CITY OF CORINTH, TEXAS
ORDINANCE NO. 20-08-06-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, REPEALING ORDINANCE NO. 20-02-13-04 ORDERING AND CALLING A SPECIAL ELECTION FOR THE CITY OF CORINTH, TEXAS ON MAY 2, 2020, AS POSTPONED TO TUESDAY, NOVEMBER 3, 2020 PURSUANT TO ORDINANCE NO. 20-04-02-09, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY, 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; PROVIDING FOR THE INCORPORATION OF PREMISES; DECLARING THE SPECIAL ELECTION MOOT; CANCELING THE SPECIAL ELECTION; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about February 13, 2020, the City adopted Ordinance No. 20-02-13-04, which, in part, ordered a joint special election for the purpose of submitting to the qualified voters of the City, a ballot proposition on the question of approving and implementing Resolution No. 20-02-06-08, designating the Amphitheater Venue Project as a sports and community 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, for Saturday, May 2, 2020; and

WHEREAS, on or about March 13, 2020, the Governor of the State of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a Proclamation suspending certain sections of the Texas Election Code, among others, to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone general and special elections for 2020 only to the next uniform election date, November 3, 2020 without otherwise adjusting the election date; and

WHEREAS, it is pursuant to the authority of the Governor's March 18, 2020 Proclamation and Election Advisory 2020-12 that Ordinance No. 20-04-02-09 was adopted to postpone the joint special election from Saturday, May 2, 2020, to Tuesday, November 3, 2020; and

WHEREAS, the Council now hereby declares the special election postponed to November 3, 2020 moot; and

WHEREAS, pursuant to Ordinance No. 20-02-13-04 and Ordinance No. 20-04-02-09, the City Council wishes to cancel such special election because it has been declared moot pursuant to Section 2.081 of the Texas Election Code.

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

SECTION 1
INCORPORATION OF PREMISES

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2
DECLARATION OF MOOTNESS

The City Council hereby declares the special election called and postponed by Ordinance No. 20-02-13-04 and Ordinance No. 20-04-02-09, respectively, moot due to the fact that there are insufficient short term motor vehicle rentals occurring within the City to fund the Amphitheater Venue Project.

SECTION 3
ORDINANCES CALLING AND POSTPONING ELECTION REPEALED AND CANCELLATION OF SPECIAL ELECTION

Ordinance No. 20-02-13-04 and Ordinance No. 20-04-02-09 are hereby repealed in their entirety and the special election scheduled for Tuesday, November 3, 2020, for the purpose of submitting to the qualified voters of the City, a ballot proposition on the question of approving and implementing Resolution No. 20-02-06-08, designating the Amphitheater Venue Project as a sports and community 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, is hereby cancelled.

SECTION 4
NOTICE

The City Secretary is directed to cause a copy of this ordinance to be posted during early voting by personal appearance and on election day at each polling place used or that would have been used in the election.

SECTION 5
CUMULATIVE 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 6
SEVERABILITY CLAUSE

It is hereby declared to be the intent of the City Council of the City of Corinth that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7
EFFECTIVE DATE

This Ordinance shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ON THIS 6th DAY OF AUGUST 2020.

CITY OF CORINTH:

Bill Heidemann, Mayor

ATTEST:

Lana Wylie, Interim City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney