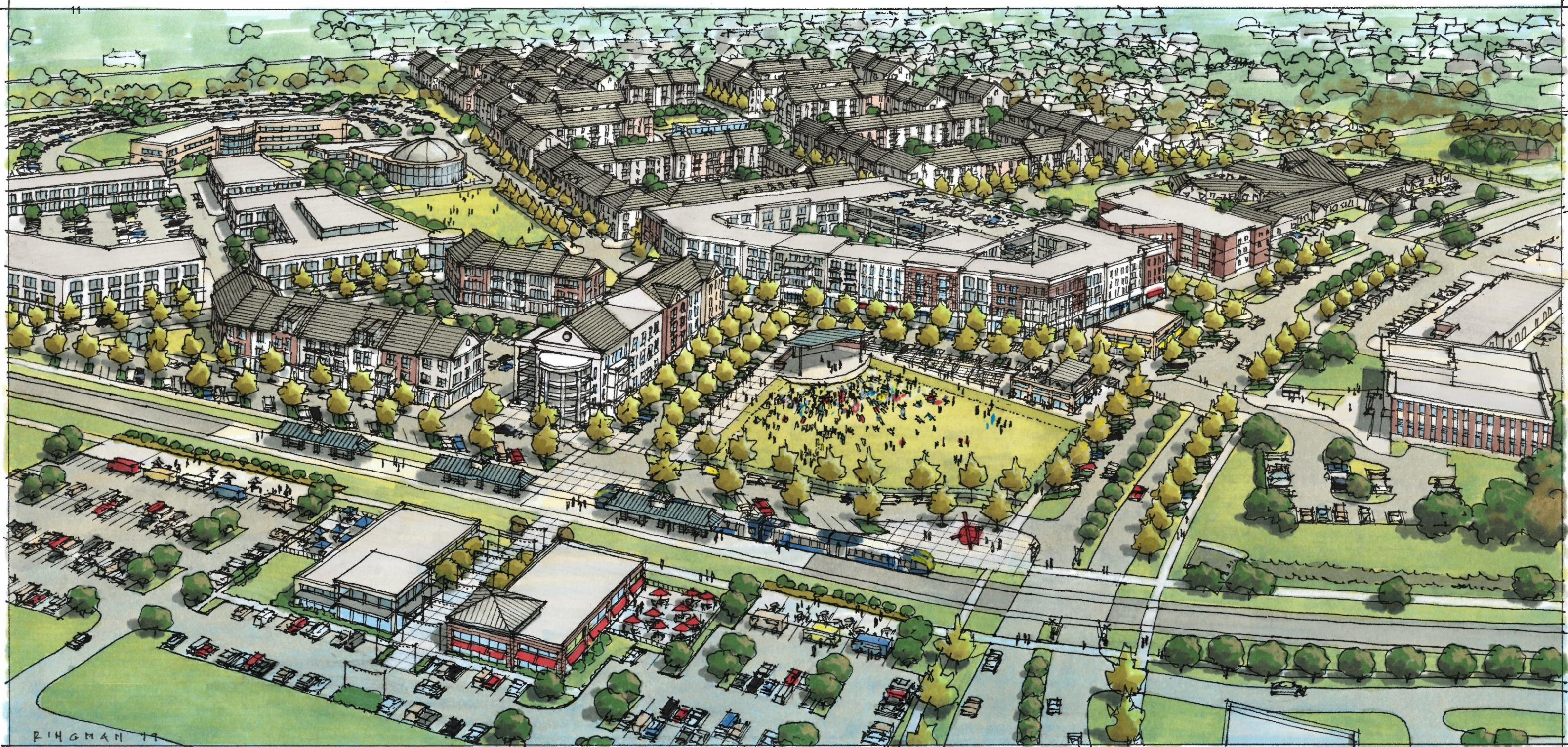
ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney

Exhibit A
Amphitheater Venue Project



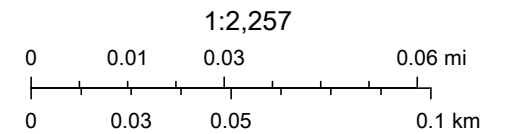
View of Corinth Village

Rendering of the Completed Planned Amphitheater Venue Project

Planned Amphitheater Venue Project Location



1/22/2020, 3:48:15 PM



Esri., Inc., City of Naperville, Illinois, City of Corinth

Exhibit B
Election Services Contract

BUSINESS ITEM 2.**City Council Special Session**

Meeting Date: 02/13/2020
Title: Ordinance calling a Joint Special Election
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
Finance Review: N/A **Legal Review:** Yes
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive
Government
Organizational Development

AGENDA ITEM

Consider and act on an Ordinance to order, call and hold a Joint Special Election to consider a ballot proposition approving the City of Corinth Fire Control, Prevention and Emergency Medical Services District and adopting a sales and use tax for the District at a rate of one-fourth of one percent dedicated to fire control, prevention and emergency medical services, a ballot proposition authorizing the City Council to be appointed as the permanent Board of Directors of the District upon approval at election, and on other matters related to the election.

AGENDA ITEM SUMMARY/BACKGROUND

On January 23, 2020, the City Council proposed the creation of the City of Corinth Fire Control, Prevention and Emergency Medical Services District and appointed the members of the City Council of Corinth and the City Manager of Corinth to serve collectively as the Temporary Board of the District. The Temporary Board has adopted a fire control, prevention, and emergency medical service plan and after holding a public hearing, the board adopted a two-year budget plan on February 13, 2020.

The Temporary Board adopted an Order calling the May 2, 2020 election to allow the voters to determine whether the City of Corinth Fire Control and Prevention District should be created, a sales and use tax of $\frac{1}{4}$ of 1% should be adopted for the purpose of funding District programs, and authorizing the City Council to serve as the Permanent Board of the District. This item is for the City Council to order the election for the District jointly with the Temporary Board of Directors of the District.

RECOMMENDATION

Staff recommends approving the Ordinance calling a Joint Special Election to consider a ballot proposition approving the City of Corinth Fire Control, Prevention and Emergency Medical Services District and adopting a sales and use tax for the District at a rate of one-fourth of one percent dedicated to fire control, prevention and emergency medical services, a ballot proposition authorizing the City Council to be appointed as the permanent Board of Directors of the District upon approval at election, and on other matters related to the election.

Attachments

Ordinance

ORDINANCE NO. 20-02-13-**JOINT ELECTION ORDER**

A JOINT ELECTION ORDER OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ("CITY"), AND THE TEMPORARY BOARD OF DIRECTORS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ("TEMPORARY BOARD"), ORDERING A SPECIAL ELECTION TO BE HELD WITH DENTON COUNTY, TEXAS, ("COUNTY"), ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY SERVICES DISTRICT, COMPRISING THE CITY OF CORINTH, TEXAS, A BALLOT PROPOSITION THAT SERVES AS A CONFIRMATION ELECTION ORDER FOR THE CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ("DISTRICT"), AND ADOPTS A SALES AND USE TAX FOR THE DISTRICT AT A RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PROGRAMS, PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND A BALLOT PROPOSITION TO DESIGNATE THAT THE CITY COUNCIL OF THE CITY OF CORINTH MAY, BY RESOLUTION, BE APPOINTED TO SERVE AS THE PERMANENT BOARD OF DIRECTORS OF THE DISTRICT; PROVIDING A SUMMARY OF THE PROPOSED BUDGET PLAN AND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PLAN; PROVIDING FOR AN INCORPORATION OF PREMISES; PROVIDING FOR THE DATE OF ELECTION AND PURPOSE OF ELECTION; PROVIDING AN ELECTION NOTICE; PROVIDING FOR THE ADMINISTRATION OF A JOINT ELECTION AND APPROVAL OF A JOINT CONTRACT FOR ELECTION SERVICES WITH COUNTY; PROVIDING FOR EARLY VOTING; PROVIDING THE METHOD OF VOTING; PROVIDING GOVERNING LAW AND QUALIFIED VOTERS; REQUIRING POSTING OF NOTICE; PROVIDING FOR CANVASSING OF RETURNS AND NECESSARY ACTIONS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, (the "City") is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City currently imposes a local sales and use tax at a combined rate of 8.25 percent; and

WHEREAS, the City currently imposes a street and maintenance tax at a rate of one-fourth of one percent that will lapse by operation of law on December 31, 2020, pursuant to Section 327.007 of the Texas Tax Code; and

WHEREAS, the Fire Control, Prevention, and Emergency Medical Services District Act as set forth in Chapter 344 of the Texas Local Government Code, as amended, (the "Act"), authorizes the creation of a fire control, prevention and emergency medical services district and an associated tax upon approval by a majority of the qualified voters of the district voting at an election, and Section 344.051(a-3) of the Act authorizes the City Council of the City of Corinth, ("City Council"), to propose the creation of the district by resolution; and

WHEREAS, on January 23, 2020, the City Council proposed the creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District (the "District"); and

WHEREAS, January 23, 2020, the City Council appointed the members of the City Council of Corinth and the City Manager of Corinth to serve collectively as the Temporary Board of the District, a date within 60 days of the City Council proposing the District; and

WHEREAS, on February 13, 2020, the Temporary Board conducted a meeting to organize the Temporary Board within 75 days of the City Council proposing the District; and

WHEREAS, prior to adoption of this Ordinance, the Temporary Board adopted a fire control, prevention, and emergency medical services plan and a two-year budget plan on February 13, 2020; and

WHEREAS, Section 344.055 of the Act authorizes the adoption of the fire control, prevention, and emergency medical services district sales and use tax for the purposes of fire safety and emergency medical services programs; and

WHEREAS, Section 321.106 of the Texas Tax Code authorizes the adoption of a municipal sales and use tax for a municipal fire control, prevention and emergency medical services district; and

WHEREAS, the Temporary Board has determined that the proposed District shall conduct an election to ascertain whether a fire control, prevention, and emergency medical services district and associated sales and use tax at the rate of one-fourth of one percent shall be established pursuant to the Act, for the purposes of fire safety and emergency medical services programs; and

WHEREAS, Section 41.001 of the Texas Election Code, as amended, establishes May 2, 2020, as a "uniform election date" for the purposes of conducting a special election; and

WHEREAS, Section 344.101(e) of the Act authorizes a city council to serve as the temporary board of directors of a fire control, prevention, and emergency medical services district and further, "may appoint the governing body's membership as the permanent board of directors of the district, if

the appointment is approved by the voters in a creation election or continuation referendum under this chapter"; and

WHEREAS, after adopting the required plans pursuant to Section 344.061 of the Act, the Temporary Board may call and hold a confirmation election for the proposed district pursuant to Sections 344.054 and 344.056 of the Act, after giving notice of such election in a newspaper with general circulation in the proposed district once a week for two consecutive weeks, the first publication occurring before the 35th day before the date set for the election; and

WHEREAS, Section 344.059 of the Act requires the Temporary Board to canvass election results not earlier than the second day and not later than the 13th day after the date of the election; and

WHEREAS, Section 344.062 of the Act requires the Temporary Board to reimburse the City for the actual expenses the City incurred in the creation of the District if the District is in fact created.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AND THE TEMPORARY BOARD OF DIRECTORS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, THE FOLLOWING:

Section 1. Incorporation of Premises. The above premises are true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Special Election Called; Location, Date, and Time of Election. That a special election in the proposed City of Corinth Fire Control, Prevention, and Emergency Medical Services District, comprising the City of Corinth, Texas, as prescribed by Chapter 344 of the Texas Local Government Code and Chapter 321 of the Texas Tax Code, shall be held at the Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208, between the hours of seven o'clock a.m. and seven o'clock p.m. on May 2, 2020.

Section 3. Purpose; Proposition. The purpose of this Special Election is to consider two ballot propositions: (1) whether to establish the City of Corinth Fire Control, Prevention, and Emergency Medical Services District and adopt a sales and use tax, at the rate of one-fourth of one percent, dedicated to fire safety and emergency medical services programs; and (2) whether the City Council of the City of Corinth may, by resolution, be appointed collectively to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District.

Section 4. Contents, Publication, and Posting of Election Notice.

Pursuant to Section 4.003 of the Texas Election Code, the City Council of Corinth hereby orders the City Secretary to publish notice of this Special Election in a newspaper of general circulation in the City with such notice meeting all requirements of State law and Charter no earlier than the 30th day or later than the 10th day before election day. In addition to complying with all the requirements of state law, including without limitation, the Texas Election Code, as required by the Texas Local Government Code, the notice shall be provided by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at Corinth City Hall on the bulletin board used for posting

notices of the meetings of the City Council no later than the 30th day or later than the 10th day before election day.

In addition to the notice required by Section 4.003 of the Texas Election Code, the Temporary Board shall give notice of this election by publishing a substantial copy of the election order in a newspaper with general circulation in the proposed District once a week for two consecutive weeks pursuant to Section 344.056 of the Texas Local Government Code. The first publication must appear before the 35th day before the date set for the election.

Section 5. Ballot Language. Voting on the date of the Election, and early voting therefor, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote "For" or "Against" the Propositions. Said ballots shall have printed therein such provisions, markings, and language as may be required by law, and the Propositions shall be set forth on said ballots in substantially the following form and language:

**CITY OF CORINTH SPECIAL ELECTION
City of Corinth Fire Control, Prevention, and Emergency Medical Services District
May 2, 2020**

OFFICIAL BALLOT

CITY OF CORINTH PROPOSITION A

FOR _____

AGAINST _____

“The creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District dedicated to fire safety and emergency medical services programs and the adoption of a proposed local sales and use tax at a rate of one-fourth of one percent.”

CITY OF CORINTH PROPOSITION B

FOR _____

AGAINST _____

“Should the eligible voters authorize the creation of the City of Corinth Fire Control, Prevention, and Emergency Services District dedicated to fire safety and emergency medical services programs, may the Corinth City Council approve a resolution to appoint the Corinth City Council to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District.”

Section 6. Denton County to Conduct Election; Approval of Election Contract. The Election shall be conducted in accordance with the Election Code under the jurisdiction of the Denton County Elections Administrator (the “Election Administrator”), pursuant to an Election Services Contract between the City and County, and other participating entities, if any, as described therein, (the “Contract”), a copy of which Contract shall be incorporated herein as Exhibit “A” upon its final approval and execution by the City.

The Mayor, the City Manager or designee, is authorized to amend or supplement any and all contracts for the administration of the Election, including without limitation the Election Services Contract, to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Election Administrator and in accordance with the Election Code. In the event that no election is necessary, the City Secretary shall notify the County and shall present the City Council a Resolution or Ordinance cancelling the election.

Section 7. Main Early Voting Date, Location, and Hours. The Election Administrator, Frank Phillips, shall serve as the Early Voting Clerk. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Further, the Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Election Code.

The main early voting place is located at 701 Kimberly Drive, Suite A101, Denton, Texas 76208 and voting shall occur as provided herein. Early Voting hours are Monday, April 20, 2020 through Saturday, April 25, 2020 from 8:00 a.m. to 5:00 p.m. each day. Additional Early Voting hours are Monday, April 27, 2020 and Tuesday, April 28, 2020 from 7:00 a.m. until 7:00 p.m. each day. Early Voting at Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208 shall occur on the same dates and times listed herein. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above.

Early voting by mail shall be conducted in conformance with the requirements of the Election Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, 701 Kimberly

Drive, Suite A101, Denton, Texas 76208 (the official mailing address of the Early Voting Clerk). The voting precincts for the Election shall be designated by their respective county precinct numbers.

Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated herein and on **Exhibit "A"** hereto (**described below**) in accordance with this section. Early voting location and times may be changed or additional early voting locations may be added by the Denton County Elections Administrator without further action of the City Council or amendment to this Resolution, as is necessary for the proper conduct of the Election.

Section 8. Election Administrator; Early Voting Clerk. The Election Administrator, Frank Phillips, shall serve as the Early Voting Clerk. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Further, the Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Election Code.

Section 9. Method of Voting. The Election Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the election. Voting at the Election shall be by use of electronic system ballots. Preparation of the official ballots for the Election shall conform to the requirements of the Texas Election Code, and in so doing shall permit the voter to vote for or against each proposed amendment to the City Charter.

Section 10. Governing Law; Qualified Voters. The Election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 11. Publication and Posting of Notice of Election. Notice of the election shall be given as required by the Election Code, the Local Government Code, and the Charter of the City of Corinth.

Section 12. Necessary Actions. The Mayor and City Secretary in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the, the Election Code, and the City Charter in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13. Canvass of Election. Pursuant to Section 67.002 of the Election Code, the City Council will canvass the election not earlier than May 5, 2020 and not later than May 13, 2020. Notice of the time and place for canvass shall be posted on the official bulletin board of the City in the same manner as required by the Open Meetings Act for City Council meetings in accordance with Chapter 551 of the Local Government Code.

Section 14. Cumulative Repealer Clause. This Ordinance shall be cumulative of all provisions of Ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 15. Summaries of Budget and Services Plans. Pursuant to Section 344.054(b)(5) of the Act, summaries of the proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan are as follows:

BUDGET PLAN

The Budget Plan for Fiscal Year 2020-2021 reflects sales tax collections of \$327,818 and for Fiscal Year 2021-2022 sales tax collections of \$450,204.

SERVICES PLAN

The Lake Cities Fire Department is a progressive organization located along the Interstate 35 corridor in Denton County. The Fire District protects the communities of Corinth, Hickory Creek, Lake Dallas, and Shady Shores. The fire district is approximately 30 square miles with a population of about 30,000. Lewisville Lake surrounds the South border, and Denton surrounds the North border. The Fire Department currently operate out of three fire houses and a headquarters building.

The Fire Department provides fire suppression and related investigatory activities, fire prevention and public education services, emergency rescue and extrication services, hazardous materials services, and emergency medical services.

The Fire Prevention Division is responsible for Fire Safety Inspections, Investigations, Construction Plan Reviews, Code Enforcement, Public Education and Information. This division is an integral part of the city government, responsible for developing and adopting Fire and Life Safety Codes.

The Operations Division supervises response to emergency and non-emergency calls for service, pre-planning of commercial occupancies and public education. This division is also responsible for obtaining and maintaining the department fleet, equipment and facilities.

The Fire Department is committed to providing progressive, innovative, and high quality training to meet the current and future demands of the fire service. The function of the Training Division is to plan, coordinate, and deliver training in an effort to ensure that the members of the Fire Department operate as safely, effectively, and efficiently as possible. The goal of the Training Division is to meet the 20 hour per member continuing education requirement from the Texas Commission on Fire Protection and the 240 hour per member requirement of the Insurance Service Office (ISO) for Class 1 Fire Departments annually.

Section 16. Severability. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining

portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 17. Effective Date. This Ordinance shall be effective upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ON THE 13th DAY OF FEBRUARY, 2020, AND BY THE TEMPORARY BOARD OF DIRECTORS OF THE CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT ON THIS THE 13th DAY OF FEBRUARY, 2020.

CITY OF CORINTH

Bill Heidemann, Mayor

TEMPORARY BOARD OF DIRECTORS OF
THE PROPOSED CITY OF CORINTH FIRE
CONTROL, PREVENTION, AND
EMERGENCY MEDICAL SERVICES
DISTRICT

By: Presiding Officer

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney

Exhibit A
Election Services Contract