ORDINANCE NO. 20 - 02 - 13 - 04

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 February 10, 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 13 DAY OF February, 2020.

CITY OF CORINTH

Bill Heidemann, Mayor

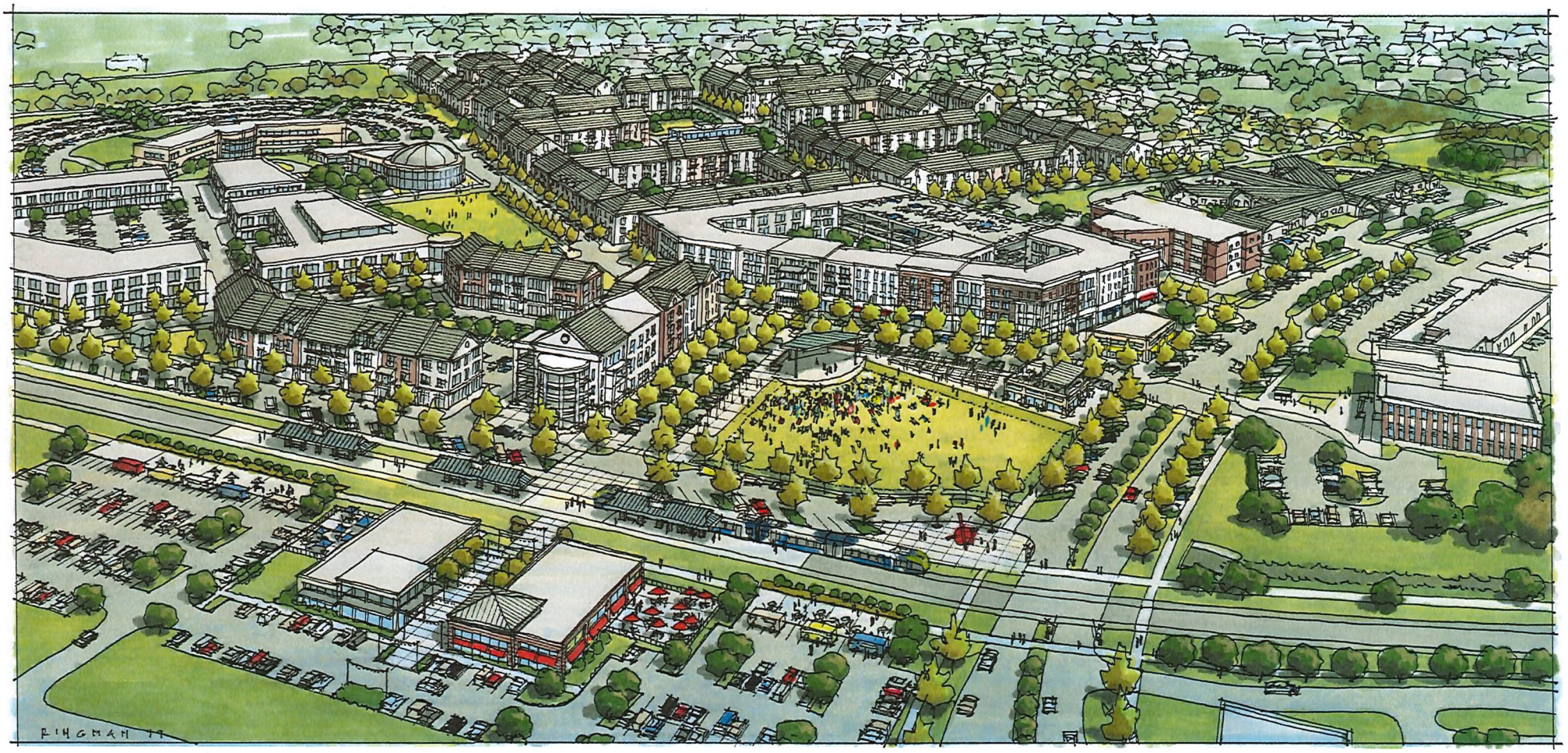
ATTEST:

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

CORINTH TEXAS

Master Planning
VILLAGE SQUARE AT CORINTH

CATALYST URBAN DEVELOPMENT

Planned Amphitheater Venue Project Location

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

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

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

Web AppBuilder for ArcGIS

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

Exhibit B
Election Services Contract