

ORDINANCE #2023-LoD

**ORDINANCE CALLING A SPECIAL ELECTION FOR A VENUE PROJECT
ELECTION IN ACCORDANCE WITH CHAPTER 334, LOCAL GOVERNMENT
CODE, TO BE HELD IN THE CITY OF KINGSVILLE, TEXAS AND OTHER
MATTERS RELATED THERETO**

WHEREAS, the City Commission of the City of Kingsville, Texas (the “Commission”) hereby finds and determines that an election should be held to determine whether the Commission of the City of Kingsville, Texas (the “City”) shall be authorized to establish a certain sports and community venue project in accordance with the provisions of Chapter 334, Texas Local Government Code (the “Act”) and other applicable law and for the purposes hereinafter identified;

WHEREAS, the Commission adopted a resolution on July 10, 2023 (the “Comptroller’s Resolution”) to provide for the planning, acquisition, establishment, development, construction, and renovation of a certain venue project as provided herein in accordance with the provisions of the Act;

WHEREAS, the Commission has followed the procedures prescribed by the Act to obtain the determination from the Comptroller of Public Accounts of the State of Texas (the “Comptroller”) that the implementation of the Comptroller’s Resolution will not have a significant negative fiscal impact on revenues of the State of Texas (the “State”) by sending a copy of the Comptroller’s Resolution to the Comptroller;

WHEREAS, the Comptroller by letter dated July 17, 2023, has determined that the approval and implementation of the Comptroller’s Resolution will not have a significant negative fiscal impact on State revenue;

WHEREAS, the Commission now desires to proceed with the submission of the approval and implementation of the Comptroller’s Resolution and this ordinance (this “Ordinance”) as provided by the Act;

WHEREAS, the Commission has determined to call an election for the purposes of approving and implementing the Comptroller’s Resolution for the renovation, planning, acquisition, construction, and equipment of the former King Ranch Museum for the development of the Henrietta Memorial Events and Nature Center (the “Nature Center”) and any related infrastructure or adjacent support facilities (collectively, the “Project”);

WHEREAS, the Commission finds that the proposed Project will be a tourism development area to be used for one or more community events, promotional events, and other civic or charitable events to promote ecotourism in the City;

WHEREAS, the Commission finds that the Project will provide a significant positive economic development and tourism impact to the City, including the business community and various civic and commercial organizations throughout the City;

WHEREAS, the governing bodies of other local political subdivisions situated in Kleberg County, Texas (the “County”), also intend to call an election for November 7, 2023, and certain of such entities, and the City, wish to hold a joint election as permitted by the provisions of Section 271.002, Texas Election Code; and

WHEREAS, the Commission hereby finds and determines that this action is in the best interests of the citizens of the City;

NOW, THEREFORE, be it ordained by the City Commission of the City of Kingsville, Texas, that:

Section 1. An election shall be held on the 7th day of November, 2023 (the “Election Day”), a uniform election date, in the CITY OF KINGSVILLE, TEXAS, for the purpose of submitting the following proposition to the qualified voters of the City in accordance with law:

PROPOSITION A

“Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities at the Henrietta Memorial Events and Nature Center and any related infrastructure, a venue project of the type described and defined in Chapter 334, Texas Local Government Code (the “Venue Project”), and described generally as a tourist development area as defined in the Act, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project.”

Section 2. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 3. The Commission hereby authorizes the Election to be held jointly with other participating political subdivisions located within the County, and authorizes the execution of an agreement with the County, acting through its Elections Administrator, for conduct of the Election as a joint election with the other political subdivisions identified in such agreement (the “Election Contract”).

Section 4. Pursuant to Section 61.012, Texas Election Code, the Kleberg County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

Section 5. The Election shall be held in and throughout the City of Kingsville, Texas, on November 7, 2023, between the hours of 7:00 am and 7:00 pm. Election day voting locations are listed in Exhibit A. Exhibit A shall be modified to include additional or different election day voting locations required to conform to the Election Contract and the Texas Election Code.

Section 6. Early voting by personal appearance will begin on October 23, 2023 and end on November 3, 2023. Early voting locations are listed in Exhibit B. Exhibit B shall be modified to include additional or different early voting locations required to conform to the Election Contract and the Texas Election Code.

Section 7. Electors may cast their early vote by mail, and the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to, is as follows:

Mr. Salvador "Sonny" Barrera, III, Election Official
Kleberg County Courthouse
700 East Kleberg Avenue, #111
Kingsville, Texas 78364
Attention: Early Voting Clerk

Section 8. The official ballots shall be prepared in accordance with the Election Code so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot substantially as follows:

PROPOSITION A

"Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities for the Henrietta Memorial Events and Nature Center Project and any related infrastructure, a venue project of the type described and defined in Chapter 334, Texas Local Government Code (the "Venue Project"), and described generally as a tourism development are to promote eco-tourism in the City, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project."

Section 9. The City Secretary shall give notice of the Election by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, one time not earlier than the 30th day nor later than the 10th day prior to the date set for the Election, in a newspaper published in the City; and (ii) posting a copy of this Ordinance in English and Spanish on the bulletin board used for posting notices of meetings of the City Commission, not later than the twenty-first (21st) day prior to the date set for the Election and (iii) posting a copy of this Ordinance, in English and Spanish, on the City's website, prominently and together with the notice of the election and the contents of the Election, not later than the twenty-first (21st) day prior to the date set for the election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place, not later than the (21st) day prior to the date set for the Election.

Section 10. The Mayor and City Secretary and bond counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized by this Ordinance necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

Section 11. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

Section 12. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

Section 13. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 14. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 15. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

Section 16. This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

BE IT FINALLY RESOLVED that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

PASSED AND APPROVED, by majority vote of the City Commission of the City of Kingsville, Texas, this the 14th day of August, 2023.

CITY OF KINGSVILLE, TEXAS

/s/ Sam R. Fugate
Sam R. Fugate
Mayor



ATTEST:

/s/ Mary Valenzuela
Mary Valenzuela
City Secretary



(CITY SEAL)

EXHIBIT A

ELECTION DAY SITES

Election Day Voting in the City shall be conducted on the 7th day of November, 2023, between the hours of 7:00 a.m. and 7:00 p.m. at the polling locations listed below. Eligible voters shall vote at the locations listed below. All eligible voters of the City may vote in the Election.

Precinct No.	Voting Location Buildings	Address for Locations
11, 12, 13, 14	Coastal Bend Fellowship Church Hall	1500 East Caesar Street Kingsville, TX 78363
21, 22, 23, 24	Knights of Columbus Hall, Council 3389	320 East General Cavazos Boulevard Kingsville, TX 78363
31, 32, 33	Elks Lodge #1926	1404 South 6 th Street Kingsville, TX 78363
34	Riviera County Building	103 North 7 th Street Riviera, TX 78379
35	Ricardo Senior Citizen Center	2160 Nix Ricardo, TX 78363
41, 42, 43, 44	Early Voting Annex Office	720 East King at 12 th Street Kingsville, TX 78363

EXHIBIT B

EARLY VOTING SITES

Early Voting in the City shall be conducted on the dates and hours indicated below, at the polling locations listed below:

Precinct No.	Dates and Times	Times	Location
11, 12, 13, 14, 21, 22, 23, 24, 31, 32, 33, 34, 35, 41, 42, 43, and 44	Monday, October 23, 2023 through Wednesday, November 1, 2023	8:00 am to 5:00 pm	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363
11, 12, 13, 14, 21, 22, 23, 24, 31, 32, 33, 34, 35, 41, 42, 43, and 44	Thursday, November 2, 2023 and Friday, November 3, 2023	7:00 am to 7:00 pm	Early Voting Annex Office 720 East King at 12 th Street Kingsville, TX 78363