

ORDINANCE NO. _____

An ordinance ordering a special election to be held in the city of Dallas (the City) on November 8, 2022, on the question of approving and implementing a resolution designating the expansion of the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) and certain improvements at Fair Park within the city of Dallas as venue projects and designating the method of financing pursuant to Chapter 334, Texas Local Government Code (the Act); making provisions for the conduct of the election; and providing an effective date.

WHEREAS, Section 41.001(a) of the Texas Election Code, as amended (the Code), establishes Tuesday, November 8, 2022, as a uniform election date for the City of Dallas, Texas; and

WHEREAS, Section 3.005(c) of the Code requires the City to call the election not later than 78 days before the uniform election date, which is by Monday, August 22, 2022; and

WHEREAS, on April 27, 2022, pursuant to the Act, the City Council of the City of Dallas (the “City Council”) adopted Resolution 22-0660 (the Resolution), designating and, subject to approval at an election, authorizing the expansion of the KBHCCD (the Convention Center Expansion Venue Project) and the improvement of certain facilities within Fair Park (the Fair Park Facilities Venue Project) and, together with the Convention Center Expansion Venue Project, the Venue Projects) of the types described and defined in Section 334.001(4)(B) and Section 334.001(4)(D) of, and permitted by, the Act and described below in summary form as:

An expansion of the Kay Bailey Hutchison Convention Center Dallas and related infrastructure; and the improvement of Fair Park facilities, including the Automobile Building, the

Centennial Building, the Band Shell, the Music Hall, the Cotton Bowl, the Coliseum, and related infrastructure; and

WHEREAS, in the Resolution, the City Council designated the following method of financing authorized by the Act to finance the Venue Projects:

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; and

WHEREAS, the City Council hereby finds and determines that an election should be held to submit to the qualified voters of the City of Dallas the Convention Center Expansion Venue Project and Fair Park Facilities Venue Project; and the financing of such projects; and, if approved at the election ordered by the City, the City shall use good faith efforts to spend 20% of the revenues derived from the new 2% hotel occupancy tax levied pursuant to Subchapter H of the Act, for the Fair Park Facilities Venue Project listed in the Proposition; and

WHEREAS, as required by Section 334.022 of the Act, the City sent the Resolution to the Comptroller of Public Accounts, and on May 5, 2022, the Comptroller notified the City of its determination that the approval and implementation of the Resolution would have no significant negative impact on state revenue, thereby permitting the City to hold an election to submit to the qualified voters of the City a proposition regarding Convention Center Expansion Venue Project and Fair Park Facilities Venue Project; and

WHEREAS, the City Council is authorized and has determined to order an election on the question of approving the implementation of the Resolution pursuant to Sections 334.024 and 334.2518 of the Act; and

WHEREAS, the City meets the population requirements of Section 334.2518(a) of the Act pursuant to Section 2058.0021, Texas Government Code, as amended, which applies the 2010 decennial census (the 2010 Census) to State statutes until September 1, 2023; and

WHEREAS, the 2010 Census listed the City's population as 1,197,816, which is within the population bracket of Section 334.2518(a) 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) of the Code, as required by Texas law; and

WHEREAS, it is hereby officially found and determined that the meeting at which this ordinance is considered is open to the public, and public notice of the time, place, and purpose of said meeting was given as required by law, and public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.043 of the Texas Government Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

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. An election (the Election) shall be held for and within the City on Tuesday, November 8, 2022 (Election Day), a uniform election date established by Section 41.001(a) of the Code. At the Election the following proposition (the Proposition) shall be submitted to the qualified voters of the City in accordance with law:

PROPOSITION

Authorizing the City of Dallas to provide for the planning, acquisition, establishment, development, construction, renovation and financing of the expansion of the Kay Bailey Hutchison Convention Center Dallas, a venue within

the City of the type described and defined in Section 334.001(4)(B) of and permitted by Chapter 334, Local Government Code, as amended (the “Act”), designated by Resolution 22-0660 (the “Resolution”) and described in summary form as an expansion of a convention center facility described in Sections 334.001(4)(B) and 334.2518 of the Act, and by Section 351.001(2), Tax Code, as amended, and related infrastructure as defined in the Act, including demolition costs (collectively, the “Convention Center Expansion Venue Project”); and authorizing the City of Dallas to provide for the planning, acquisition, establishment, development, construction, renovation and financing of certain Fair Park facilities, a venue within the City of the type described and defined in Section 334.001(4)(D) of and permitted by the Act, designated by the Resolution and described in summary form pursuant to Section 334.2518 of the Act as the acquisition, construction and improvement of the Automobile Building, the Centennial Building, the Band Shell, the Music Hall, the Cotton Bowl and the Coliseum, and related infrastructure as defined in the Act (collectively, the “Fair Park Facilities Venue Project” and, together with the Convention Center Expansion Venue Project, the “Venue Projects”) and to impose a new hotel occupancy tax at the rate of two percent (2%) for the purpose of financing the Venue Projects; and approving the Resolution. If approved, the maximum hotel occupancy tax rate imposed from all sources in the City of Dallas would be fifteen percent (15%) of the price paid for a room in a hotel.

Section 3. 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:

CITY OF DALLAS PROPOSITION A

- FOR “Authorizing the city of Dallas to provide for the planning, acquisition, establishment, development, construction, renovation and financing of the expansion of the Kay Bailey Hutchison Convention Center Dallas, a venue within the city of the type described and defined in section 334.001(4)(b) of and permitted by chapter 334, Local Government Code, as amended (the “Act”), designated by Resolution 22-0660 (the “Resolution”) and described in summary form as an expansion of a convention center facility described in Sections 334.001(4)(b) and 334.2518 of the Act, and by Section 351.001(2), Tax Code, as amended, and related infrastructure as defined in the Act, including demolition costs (collectively, the “Convention Center Expansion Venue Project”); and authorizing the city of Dallas to provide for the planning, acquisition, establishment, development, construction, renovation and financing of certain Fair Park facilities, a venue within the city of the type described and defined in section 334.001(4)(d) of
- AGAINST

and permitted by the act, designated by the Resolution and described in summary form pursuant to section 334.2518 of the act as the acquisition, construction and improvement of the Automobile Building, the Centennial Building, the Band Shell, the Music Hall, the Cotton Bowl and the Coliseum, and related infrastructure as defined in the Act (collectively, the “Fair Park Facilities Venue Project” and, together with the Convention Center Expansion Venue Project, the “Venue Projects”) and to impose a new hotel occupancy tax at the rate of two percent (2%) for the purpose of financing the venue projects; and approving the resolution. If approved, the maximum hotel occupancy tax rate imposed from all sources in the city of Dallas would be fifteen percent (15%) of the price paid for a room in a hotel.”

Section 4. Multilingual election materials. All notices, instructions, and ballots pertaining to the Election shall be furnished to voters in English, Spanish, and Vietnamese. Persons capable of acting as translators in English and Spanish shall be made available to assist Spanish language speaking voters in understanding and participating in the election process.

Section 5. Election precincts, voting locations, and voting hours on election day. The election precincts for the Election shall consist of the territory within the boundaries of the City situated within one or more county election precincts located wholly or partially within the City. The precinct numbers of the City’s election precincts shall be the same as those assigned by Dallas County, Denton County, and Collin County, as applicable, to those counties’ election precincts. The polling places for the Election are hereby designated to be those locations identified by the Dallas County Election Officer, Denton County Elections Officer, and Collin County Election Officer (as defined herein). Such locations are listed on **Exhibit A**, attached to, and made a part of this ordinance by reference for all purposes; provided, however, such locations may be changed if directed by the Dallas County Election Officer, Denton County Elections Officer, and Collin County Election Officer without further action of the City. Dallas County, Denton County, and Collin County or their respective Election Officers are hereby authorized and directed to make such changes in polling locations as may be necessary for the proper conduct of the Election, without further action by the City, and the City Secretary or his/her designee is

hereby authorized to update **Exhibit A** to reflect the locations designated by Dallas County, Denton County, and Collin County or their respective Election Officers, which locations are hereby approved. Each polling place shall be open from 7:00 A.M. to 7:00 P.M. on Election Day.

Section 6. Early voting locations dates and times.

(a) The main early voting polling place for Dallas County is hereby designated to be Dallas County Elections Office, 1520 Round Table Drive, Dallas, Texas, 75247. The main early voting polling place for Denton County is hereby designated to be Denton County Elections Administration Office, 701 Kimberly Drive, Ste A111, Denton, Texas 76208. The main early voting polling place for Collin County is hereby designated to be Collin County Elections Administration Office, 2010 Redbud Blvd, Suite 102, McKinney, Texas 75069.

(b) The early voting places, the early voting times, and the addresses for early voting by mail for the Election are hereby designated as set forth in **Exhibit B**, attached to and made a part of this ordinance by reference for all purposes; provided, however, such locations may be changed if directed by the Election Officer without further action of the City. The Election Officer is hereby authorized and directed to make such changes in locations as may be necessary for the proper conduct of the Election. The City Secretary or his/her designee is hereby authorized to update **Exhibit B** to reflect the locations designated by the Election Officers, and such locations are hereby approved. The Election Officers and/or Early Voting Clerks are hereby authorized to appoint the members of the Early Voting Ballot board and the presiding judges and alternate judges for each polling location in accordance with the requirements of the Code. Each of the presiding judges shall be authorized to approve the necessary election clerks to assist in conducting the Elections.

(c) Early voting by personal appearance shall be conducted on the days and during the hours set forth in **Exhibit B**, as may be adjusted by the Election Officer without further council action.

(d) The addresses for the Early Voting Clerks and the address for applications for ballot by mail are:

For Dallas County: Early Voting Clerk
Dallas County Elections Department
1520 Round Table Drive
Dallas, Texas 75247
(214) 819-6300
evapplications@dallascounty.org

For Denton County: Early Voting Clerk
Denton County Elections Administration Office
701 Kimberly Drive, Suite A111
Denton, Texas 76208
(940) 349-3200
elections@dentoncounty.gov

For Collin County: Early Voting Clerk
Collin County Elections Administration Office
2010 Redbud Boulevard, Suite 102
McKinney, Texas 75069
(972) 547-1990
absenteemailballot@collincountytx.gov

(e) Voting times may be changed if directed by the Election Officers without further action of the City. The Election Officers are hereby authorized and directed to make such changes in voting hours as may be necessary for the proper conduct of the Election.

Section 7. Joint election. The Joint Election shall be conducted under the jurisdiction of the Dallas County Election Officer, Denton County Election Officer, and Collin County Election Officer pursuant to the direction of the City Council and may be pursuant to Joint Election Contracts (the “Contracts”) by and among the City and Dallas County, Denton County, and Collin

County, respectively, and other participating entities if any, described in the Contracts. The Contracts provide for the joint election and the conduct of the Election by the Election Officers, if any, shall be presented to the City Council for consideration and approval. The City Secretary or his/her designee is authorized to amend or supplement any such Contract to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Election Officers.

Section 8. Notice of election. Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance in English, Spanish, and Vietnamese one time not earlier than the thirtieth (30th) day nor later than the tenth (10th) day prior to the date set for the Election, in a newspaper published in the City (or that otherwise complies with applicable law), (ii) posting a copy of this Ordinance on the bulletin board used for posting notices of meetings of the City Council in English, Spanish, and Vietnamese 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, Spanish, and Vietnamese on the City's website, prominently and together with the notice of the Election and the contents of the Proposition, the voting locations, not later than the twenty-first (21st) day prior to the date set for the Election through Election Day. Notice of the Election shall also be provided to the county clerks and voter registrars of Dallas County, Denton County, and Collin County not later than the 60th day before the Election Day, which notice the Counties is hereby authorized and directed to post to its website not later than the twenty-first (21st) day prior to the date set for the Election.

Section 9. Conduct of election. The Election shall be held in accordance with the Code, except as modified by the Act, and the Federal Voting Rights Act of 1965, as amended, including

particularly Chapter 272 of the Code pertaining to bilingual requirements. The website for the City can be found at www.dallascityhall.com.

Section 10. Necessary actions. The Mayor, the City Secretary, or their designee, acting on behalf of the City Council, in consultation with the City Attorney and bond counsel, is 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 as determined by the County Election Officials or as may become necessary due to circumstances arising after the date of this Ordinance. The City currently has no qualified voters in Rockwall or Kaufman Counties; should a resident of the City who resides in such counties become a qualified voter for purposes of the November 8, 2022, special election, the city secretary is authorized to enter into a contract for election services for those counties.

Section 11. Corrections. That the City Secretary and/or the City Attorney are hereby authorized and directed to approve any technical changes or corrections in this Ordinance or to any of the instruments authorized by this ordinance necessary to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Code or any other applicable law.

Section 12. 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. 13. Effective date. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT