

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

AN ORDINANCE

ORDERING A SALES AND USE TAX ELECTION TO BE HELD ON NOVEMBER 3, 2020, TO AUTHORIZE AN INCREASE OF 1/8TH OF ONE PERCENT OF SALES AND USE TAX NOT TO EXTEND BEYOND DECEMBER 31, 2025 FOR THE PURPOSE OF FINANCING JOB TRAINING AND SCHOLARSHIP PROGRAMS THROUGH THE SAN ANTONIO EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION IN ACCORDANCE WITH CHAPTER 379A OF THE TEXAS LOCAL GOVERNMENT CODE AND COMMENCING UPON THE FULL COLLECTION OF THE SALES AND USE TAX PREVIOUSLY AUTHORIZED BY THE VOTERS FOR THE EDWARDS AQUIFER PROTECTION VENUE PROJECT AND THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT; AUTHORIZING A CONTRACT AMENDMENT WITH BEXAR COUNTY FOR CONDUCT OF THIS ELECTION; AND APPROPRIATING FUNDS TO PAY A PROPORTIONATE SHARE OF THE ESTIMATED \$900,000.00 ELECTION COSTS AS DETERMINED BY THE BEXAR COUNTY ADMINISTRATOR.

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WHEREAS, in 2012, pursuant to Chapter 379A, Texas Local Government Code, titled the "Better Jobs Act" (the "Act") and the approval of the voters, the City Council of the City of San Antonio, Texas 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, the Act also authorizes a municipal development corporation to develop and implement programs to facilitate the development and operation of programs for 1) job training, including long-term job training and in-training support service grants; and 2) the provision of funding to accredited postsecondary educational institutions, including public and private junior colleges, public and private institutions of higher education, and public and private technical institutions, to be used to award scholarships; and

WHEREAS, pursuant to the Act, the City may levy a sales and use tax in increments of one-eighth, one-fourth, three-eighths, or one-half of one percent for the benefit of the Corporation if the tax is authorized by a majority of the voters of the municipality voting at an election called for that purpose; and

WHEREAS, in response to the local economic crisis created by the COVID-19 global pandemic, the City Council approved a workforce initiative, the COVID-19 Community Recovery and Resiliency Plan – Workforce Development Pillar, to address the immediate needs of San Antonians to train and be re-trained for high-wage, high demand jobs; and

WHEREAS, the City Council desires to expand and enhance the Workforce Development Pillar by continuing to provide job training and funding for scholarships for post-secondary education to create a better trained and educated workforce that is more resilient in economic crisis; and

WHEREAS, such work force and education initiatives are authorized under the Act and are eligible to be funded by the authorized sales and use tax; and

WHEREAS, if approved, the workforce and higher education programming will be managed separately and apart from the Corporation's early childhood programming and will not use funding authorized by the voters for the early childhood education purposes; and

WHEREAS, the Corporation will likely contract with the City which may partner with community-based organizations, local workforce development boards, private and public persons or entities, governmental entities, and postsecondary institutions to implement the program; and

WHEREAS, the City finds that the levy of the proposed additional one-eighth cent sales and use tax on behalf of the Corporation for job training and funding scholarships for postsecondary education will not result in a tax rate of all local sales and use taxes of more than two-percent in any location in the municipality when combined with other authorized sales and use taxes in the municipality during the times at which they are authorized to be assessed; and

WHEREAS, the City will contract with the Elections Administrator of Bexar County, Texas to conduct the election on the City's behalf; and

WHEREAS, the City and governing bodies of other local political subdivisions situated in the County also intend to hold elections to be held on November 3, 2020 and for such elections to be jointly conducted on their behalf by the Administrator as authorized by the provisions of Section 271.002, 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 Tuesday, November 3, 2020, in accordance with the laws of the State of Texas and the provisions of the Charter of the City of San Antonio, 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 JOB TRAINING AND FUNDING TO
ACCREDITED POSTSECONDARY EDUCATION INSTITUTIONS TO BE
USED TO AWARD SCHOLARSHIPS ON BEHALF OF THE SAN ANTONIO
EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT
CORPORATION**

"Shall the City Council of the City of San Antonio, Texas be authorized to assess, levy, and collect an increase of an additional one-eighth of one percent of sales and use tax within the City of San Antonio not to extend beyond December 31, 2025 for the purpose of 1) financing authorized

programs for job training, including long-term job training and in-training support service grants; and 2) funding to accredited postsecondary educational institutions to be used to award scholarships; both on behalf of the San Antonio Early Childhood Education Municipal Development Corporation pursuant to Chapter 379A, Texas Local Government Code, to begin upon the full collection of the sales and use tax previously authorized by the voters on May 9, 2015 for the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project?"

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:

☐ FOR AN INCREASE OF ONE-EIGHTH OF ONE PERCENT OF SALES AND USE TAX NOT TO EXTEND BEYOND DECEMBER 31, 2025 FOR THE PURPOSE OF FINANCING AUTHORIZED PROGRAMS RELATED TO JOB TRAINING AND THE AWARDING OF SCHOLARSHIPS OF THE SAN ANTONIO EARLY CHILDHOOD EDUCATION MUNICIPAL DEVELOPMENT CORPORATION AND COMMENCING UPON THE FULL COLLECTION OF THE SALES AND USE TAX PREVIOUSLY AUTHORIZED BY THE VOTERS FOR THE EDWARDS AQUIFER PROTECTION VENUE PROJECT AND THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT.

☐ AGAINST

SECTION 3. The City Council authorizes the election to be held jointly with other political subdivisions 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 other governmental entities as identified in such agreement. Pursuant to Section 61.012, 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 Administrator.

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

For early voting by personal appearance, voting shall be conducted using the 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 Administrator, in an attachment to the election agreement authorized by this Ordinance.

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 Tuesday, October 13, 2020, and ending on Friday, October 30, 2020. The dates, locations, and hours of all elections called by the City are subject to change by the Bexar County Elections Administration. Hours of early voting are established by the 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
103 S. Frio, Suite 100
San Antonio, TX 78207

Applications for ballots by mail must be received by the Administrator no later than the close of business on Friday, October 23, 2020.

SECTION 7. NOTICE. (a) Form of Notice of Election. The City Clerk 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 a 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.

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 previously authorized a contract with the Bexar County Elections Administrator to conduct an election on November 3, 2020. This ordinance authorizes an amendment of that contract to incorporate the proportionate share of the \$900,000 cost for this election as determined by the Administrator. A template of that amended contract is attached as **Exhibit C**.

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 are found to be true and 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 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 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. The City Attorney is authorized to make necessary changes to this ordinance to effectuate the intent of the City Council and meet required timelines to place the initiative approved by this Ordinance on the November 3, 2020 ballot.

SECTION 17. 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 August, 2020.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina Flores, Acting City Clerk

Andrew Segovia, City Attorney