

ORDINANCE NO. _____

AN ORDINANCE ORDERING A SPECIAL ELECTION BY THE QUALIFIED VOTERS OF THE CITY OF FORT WORTH, TEXAS ON NOVEMBER 4, 2014 ON THE QUESTION OF APPROVING AND IMPLEMENTING RESOLUTION NO. 4327-07-2014 DESIGNATING A MULTIPURPOSE ARENA AT THE INTERSECTION OF HARLEY AVENUE AND GENDY STREET AND ADJACENT SUPPORT FACILITIES AS A VENUE PROJECT AND DESIGNATING METHODS OF FINANCING FOR THE VENUE PROJECT IN ACCORDANCE WITH CHAPTER 334, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED

WHEREAS, Chapter 334 of the Texas Local Government Code, as amended (the “Act”), authorizes the City Council to designate various sports- and community-related capital improvements as a “venue” and to help finance the planning, acquisition, establishment, development, construction and renovation of the venue and related infrastructure, subject to approval of the voters in an election called for that purpose; and

WHEREAS, before calling such an election, the Act requires (i) that the City Council adopt a resolution providing for the planning, acquisition, establishment, development, construction and renovation of a venue project and the methods of financing authorized by the Act that the City Council wishes to use to finance the project, and (ii) that the Texas Comptroller for Public Accounts (the “Comptroller”) provide written notice to the City that implementation of the resolution will not have a significant negative fiscal impact on state revenue; and

WHEREAS, on July 15, 2014, the City Council adopted Resolution No. 4327-07-2014 authorizing designation of a new multipurpose arena at the intersection of Harley Avenue and Gendy Street (the “Multipurpose Arena”) and other adjacent support facilities, and any related infrastructure, as a venue project in accordance with the Act (collectively, the “Venue Project”), and designating each method of financing for the Venue Project, subject to voter approval at an election called for such purpose; and

WHEREAS, by letter dated July 24, 2014, the Comptroller notified the City of the Comptroller’s determination that approval and implementation of Resolution No. 4327-07-2014 would have no significant negative fiscal impact on state revenue; and

WHEREAS, in accordance with the Act, the City Council wishes to order a special election by the qualified voters of the City of Fort Worth, Texas on November 4, 2014 on the question of approving and implementing Resolution No. 4327-07-2014 designating the Multipurpose Arena and other adjacent support facilities, and any related infrastructure as a Venue Project and, in separate propositions, designating the methods of financing for the Venue Project;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

**SECTION 1.
ELECTION ORDERED.**

That the City Council hereby orders that a special election be held on November 4, 2014. The City Council hereby finds that the date at which said special election shall be held is not less than seventy-eight (78) days from the date this Ordinance is adopted.

**SECTION 2.
PROPOSITIONS.**

That at said election, the following propositions (collectively, the “Propositions”) shall be submitted to the qualified voters of the City in accordance with law:

PROPOSITION NO. 1

Authorizing the City of Fort Worth, Texas to provide for the planning, acquisition, establishment, development, construction and renovation of a multipurpose arena at the intersection of Harley Avenue and Gendy Street and other adjacent support facilities (the “Venue Project”) as a sports and community venue project of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Texas Local Government Code (the “Act”), designated by City Council Resolution No. 4327-07-2014, and described in summary form as a multipurpose arena or coliseum and other adjacent support facilities that is planned for use for one or more professional or amateur sports events, community events, or other sports events, including rodeos, livestock shows, agricultural expositions, promotional events, and other civic or charitable events for which a fee for admission is planned to be charged, and related infrastructure, as defined in Chapter 334, Texas Local Government Code, and to impose an admissions tax on each ticket sold as admission to an event held at the Venue Project, at a rate not to exceed ten percent (10%) of the price of the ticket, as and to the extent permitted by Subchapter F of the Act, to be deposited into the Venue Project Fund created under, and to be used for any purpose authorized by, Subchapter C of the Act.

PROPOSITION NO. 2

Authorizing the City of Fort Worth, Texas to provide for the planning, acquisition, establishment, development, construction and renovation of a multipurpose arena at the intersection of Harley Avenue and Gendy Street and other adjacent support facilities (the "Venue Project") as a sports and community venue project of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Texas Local Government Code (the "Act"), designated by City Council Resolution No. 4327-07-2014, and described in summary form as a multipurpose arena or coliseum and other adjacent support facilities that is planned for use for one or more professional or amateur sports events, community events, or other sports events, including rodeos, livestock shows, agricultural expositions, promotional events, and other civic or charitable events for which a fee for admission is planned to be charged, and related infrastructure, as defined in Chapter 334, Texas Local Government Code, and to impose a livestock facility use tax on each stall or pen used or occupied by livestock during an event held on one or more consecutive days in which the Venue Project is used, not to exceed twenty dollars (\$20.00) in the aggregate per stall or pen rental for any event, as and to the extent permitted by Subchapter K of the Act, to be deposited into the Venue Project Fund created under, and to be used for any purpose authorized by, Subchapter C of the Act.

PROPOSITION NO. 3

Authorizing the City of Fort Worth, Texas to provide for the planning, acquisition, establishment, development, construction and renovation of a multipurpose arena at the intersection of Harley Avenue and Gendy Street and other adjacent support facilities (the "Venue Project") as a sports and community venue project of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Texas Local Government Code (the "Act"), designated by City Council Resolution No. 4327-07-2014, and described in summary form as a multipurpose arena or coliseum and other adjacent support facilities that is planned for use for one or more professional or amateur sports events, community events, or other sports events, including rodeos, livestock shows, agricultural expositions, promotional events, and other civic or charitable events for which a fee for admission is planned to be charged, and related infrastructure, as defined in Chapter 334, Texas Local Government Code, and, commencing at the time of the multipurpose arena's first event, to impose a parking tax on each motor vehicle parking in a parking facility that serves or will serve the Venue Project, not to exceed five dollars (\$5.00) for each motor vehicle, as and to the extent permitted by Subchapter G of the Act, to be deposited into the Venue Project Fund created under, and to be used for any purpose authorized by, Subchapter C of the Act.

**SECTION 3.
BALLOT**

That the official ballots to be used in such special election shall be prepared in accordance with Sections 52.072 and 52.073 of the Texas Election Code, as amended. The ballots shall permit the electors to vote “For” or “Against” the aforesaid Propositions and shall be set forth on the ballots in substantially the following form:

PROPOSITION NO. 1

Authorizing the City of Fort Worth, Texas to provide for the planning, acquisition, establishment, development, construction and renovation of a multipurpose arena at the intersection of Harley Avenue and Gendy Street and other adjacent support facilities as a venue project, and to impose an admissions tax on each ticket sold as admission to an event held at the venue project, at a rate not to exceed ten percent (10%) of the price of the ticket, for the purpose of financing the venue project.

- FOR**
- AGAINST**

PROPOSITION NO. 2

Authorizing the City of Fort Worth, Texas to provide for the planning, acquisition, establishment, development, construction and renovation of a multipurpose arena at the intersection of Harley Avenue and Gendy Street and other adjacent support facilities as a venue project, and to impose a livestock facility use tax on each stall or pen used or occupied by livestock during an event held on one or more consecutive days in which the venue project is used, not to exceed twenty dollars (\$20.00) in the aggregate per stall or pen rental for any event, for the purpose of financing the venue project.

- FOR**
- AGAINST**

PROPOSITION NO. 3

Authorizing the City of Fort Worth, Texas to provide for the planning, acquisition, establishment, development, construction and renovation of a multipurpose arena at the intersection of Harley Avenue and Gendy Street and other adjacent support facilities as a venue project, and to impose a parking tax on each motor vehicle parking in a parking facility that serves or will serve the venue project, not to exceed five dollars (\$5.00) for each motor vehicle, for the purpose of financing the venue project.

- FOR**
- AGAINST**

SECTION 4. CONTRACTUAL SERVICES

- (a) The City shall contract with Tarrant and Denton Counties for the provision of election services and equipment.
- (b) The Tarrant and Denton County polling places shall be kept open on November 4, 2014, from 7:00 a.m. to 7:00 p.m., and due returns shall be made to the City Council showing the number of votes cast “For” and “Against” each of the Propositions.

SECTION 5. EARLY VOTING CLERKS

- (a) Stephen Vickers, Acting Tarrant County Elections Administrator, or his successor, shall serve as the early voting clerk for the Tarrant County portion of the special election.
- (b) Frank Phillips, Denton County Elections Administrator, or his successor, shall serve as the early voting clerk for the Denton County portion of the special election.
- (c) Applications from Tarrant County residents for early voting ballots to be voted by mail should be forwarded as follows:

Mailing address: Early Voting Clerk
Tarrant County Elections
P.O. Box 961011
Fort Worth, Texas 76161-0011

Express Courier Delivery: Early Voting Clerk
Tarrant County Elections
2700 Premier Street
Fort Worth, Texas 76111-3011

Fax: (817) 831-6118

- (d) Applications from Denton County residents for early voting ballots to be voted by mail should be forwarded as follows:

Mailing address: Early Voting Clerk
Denton County Elections
P.O. Box 1720
Denton, Texas 76202

Express Courier Delivery: Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, Texas 76208

Fax: (940) 349-3201

- (e) Applications for early voting ballots by mail must be received no later than the close of business on October 24, 2014.

**SECTION 6.
EARLY VOTING**

- (a) Early Voting by personal appearance of Fort Worth residents shall be conducted beginning October 20, 2014, and continue through October 31, 2014.
- (b) The main Early Voting locations and times for Fort Worth residents are:

(1) Voters residing in Tarrant County:

Location: Tarrant County Elections Center
2700 Premier Street
Fort Worth, Texas 76111

Dates and Times:

October 20 - 24	Monday – Friday	8:00 a.m. – 5:00 p.m.
October 25	Saturday	7:00 a.m. – 7:00 p.m.
October 26	Sunday	11:00 a.m. – 4:00 p.m.
October 27 -31	Monday –Friday	7:00 a.m. – 7:00 p.m.

(2) Voters residing in Denton County:

Location: Denton County Elections
701 Kimberly Drive
Denton, Texas 76208

Dates and Times:

October 20-25	Monday – Saturday	8:00 a.m. – 5:00 p.m.
October 27-31	Monday – Friday	7:00 a.m. – 7:00 p.m.

**SECTION 7.
NOTICE AND PUBLICATION**

The way and manner of holding the special election, the notice to be given therefor, the polling places, the personnel and the officers who are to hold the same, and all details connected with the holding of the special election shall be provided for and arranged by the City Secretary as required by law. The publication of this proclamation, call and ordinance shall be only cumulative of and in addition to the statutory notice of this special election as herein provided. Any omission or irregularity in the publication or posting of this proclamation, call and ordinance, or in the signing of the same, shall not in any way affect or invalidate the special election.

**SECTION 8.
CONTROLLING LAW**

That in all respects, the special election shall be conducted in accordance with the Texas Election Code and the Charter of the City of Fort Worth, Texas.

**SECTION 9.
OPEN MEETING COMPLIANCE**

That it is hereby officially found and determined that the meeting at which this Ordinance was adopted and the special election was called was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

**SECTION 10.
EFFECTIVE DATE.**

That this Ordinance, election order, proclamation and notice shall take effect upon adoption.

Betsy Price
Mayor of the City of Fort Worth

ATTEST:

Mary J. Kayser
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Sarah J. Fullenwider
City Attorney

ADOPTED and EFFECTIVE: _____