

ORDINANCE

2020-04-09-0245

**MOVING AN ORDERED SALES AND USE TAX ELECTION FROM  
THE 2<sup>nd</sup> DAY OF MAY, 2020 TO THE 3<sup>rd</sup> DAY OF NOVEMBER, 2020,  
TO AUTHORIZE THE CONTINUATION OF THE CURRENT 1/8<sup>TH</sup>  
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.**

\* \* \* \* \*

**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**, on February 13, 2020, the City Council ordered a sales and use tax election (the "Election") to be held on May 2, 2020 to authorize the continuation of the current 1/8<sup>th</sup> cent sales and use tax for eight additional years for the benefit of the Corporation's Pre-K 4 SA program; and

**WHEREAS**, on March 13, 2020, the Governor of Texas, Greg Abbott 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 for all counties in Texas; and

**WHEREAS**, pursuant to a Proclamation issued on March 18, 2020, the Governor has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date due to the threat posed by COVID-19; and

**WHEREAS**, the City desires to postpone the May 2, 2020 Election as approved by the San Antonio Early Childhood Education Municipal Development Corporation's board because the City's primary concern is the health and safety of voters, election workers, and local election officials; and

**WHEREAS**, the City will contract with the Elections Administrator (the "Administrator") of Bexar County, Texas (the "County") to conduct the Election regarding continuation of the 1/8 cent sales and use tax for the benefit of the Corporation on the City's behalf; and

**WHEREAS**, the governing bodies of other local political subdivisions situated in the County also intend to order, or move previously ordered, elections to be held on November 3, 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 previously ordered Election is moved from Saturday, the 2<sup>nd</sup> day of May, 2020, to Tuesday, the 3<sup>rd</sup> day of November, 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 in substantially the same form 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.** On February 13, 2020, the City Council authorized the Election to be held jointly with the Participants and authorized 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 Tuesday, November 3, 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, as currently anticipated, is attached as **Exhibit A** and may be updated by the Administrator at: <https://www.bexar.org/1568/Elections-Department>

**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 office, in an attachment to the election agreement brought to Council for consideration at a later meeting.

**SECTION 6. VOTER REGISTRATION; EARLY VOTING.** The last day to register to vote for the November 3, 2020 Election is October 5, 2020. Early voting by personal appearance shall be conducted at the branch offices during the period for early voting, commencing Monday, October 19, 2020, and ending on Friday, October 30, 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 on the Bexar County Elections webpage found here: <https://www.bexar.org/1568/Elections-Department>

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 Friday, October 23, 2020.

All applications for ballots by mail that are voting by mail due to being over the age of 65 or due to disability shall be valid for the postponed election; however, applications for ballots by mail for voters who submitted an application based on expected absence from the county for the May 2, 2020 election date shall not be valid for the postponed election.

**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 21<sup>st</sup> 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 30<sup>th</sup> day or later than the 10<sup>th</sup> 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.** On February 13, 2020, the City Council authorized a contract with the Bexar County Elections Administrator to conduct this election in an amount up to \$900,000.00, which funds have been appropriated from the Pre-K fund balance by the Corporation's Board of Directors to reimburse the City. A template of that contract is attached to Ordinance 2020-02-13-0074.

**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 Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers 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 9th day of April, 2020.




**M A Y O R**  
Ron Nirenberg

**ATTEST:**



Tina Flores, Acting City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney



## City of San Antonio

### City Council

April 09, 2020

**Item: 5**

**Enactment Number:**

**File Number: 20-2687**

**2020-04-09-0245**

Ordinance moving a previously ordered Sales and Use Tax Election 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 from May 2, 2020, to November, 3 2020. [Carlos J. Contreras III, Assistant City Manager; Sarah Baray, Ph.D., CEO, Pre-K 4 SA]

Councilmember Rebecca Viagran made a motion to approve. Councilmember John Courage seconded the motion. The motion passed by the following vote:

**Aye:** 10 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,  
Gonzales, Sandoval, Pelaez, Courage and Perry

**Absent:** 1 Cabello Havrda