

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, CALLING FOR THE HOLDING OF A SPECIAL ELECTION ON NOVEMBER 03, 2020, FOR THE PURPOSE OF REAUTHORIZING THE LOCAL SALES AND USE TAX AT THE RATE OF THREE-EIGHTHS (3/8) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, on February 3, 2020, the City Council of the City of Friendswood adopted Ordinance No. 2020-07 calling a special election to be held on May 2, 2020, for the purpose of submitting a proposition pertaining to the reauthorization of the local sales and use tax at the rate of three-eighths (3/8) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets; and;

WHEREAS, on March 13, 2020, Governor Abbott declared a State of Disaster to address the COVID-19 pandemic; and

WHEREAS, on March 18, 2020, Governor Abbott issued a Proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone elections to the next uniform election date, November 3, 2020; and

WHEREAS, on April 6, 2020, the City Council of the City of Friendswood adopted Ordinance No. 2020-21 postponing the special election to November 3, 2020; and

WHEREAS, pursuant to Section 327.007 of the Texas Tax Code, the City Council of the City of Friendswood is authorized and hereby finds and determines that it is appropriate, advisable and in the best interest of the citizens of the City to hold a special election in the City for the purpose of submitting a proposition pertaining to the reauthorization of the local sales and use tax

at the rate of three-eighths (3/8) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets; and

WHEREAS, the Friendswood City Council deems that in accordance with the laws of the State of Texas, a Special Election should occur on November 3, 2020; and

WHEREAS, the laws of the State of Texas further provide that the Texas Election Code (“Code”) is applicable to all municipal elections and in order to comply with said Code, an ordinance should be passed establishing the procedures to be followed for the November 3, 2020, special election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. Special Election; Proposition. In accordance with the general laws and the Constitution of the State of Texas, a Special Municipal Election is hereby called and ordered to be held in and throughout the City of Friendswood on November 3, 2020, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. at which Special Election, all resident, qualified voters of the City of Friendswood, Texas (the “City”) who reside in either Galveston County or Harris County, may vote on a proposition to reauthorize the local sales and use tax at the rate of three-eighths (3/8) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets;

Section 2. Ballot Proposition. The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote “FOR” or “AGAINST” the proposition, with the ballots to contain such provisions and language required by Texas Tax Code Section 327.007, and with such proposition to be expressed as follows:

FOR () The reauthorization of the local sales and use tax in the City of
AGAINST () Friendswood, Texas at the rate of three-eighths (3/8) of one percent (1%)
to continue providing revenue for maintenance and repair of municipal
streets. The tax expires on the fourth anniversary of the date of this election
unless the imposition of the tax is reauthorized.

Section 3. Determination of Ballots. If the greater number of votes are “FOR”, the tax is reauthorized, and if the greater number of votes are “AGAINST”, the tax is not reauthorized.

Section 4. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Special Election.

Section 5. Election Locations and Voting Hours on Election Day. The voting locations and hours for voting on Election Day shall be available for City residents of Galveston County and Harris County at all locations and times established by the Galveston County Clerk, pursuant to the Galveston County Election Services Agreement and as established by the Harris County Clerk pursuant to the Harris County Election Services Agreement, as set forth in Exhibit A hereto. Exhibit A shall be automatically modified by the City Secretary without further action of the Council to include additional or different Election Day polling places designated by the respective County and/or the Election Administrator, and to conform to the Galveston County Election Services Agreement and the Harris County Election Services Agreement, as applicable; the notices of the Election shall be conformed to such final list. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 6. Early Voting. Early voting by personal appearance shall be available for City residents of Galveston County and Harris County at all locations and times established by the Galveston County Clerk pursuant to the Galveston County Election Services Agreement and as established by the Harris County Clerk pursuant to the Harris County Election Services Agreement, as set forth in Exhibit B hereto. Exhibit B shall be automatically modified by the City Secretary without further action of the Council to include additional or different early voting polling places and times designated by the respective Counties, and to conform to the respective Election Services Agreement; the notices of the Election shall be conformed to such final lists provided to the City by the respective Counties and/or the respective Election Administrator.

Section 7. Galveston County Early Voting Clerk and Application for Ballot. The Early Voting Clerk for voting for Galveston County residents of the City shall be Dwight D. Sullivan, Galveston County Clerk and Galveston County Election Officer. Applications for early voting for Galveston County residents of the City should be requested as follows:

By Regular Mail	By Fax ⁽¹⁾	By Common or Contract Carrier
ATTN: Ballots by Mail c/o Dwight Sullivan Galveston County Clerk P. O. Box 17253 Galveston, TX 77552-7253	(409) 765-3249	Galveston County Courthouse Dwight D. Sullivan Galveston County Clerk Elections Division 600 59 th St., 2 nd Floor, Suite 2001 Galveston, TX 77551
By email ⁽¹⁾ : absenteeballotapplications@co.galveston.tx.us		

⁽¹⁾ If an application is sent to the early voting clerk by fax or email, the original application must still be mailed, and received by the early voting clerk no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA, to the address shown above for Regular Mail.

Section 8. Harris County Early Voting Clerk and Application for Ballot. The Early Voting Clerk for voting for Harris County residents of the City shall be Chris Hollins, Harris County Clerk and Harris County Election Administrator. Applications for early voting for Harris County residents of the City should be requested as follows:

By Regular Mail	By Fax ⁽¹⁾	By Common or Contract Carrier
Chris Hollins Harris County Clerk Attn: Elections Division P.O. Box 1148 Houston, TX 77251-1148	(713) 755-4983 or (713) 437-8683	Chris Hollins Harris County Clerk 1001 Preston 4th Floor, Room 440 Houston, TX 77002
By email ⁽¹⁾ : BBM@cco.hctx.net		

⁽¹⁾ If an application is sent to the early voting clerk by fax or email, the original application must still be mailed, and received by the early voting clerk no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA, to the address shown above for Regular Mail.

Section 9. Deadline for Applications by Mail or Fax. The last day to submit an application for a ballot to the respective Early Voting Clerk to be voted by mail (a) by personal delivery is October 16, 2020, and (b) by mail is the close of business on October 23, 2020.

Section 10. Right to Vote. All resident, qualified electors of the City shall be entitled to vote at the Election.

Section 11. **Appointment of Election Officials; Establishment of Central Counting Station.** The election judges, alternate judges, clerks, members of the early voting ballot board, the central counting station officials, and other personnel necessary for conducting the Election shall be appointed, election judges and alternate judges may be changed, polling places may be combined for some precincts, and the central counting station shall be established and staffed by Galveston and Harris County, as provided in the Election Services Agreements with each county, and such actions are hereby approved. Further, the City Council hereby authorizes the City Secretary to appoint any such other officials not designated herein or appointed pursuant to the Contract for Election Services as are necessary and appropriate to conduct the Election in accordance with the Code. The central counting stations to receive and tabulate votes shall be at the locations designated by Galveston County and Harris County.

Section 12. **Notice.** Notice of the election ordered herein shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code.

Section 13. **Canvass.** City Council, as the canvassing authority of this election, shall canvass the returns at a scheduled meeting to be held on Tuesday, November 17, 2020, at 6:30 p.m. At the completion of the canvass, the Mayor shall deliver the returns and tally lists used in the canvass to the City Secretary; and the City Secretary shall preserve them for a period in accordance with law.

Section 14. It is hereby further found and determined that the City Secretary posted written notice of the date, place and subject of the meeting at which this ordinance was introduced and passed on the bulletin board located at City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

PASSED, APPROVED, AND ADOPTED ON FIRST AND FINAL READING AS PROVIDED IN SECTION 3.11(b) OF THE CITY CHARTER OF FRIENDSWOOD this 3rd day of August, 2020.



Mike Foreman
Mayor

ATTEST:



Melinda Welsh, TRMC
City Secretary

