

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY TO APPROVE AND IMPLEMENT A RESOLUTION DESIGNATING THE TEXAS RANGERS COMPLEX DEVELOPMENT PROJECT AS A SPORTS AND COMMUNITY VENUE PROJECT AND DESIGNATING THE METHODS OF FINANCING THEREFOR AND THE RATE OF EACH METHOD OF FINANCING PURSUANT TO CHAPTER 334, LOCAL GOVERNMENT CODE, AS AMENDED; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO

WHEREAS, on May 24, 2016, pursuant to Chapter 334, Local Government Code (the “Act”) the City Council of the City of Arlington, Texas (the “City”) adopted a resolution (the “Resolution”) designating and, subject to approval at an election, authorizing the Texas Rangers Complex Development Project as a sports and community venue project within the City of the type described and defined in Section 334.001(4)(A) of, and permitted by, the Act and described in summary form as:

A multi-purpose and multi-functional stadium, coliseum, community and entertainment venue that is planned for use for one or more professional or amateur sports events, including the professional baseball games of the “Texas Rangers”, a member team of Major League Baseball, and related infrastructure, as defined in the Act.

WHEREAS, in the Resolution the Council designated the following methods of financing authorized by the Act to finance the Texas Rangers Complex Development and the maximum rate of each method:

- A. A sales and use tax on retail sales and transactions within the City at a rate of one-half of one percent (0.5%) as and to the extent authorized by Subchapter D of the Act;
- B. A tax at a rate not to exceed five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, as and to the extent authorized by Subchapter E of the Act;
- C. A tax on the occupancy of a room in a hotel located within the City, at a rate not to exceed two percent (2%) of the price paid for such room, as and to the extent authorized by Subchapter H of the Act.

- D. A tax, at a rate not to exceed three dollars (\$3.00) on each parked motor vehicle parking in a parking facility of the Texas Rangers Complex Development Project, as and to the extent authorized by Subchapter G of the Act.
- E. A tax on each ticket sold as admission to an event held at The Texas Rangers Complex Development Project, at a rate not to exceed ten percent (10%) of the price of the ticket sold as admission, as and to the extent authorized by Subchapter F of the Act.

WHEREAS, as required by Section 334.022 of the Act, the City sent a copy of the Resolution to the Comptroller of Public Accounts, and the Comptroller has notified the City that he has determined that the taxes called for in the Resolution would have no negative fiscal impact on State revenue; and

WHEREAS, the City Council of the City of Arlington, Texas is authorized and has determined to order an election on the question of approving the implementation of the Resolution pursuant to Section 334.024 of the Act; and

WHEREAS, the City Council hereby finds and determines that said election shall be held on a uniform election date established by Section 41.001(a) Texas Election Code, as amended, as required by Texas law; and

WHEREAS, the City Council hereby finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

Section 1. Findings. The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as part of the operative provisions hereof.

Section 2. Election Ordered; Date; Propositions. An election (the "Election") shall be held for and within the City on Tuesday, November 8, 2016 ("Election Day"), a uniform election date established by Section 41.001(a) of the Texas Election Code, as amended (the "Code"). At the Election the following propositions (the "Propositions") shall be submitted to the qualified voters of the City in accordance with law:

PROPOSITION NO. 1

"Authorizing the City of Arlington to provide for the planning, acquisition, establishment, development, construction and financing of the Texas Rangers Complex Development Project and related infrastructure, within the City, of the type described and

defined in Section 334.001(4)(A) of and permitted by Chapter 334 Local Government Code, as amended (the "Act"), designated by Resolution No. 16-090 (the "Resolution"), and described in summary form as a multi-purpose and multi-functional stadium, coliseum, community and entertainment venue that is planned for use for one or more professional or amateur sports events, including the professional baseball games of the "Texas Rangers" a member team of Major League Baseball and (i) to impose a parking tax, at a rate not to exceed three dollars (\$3.00) on each parked motor vehicle parking in a parking facility of the Texas Rangers Complex Development Project, as and to the extent authorized by Subchapter G of the Act, (ii) to impose an admissions tax on each ticket sold as admission to an event held at the Texas Rangers Complex Development Project, at a rate not to exceed ten percent (10%) of the price of the ticket sold as admission, as and to the extent authorized by Subchapter F of the Act; (iii) to authorize the use of the existing hotel occupancy tax on the occupancy of a room in a hotel located within the City, at a rate not to exceed two percent (2%) of the price paid for such room as and to the extent authorized by Subchapter H of the Act and if approved the maximum hotel occupancy tax rate imposed from all sources in the City would be 15%; (iv) to authorize the use of the existing sales and use tax within the City at a rate of one-half of one percent (0.5%), as and to the extent authorized by Subchapter D of the Act; and (v) to authorize the use of the existing motor vehicle short-term rental tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, as and to the extent authorized by Subchapter E of the Act, for the purpose of financing the Texas Rangers Complex Development and approving the Resolution."

Section 3. Official Ballot. The Proposition shall be set forth substantially in the following form, so as to permit the voters to vote "FOR" or "AGAINST" the Proposition, which shall be set forth on the ballots in substantially the following form:

PROPOSITION NO. 1

- FOR
 - AGAINST
- "AUTHORIZING THE CITY OF ARLINGTON TO PROVIDE FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION AND FINANCING OF THE TEXAS RANGERS COMPLEX DEVELOPMENT PROJECT AND RELATED INFRASTRUCTURE, WITHIN THE CITY OF THE TYPE DESCRIBED AND DEFINED IN SECTION 334.001(4)(A) OF THE LOCAL GOVERNMENT CODE AS AMENDED (THE "ACT") AND (I) TO IMPOSE A PARKING TAX, AT A RATE NOT TO EXCEED THREE DOLLARS (\$3.00) ON EACH PARKED MOTOR VEHICLE PARKING IN A PARKING FACILITY OF THE TEXAS RANGERS COMPLEX DEVELOPMENT PROJECT, AS AND TO THE EXTENT AUTHORIZED BY SUBCHAPTER G OF THE ACT, (II) TO IMPOSE AN ADMISSIONS TAX ON EACH TICKET SOLD AS ADMISSION TO AN EVENT HELD AT THE TEXAS RANGERS COMPLEX DEVELOPMENT PROJECT, AT A RATE NOT TO EXCEED TEN PERCENT (10%) OF THE PRICE OF THE TICKET SOLD AS ADMISSION, AS AND TO THE EXTENT AUTHORIZED BY SUBCHAPTER F OF THE ACT; (III) TO AUTHORIZE THE USE OF THE EXISTING HOTEL OCCUPANCY TAX ON THE OCCUPANCY

OF A ROOM IN A HOTEL LOCATED WITHIN THE CITY, AT A RATE NOT TO EXCEED TWO PERCENT (2%) OF THE PRICE PAID FOR SUCH ROOM AS AND TO THE EXTENT AUTHORIZED BY SUBCHAPTER H OF THE ACT AND IF APPROVED THE MAXIMUM HOTEL OCCUPANCY TAX RATE IMPOSED FROM ALL SOURCES IN THE CITY WOULD BE 15%; (IV) TO AUTHORIZE THE USE OF THE EXISTING SALES AND USE TAX WITHIN THE CITY AT A RATE OF ONE-HALF OF ONE PERCENT (0.5%), AS AND TO THE EXTENT AUTHORIZED BY SUBCHAPTER D OF THE ACT; AND (V) TO AUTHORIZE THE USE OF THE EXISTING MOTOR VEHICLE SHORT-TERM RENTAL TAX AT A MAXIMUM RATE OF FIVE PERCENT (5%) ON THE GROSS RENTAL RECEIPTS FROM THE SHORT-TERM RENTAL IN THE CITY OF A MOTOR VEHICLE, AS AND TO THE EXTENT AUTHORIZED BY SUBCHAPTER E OF THE ACT.”

Section 4. Use of Existing Taxes. If Proposition No. 1 is approved by the voters, the existing Hotel Occupancy Tax, Motor Vehicle Short-Term Rental Tax and Sales Tax collected under the Act are intended to be used for Texas Rangers Complex Development Project as stated herein in addition to being used for the previously approved Dallas Cowboys Complex Development Project.

Section 5. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 6. Election Precincts, Voting Locations and Voting Hours on Election Date. The voting precincts for the Election are hereby designated to be those municipal voting precincts identified by their respective county precinct numbers as determined by the Elections Administrator. Such locations incorporated herein by reference for all purposes; provided, however, such times and locations may be changed if so directed by the Elections Administrator without further action of the City Council. The Elections Administrator of Tarrant County is hereby authorized and directed to make such changes in polling locations as may be necessary for the proper conduct of the Election. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

Section 7. Early Voting Locations, Dates and Times. (a) The Elections Administrator of Tarrant County is hereby appointed as Early Voting Clerk for the election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier St., Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Tarrant County Elections Center, P.O. Box 961011, Fort Worth, Texas 76161-0011. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location

listed above, such location may be changed or additional early voting locations may be added by the Elections Administrator, without further action of the City Council, as is necessary for the proper conduct of the Election.

(b) In addition to the main early voting polling location, City of Arlington voters may vote at all early voting polling locations as designated and maintained by Tarrant County throughout the County such locations as listed in Exhibit A attached hereto, as may be modified by the Elections Administrator without further action of the City Council.

(c) Early voting by personal appearance shall begin on Monday, October 24, 2016, and shall end at 7:00 p.m. on Friday, November 4, 2016, with the voting times to be as follows:

October 24 (Monday through Friday) - October 28	8:00 AM – 5:00 PM
October 29 (Saturday)	7:00 AM – 7:00 PM
October 30 (Sunday)	11:00 AM – 4:00 PM
October 31 (Monday through Friday) - November 4	7:00 AM – 7:00 PM

Section 8. Notice of Election. Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, not earlier than the thirtieth (30th) day nor later than the fourteenth (14th) day prior to the date set for the Election, in a newspaper published in the City, (ii) posting a copy of this Ordinance, in English and Spanish at the City Hall on the bulletin board used for posting notices of the meetings of the City Council and at three (3) other public places within the boundaries of the City, 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 Proposition, 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. Notice of the Election shall also be provided to the County Clerk of Tarrant County, Texas and the Tarrant County Voter Registrar not later than the 60th day before the Election Day.

Section 9. Conduct of Election. (a) The Election shall be conducted in accordance with the Code under the jurisdiction of the Tarrant County Elections Department (the “Elections Administrator”) pursuant to an Election Services Contract (the “Contract”) by and among Tarrant County Elections Department, the City and other participating entities, if any, described in the Contract. The City Manager or the City Manager’s designee is authorized to amend or supplement the Contract to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Elections Administrator.

(b) Election judges, alternate judges and clerks shall be paid, as determined by the Elections Administrator, for their service in the Election.

(c) E-slate, a Direct Record Electronic (DRE) System shall be used for early voting by personal appearance, and paper ballots, which are optically scanned, shall be used for early voting by mail. In the November 8, 2016 election, the Elections Administrator shall cause paper ballots, which are optically scanned, to be prepared in the form of the ballot prescribed below, being in both English and Spanish, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. E-Slate, a Direct Record Electronic (DRE) System shall be provided and used at each polling location on Election Day.

(d) The holding of the Election shall be in compliance with the Code except as modified by other applicable provisions of law.

(e) The election officers shall make returns for the Election in the manner required by law, and the ballots that are properly marked in conformance with the provisions of the Code for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 10. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 11. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

PRESENTED AND GIVEN FIRST READING on the 2nd day of August, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 9th day of August, 2016, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

[SEAL]

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

By: 
