

*THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE ADOPTED BY THE CITY COUNCIL*

AN ORDINANCE

ORDERING A SALES AND USE TAX ELECTION TO BE HELD ON THE 2nd DAY OF MAY, 2020, TO AUTHORIZE THE CONTINUATION OF THE CURRENT 1/8TH CENT SALES AND USE TAX FOR EIGHT ADDITIONAL YEARS FOR THE BENEFIT OF THE SAN ANTONIO EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION'S PRE-K 4 SA PROGRAM AND AUTHORIZING A CONTRACT WITH BEXAR COUNTY FOR CONDUCT OF THIS ELECTION IN AN AMOUNT UP TO \$850,000.00, AND APPROPRIATING FUNDING FROM THE PRE-K FUND BALANCE PENDING APPROVAL OF THE SAN ANTONIO EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS.

WHEREAS, Chapter 379A, Texas Local Government Code, titled the "Better Jobs Act" (the "Act") authorizes a municipality to create a municipal development corporation to develop and implement programs for early childhood development that prepare each child to enter school and make each child ready to learn after completing the program, that provide educational services to promote literacy, and that establish math, reading, and lifelong learning skills; and

WHEREAS, in 2012 the City Council (the "City Council") of the City of San Antonio, Texas (the "City") authorized the creation of the San Antonio Early Childhood Education Municipal Development Corporation (the "Corporation") for the purposes of developing early childhood literacy and educational programs in accordance with the Act; and

WHEREAS, as authorized by the Act, the City levied a 1/8 cent sales and use tax for the benefit of the Corporation after approval by a majority of the voters of the municipality voting at a sales and use tax election called for that purpose on November 6, 2012; and

WHEREAS, the Corporation established the Pre-K 4 SA program that utilizes a four-pronged approach that includes: education centers, professional learning, family engagement, and competitive grants, to increase the quality of early learning in San Antonio. Each year, 2,000 children are served directly at four education centers and the program additionally supports more than 55,000 children through professional learning and competitive grants; and

WHEREAS, independent evaluations demonstrate that San Antonio's investment in quality early learning has had a positive effect on children enrolled in the four education centers by closing the gap in kinder readiness and has had lasting effects including better attendance, decreased need for special education services, and better 3rd grade math and reading scores; and

WHEREAS, City Council has determined that the re-authorization of the 1/8 cent sales and use tax as authorized by the Act for the Corporation and the continuation of the Pre-K 4 SA program for an additional eight (8) years is in the best interest of the City and its children; and

WHEREAS, the City hereby finds that the levy of the proposed sales and use tax on behalf of the Corporation will not result in a combined sales and use tax rate of more than two (2) percent within the City; and

WHEREAS, the City will contract with the Elections Administrator (the “Administrator”) of Bexar County, Texas (the “County”) to conduct the Election on the City’s behalf; and

WHEREAS, the governing bodies of other local political subdivisions situated in the County also intend to call elections to be held on May 2, 2020 and for such elections to be also conducted on their behalf by the Administrator (such other political subdivisions, the “Participants”); and

WHEREAS, the City wishes to conduct the Election jointly with the Participants, as permitted by the provisions of Section 271.002, as amended, Texas Election Code; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Election shall be held on Saturday, the 2nd day of May, 2020, in accordance with the laws of the State of Texas and the provisions of the Charter of the City of San Antonio (the “City Charter”), and the official ballots for the Election shall be prepared in accordance with the Texas Election Code and at the Election the following PROPOSITION shall be submitted to the qualified City voters in accordance with law as follows:

SALES AND USE TAX FOR THE “PRE-K 4 SA” EARLY CHILDHOOD EDUCATION PROGRAM

“Shall the City Council of the City of San Antonio, Texas be authorized to assess, levy, and collect a sales and use tax of one-eighth of one percent within the City of San Antonio for a maximum period of eight years for the purpose of financing authorized programs for early childhood development and education services for the development of math, reading, and life long learning skills and the promotion of literacy skills to be implemented and developed by the San Antonio Early Childhood Education Municipal Development Corporation pursuant to Chapter 379A, Texas Local Government Code.”

SECTION 2. The official ballots for the Election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid PROPOSITION with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

SALES AND USE TAX FOR THE “PRE-K 4 SA” EARLY CHILDHOOD EDUCATION PROGRAM

[] FOR RENEWED ADOPTION OF A SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT FOR THE PURPOSE

OF CONTINUED FINANCING OF AUTHORIZED PROGRAMS
OF THE SAN ANTONIO EARLY CHILDHOOD EDUCATION
MUNICIPAL DEVELOPMENT CORPORATION FOR A
MAXIMUM PERIOD OF EIGHT YEARS

[] AGAINST

SECTION 3. The City Council hereby authorizes the Election to be held jointly with the Participants and authorizes the execution of an agreement with the County, acting through the Administrator, for the conduct of the Election as a joint election with the Participants (as identified in such agreement). Pursuant to Section 61.012, as amended, Texas Election Code, the 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 4. PRECINCTS AND POLLING LOCATIONS; HOURS OF VOTING. The Election shall be held as prescribed by law between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 2, 2020, at the precincts of the City of San Antonio at the locations listed by the Bexar County Elections Administration office. The list of locations is attached is **Exhibit A**.

SECTION 5. VOTING SYSTEM. Voting on Election Day shall be conducted by the use of ES&S EVS 6.0.2.0 equipment, comprised of the ExpressVote (voting unit), the DS200 (Tabulator), the Express Touch (Curbside unit) and the DS450 and 850 (for tabulating the mail ballots, as determined by the City Clerk and the Bexar County Elections Administrator.

For early voting by mail and for provisional voting at this election, voting shall be conducted by the use of the 850 equipment, and paper ballots.

For early voting by personal appearance, voting shall be conducted by the use of same equipment as on Election Day. The equipment shall be placed at branch offices established for the purpose of conducting early voting by personal appearance at the locations and during the dates and hours listed by the Bexar County Elections Administration, in an attachment to the election agreement brought to Council for consideration at a later meeting.

SECTION 6. EARLY VOTING. Early voting by personal appearance shall be conducted at the branch offices during the period for early voting, commencing Monday, April 20, 2020, and ending on Tuesday, April 28, 2020. Hours of early voting are established by the Bexar County Elections Administrator in accordance with the applicable provisions of Texas law. A copy of the locations as identified on the date of this ordinance and hours for early voting are attached as **Exhibit B**. If any locations are changed, this will be reflected in the exhibit to the Election Administration Agreement with the Administrator, and on the Bexar County Elections webpage.

Electors may cast their early vote by mail. Ballot applications and ballots voted by mail shall be mailed to the early voting clerk as follows:

Jacquelyn F. Callanen
Bexar County Elections Administrator
1103 S. Frio, Suite 100
San Antonio, TX 78207

Per the Administrator, applications for ballots by mail must be received by the Administrator no later than the close of business on Tuesday, April 21, 2020.

SECTION 7. NOTICE. (a) *Form of Notice of Election.* The City Clerk of the City of San Antonio is authorized and directed to prepare a form of the Notice of Election in both English and Spanish, the contents of which comply with the requirements of Section 4.004 of the Texas Election Code and any other applicable law, and will include at the minimum, the nature and date of the election; the location of each election day and early voting polling place; the hours the polls will be open; the locations, dates and times of temporary branch locations of early voting by personal appearance; the early voting clerk's mailing address; and any other information required by other law, and with variations as permitted by applicable law.

(b) *Method of Giving Notice.* Notice of the election shall be given by posting a copy of the Notice of Election, both in English and Spanish, not later than the 21st day before the date set for the election as required by state law. Notice of the election shall also be given by publishing a Notice of Election, both in English and Spanish, at least once, not earlier than the 30th day or later than the 10th day before Election Day, in a newspaper of general circulation published in the City of San Antonio. The City Council declares that the *San Antonio Express News* is a newspaper of general circulation within the city.

SECTION 8. CONTRACT FOR ELECTION SERVICES. The City Council authorizes a contract with the Bexar County Elections Administrator to conduct this election in an amount up to \$850,000.00, which will be appropriated from the Pre-K fund balance upon approval of the Corporation's Board of Directors.

SECTION 9. ELECTION MATERIAL. All resident qualified electors of the City shall be permitted to vote at the election and on the day of the election, such electors shall vote at the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

SECTION 10. The recitals contained in the preamble hereof are 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 City Council.

SECTION 11. 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 ordained herein.

SECTION 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. If any provision of this Ordinance or the application thereof to any person or circumstances 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 City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 14. 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 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, as amended, Texas Government Code.

SECTION 15. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 16. This Ordinance shall take effect immediately if passed by eight affirmative votes; otherwise, this Ordinance shall take effect ten days from the date of passage.

PASSED AND APPROVED this 13th day of February, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney