

ORDINANCE NO. 19-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY ON MAY 4, 2019, TO DETERMINE WHETHER TO EXTEND THE IMPOSITION OF A FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD BETWEEN THE HOURS OF 10:00 A.M. AND 6:00 P.M. DAILY, TO BE COLLECTED BY A PAID PARKING SYSTEM WITH USE OF THE PROCEEDS RESTRICTED TO FUNDING SEAWALL ENHANCEMENTS, INCLUDING BUT NOT LIMITED TO LIGHTING, BATHROOMS, SHOWERS, LANDSCAPING, MAINTENANCE, AND LITTER CONTROL, WITH THE CREATION OF A RESERVE FOR THE REPLACEMENT OF CAPITAL IMPROVEMENTS ON THE SEAWALL AND NOT TO EXCEED 10% OF THE PROCEEDS FOR ADMINISTRATIVE COSTS, ALL IN ACCORDANCE WITH STATE LAW; AND GIVING THE CITY COUNCIL AUTHORITY TO INCREASE THE FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD TO AN AMOUNT OF \$2.00 PER HOUR, WITH A MINIMUM PURCHASE OF 2 HOURS, AND NOT TO EXCEED \$16.00 PER DAY, AND AN ANNUAL PERMIT NOT TO EXCEED \$45.00, UNTIL DECEMBER 31, 2029 UNLESS OTHERWISE RENEWED OR AMENDED BY A MAJORITY OF QUALIFIED VOTERS; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES AGREEMENT WITH GALVESTON COUNTY TO HOLD AND CONDUCT THIS ELECTION; DESIGNATING THE POLLING PLACES; DESIGNATING HOURS FOR VOTING; PROVIDING FOR PUBLICATION OF NOTICE OF THE ELECTION; PROVIDING BILINGUAL ELECTION REQUIREMENTS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, Article III, Section 7 of the Charter of the City of Galveston, Texas, provides “[t]he City of Galveston shall be prohibited from charging a fee for parking a motor vehicle on Seawall Boulevard, until such fee and method of collecting such fee is approved at an election by a majority of qualified voters voting in such election”; and,

WHEREAS, an election was held on May 14, 2011 on the proposition (known herein as Seawall Parking) whether the City should have the authority to charge a fee for parking a motor vehicle on Seawall Boulevard, which was approved by a majority of qualified voters; and,

WHEREAS, paid Seawall Parking is set to expire on or about July 27, 2020, unless otherwise approved by a majority of qualified voters; and,

WHEREAS, the City desires to submit to the qualified voters of the City of Galveston proposals to extend Seawall Parking and adjust the current fee schedule; and,

WHEREAS, the City Council, pursuant to the applicable provisions of the Texas Election Code, intends to contract with Galveston County for election services; and,

WHEREAS, Section 41.001(a) of the Texas Election Code provides that political subdivisions, such as the City of Galveston, may call and hold elections on certain dates in the year.

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

SECTION 1. That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. It is ordered that a Special Election be held in the City of Galveston on Saturday, May 4, 2019, between the hours of 7:00 a.m. and 7:00 p.m., at which election the following proposition shall be submitted to the qualified voters of the City for their action thereon.

PROPOSITION A

SHALL THE CITY COUNCIL HAVE THE AUTHORITY TO EXTEND THE IMPOSITION OF A FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD BETWEEN THE HOURS OF 10:00 A.M. AND 6:00 P.M. DAILY, TO BE COLLECTED BY A PAID PARKING SYSTEM WITH USE OF THE PROCEEDS RESTRICTED TO FUNDING SEAWALL ENHANCEMENTS, INCLUDING BUT NOT LIMITED TO LIGHTING, BATHROOMS, SHOWERS, LANDSCAPING, MAINTENANCE, AND LITTER CONTROL, WITH THE CREATION OF A RESERVE FOR THE REPLACEMENT OF CAPITAL IMPROVEMENTS ON THE SEAWALL AND NOT TO EXCEED 10% OF THE PROCEEDS FOR ADMINISTRATIVE COSTS, ALL IN ACCORDANCE WITH STATE LAW; AND GIVING THE CITY COUNCIL AUTHORITY TO INCREASE THE FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD TO AN AMOUNT OF \$2.00 PER HOUR, WITH A MINIMUM PURCHASE OF 2 HOURS, AND NOT TO EXCEED \$16.00 PER DAY, AND AN ANNUAL PERMIT NOT TO EXCEED \$45.00, UNTIL DECEMBER 31, 2029 UNLESS OTHERWISE RENEWED OR AMENDED BY A MAJORITY OF QUALIFIED VOTERS?

SECTION 3. That the proposition shall appear on the ballot of this election in the following form:

SPECIAL ELECTION

City of Galveston, Texas

May 4, 2019

OFFICIAL BALLOT

Proposition related to Paid Seawall Parking

PROPOSITION A

SHALL THE CITY COUNCIL HAVE THE AUTHORITY TO EXTEND THE IMPOSITION OF A FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD BETWEEN THE HOURS OF 10:00 A.M. AND 6:00 P.M. DAILY, TO BE COLLECTED BY A PAID PARKING SYSTEM WITH USE OF THE PROCEEDS RESTRICTED TO FUNDING SEAWALL ENHANCEMENTS, INCLUDING BUT NOT LIMITED TO LIGHTING, BATHROOMS, SHOWERS, LANDSCAPING, MAINTENANCE, AND LITTER CONTROL, WITH THE CREATION OF A RESERVE FOR THE REPLACEMENT OF CAPITAL IMPROVEMENTS ON THE SEAWALL AND NOT TO EXCEED 10% OF THE PROCEEDS FOR ADMINISTRATIVE COSTS, ALL IN ACCORDANCE WITH STATE LAW; AND GIVING THE CITY COUNCIL AUTHORITY TO INCREASE THE FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD TO AN AMOUNT OF \$2.00 PER HOUR, WITH A MINIMUM PURCHASE OF 2 HOURS, AND NOT TO EXCEED \$16.00 PER DAY, AND AN ANNUAL PERMIT NOT TO EXCEED \$45.00, UNTIL DECEMBER 31, 2029 UNLESS OTHERWISE RENEWED OR AMENDED BY A MAJORITY OF QUALIFIED VOTERS?

YES

NO

As to the foregoing proposition each voter shall indicate his/her vote by marking the appropriate box which registers either a vote "YES" or a vote "NO".

SECTION 4. That the Special Election hereby called and ordered shall be conducted in accordance with the provisions of this Ordinance, the requirements of *The City Charter* of the City of Galveston, and the Constitution and laws of the State of Texas regulating the holding of municipal elections. The election called and ordered shall also be conducted in accordance with the provisions of the Elections Services Agreement by and between the City and Galveston County (approved by the City on January 24, 2019). The ballots used in voting herein shall conform to all requirements of the laws of the State of Texas governing same.

SECTION 5. (a) In accordance with Chapter 43 and other applicable provisions of the Texas Election Code, this election shall be conducted utilizing countywide polling places as designated by the County of Galveston. The City Council hereby designates the locations listed in **Exhibit 1** as countywide polling places to be utilized for this election.

(b) The County of Galveston shall appoint eligible persons as presiding election judges and alternate presiding election judges to conduct the election in the respective voting precincts in accordance with the Texas Election Code.

(c) The presiding judge of each such Election Precinct shall appoint at least two (2), but no more than five (5), qualified voters to serve as election clerks. The alternate presiding judge shall serve as one of the clerks in an election conducted by the regularly appointed presiding judge. At least one clerk who is Spanish speaking shall be appointed to serve at each polling place. Compensation for the election judge and the alternate judge and clerks shall be fixed at a rate of \$10.00 per hour.

SECTION 6. All qualified voters shall be entitled to vote at the election hereby called and ordered. The election shall be conducted in accordance with the laws of the State of Texas, between the hours of 7 o'clock a.m. and 7 o'clock p.m. on May 4, 2019.

SECTION 7. The ballots shall conform to all requirements of the laws of the State of Texas governing the same.

SECTION 8. Voting machines and/or ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of voting machines, ballot boxes, and elections. Pursuant to the Election Services Agreement with the City of Galveston, the Hart Intercivic Direct Record Electronic (DRE) Voting Machines will be used during the conduct of the subject election being called by this Ordinance.

SECTION 9. (a) In compliance with Section 271.006 of the Texas Election Code, Dwight D. Sullivan, Galveston County Clerk shall serve as the Early Voting Clerk. The County Clerk is authorized to appoint additional deputy clerks as needed to process early voting mail and to conduct early voting by personal appearance.

(b) The main early voting polling place is designated as the Galveston County Justice Center, 600 – 59th Street, 2nd Floor Conference Room, Galveston, Texas 77551. Early voting by personal appearance is also available at those locations provided in **Exhibit 1**, and such other early voting polling places as designated by the Early Voting Clerk. Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. Applications for ballots by mail may be sent to the Early Voting Clerk as follows:

By Mail: Attn: Ballots by Mail, c/o Dwight D. Sullivan, Galveston County Clerk, P. O. Box 17253, Galveston, Texas 77552-7253;

By Fax: 409.765.3249 (Please put “Attention Ballots By Mail” on the cover sheet); or

By Email: absenteeballotapplications@co.galveston.tx.us (If this method is used, an application from the County Clerk’s Elections Division website will need to be printed, filled out completely, signed, and scanned before submitting as an attachment to the email).

In accordance with Section 84.007 of the Texas Election Code, the first day to apply for a ballot by mail was January 1, 2019. The last day to apply for a ballot by mail is April 23,

2019 (received, not postmarked). The original application must be mailed and received not later than four days after the copy is submitted by fax or email.

The Galveston County Clerk must physically receive marked ballots by the last mail delivery on Election Day which is Saturday, May 4, 2019 at 3:00 o'clock p.m. If a marked ballot is being mailed from outside of the United States, the ballot must be received by the last mail delivery on the fifth day after Election Day. In addition, marked ballots from individuals voting by mail may be hand delivered in person only while polls are open on Election Day. Only the person casting the marked ballot may surrender the ballot in person. Such ballots will be accepted between the hours of 7:00 a.m. and 7:00 p.m. at the Galveston County Clerk's Office, Elections Division, 600 – 59th Street, 3rd Floor, Galveston, Texas 77551.

(c) Early voting by personal appearance shall begin on Monday, April 22, 2019 and end on Tuesday, April 30, 2019, and shall be conducted at during the following hours:

| <i>Day</i> | <i>Date</i> | <i>Hours of operation</i> |
|------------|----------------|---------------------------|
| Monday | April 22, 2019 | 8:00 a.m. to 5:00 p.m. |
| Tuesday | April 23, 2019 | 8:00 a.m. to 5:00 p.m. |
| Wednesday | April 24, 2019 | 8:00 a.m. to 5:00 p.m. |
| Thursday | April 25, 2019 | 8:00 a.m. to 5:00 p.m. |
| Friday | April, 26 2019 | 8:00 a.m. to 5:00 p.m. |
| Saturday | April 27, 2019 | Closed |
| Sunday | April 28, 2019 | Closed |
| Monday | April 29, 2019 | 7:00 a.m. to 7:00 p.m. |
| Tuesday | April 30, 2019 | 7:00 a.m. to 7:00 p.m. |

There will be no early voting by personal appearance on Saturday, April 27, 2019 and Sunday, April 28, 2019.

(d) The City Council hereby appoints Douglas Godnich to the Early Voting Ballot Board.

Compensation for members of the Early Voting Ballot Board shall be the same as that fixed for presiding election judges, except that if the Board completes the work in less than 10 hours, the member may be paid for ten (10) hours in accordance with section 87.005 of the Texas Election Code.

SECTION 10. (a) Notice of said election shall be given (1) by filing a copy of this election Ordinance with the City Secretary; and (2) by publication as required by state law. The notice shall be in accordance with state law.

(b) The Mayor is hereby authorized to sign an “Order of Election” and “Notice of Special Election.” Council directs the City Secretary to post the “Order of Election” and publish and post the “Notice of Special Election”, in both English and Spanish in accordance with State and Federal law.

SECTION 11. Officers of the election shall immediately at the close of the election return to the City Council the results of the election. The City Council shall canvass the returns and declare the results of the election as provided in the Agreement between the City and the County, and as permitted by law.

SECTION 12. The provisions of 52 U.S.C.A. § 10503, 28 C.F.R. Part 55, and section 272.001 et seq. of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing, programming, and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to the electoral process, including ballots, and all such election materials shall be printed, programmed, processed, and/or provided in the Spanish language as well as the English language, and at each Election precinct there shall be a Judge, Alternate Judge, or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

SECTION 13. The City Council of the City of Galveston hereby requests Galveston County to provide election services and to conduct the election in accordance with Texas Election Code Chapter 31. The City Council hereby authorizes the City Manager to approve all election expenses and execute a contract with Galveston County, Texas, to perform election services in substantially the same form as “**Exhibit A**”.

SECTION 14. The County of Galveston shall appoint eligible persons in the following capacities in accordance with the Texas Election Code, and those persons shall have the duties and responsibilities as prescribed by state law:

Central County Station Manager, Clerk, Tabulation Supervisor, Assistant to the Tabulation Supervisor, Judge of the Central County Station, and Clerks.

SECTION 15. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with federal, state, and local laws and in the conduct thereof. This will be provided through the Election Services of the County of Galveston.

SECTION 16. The City Council reserves the right to amend or modify this Ordinance, including, but not limited to, the Early Voting and Election Day polling locations.

SECTION 17. In the event any provision of the Election Services Agreement with the County conflicts with any provision of this Ordinance, the provisions of this Ordinance shall control with respect to the City election.

SECTION 18. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 19. It is hereby officially found and determined that notice of the meeting at which this ordinance is adopted was given as required by the Texas Open Meetings Act, and that such meeting has been open to the public at all times when this ordinance was discussed and acted on.

SECTION 20. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 21. In accordance with the provisions of Section 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 22. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:


DONALD S. GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on January 24, 2019, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 28th day of July, 2019.

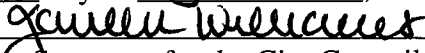

City Secretary for the City Council
of the City of Galveston, Texas



EXHIBIT 1

Election Day, Saturday May 4, 2019, Voting Locations for City of Galveston

Galveston County Courthouse
722 Moody Street
Galveston, TX 77550

Moody Methodist Church
2803 53rd Street
Galveston, TX 77551

Seaside Baptist Church
16534 Termini-San Luis Pass Rd.
Jamaica Beach, TX 77554

GISD Admin Building
3904 Ave. T
Galveston, TX 77551

Rebecca Sealy Hospital
404 8th St., Classroom 1st Floor
Galveston, TX 77555

Weis Middle School
7100 Stewart Rd.
Galveston, TX 77551

Alamo School
5200 Ave. N ½
Galveston, TX 77550

L.A. Morgan
1410 37th Street
Galveston, TX 77550

Early Voting Branch Locations For City of Galveston

Galveston County Justice Center
600 – 59th Street
2nd Floor Conference Room
Galveston, Texas 77551

Galveston County Courthouse
722 Moody Street
Galveston, TX 77550

Seaside Baptist Church
16534 Termini-San Luis Pass Rd.
Jamaica Beach, TX 77554

Moody Methodist Church
2803 53rd Street
Galveston, TX 77551

EXHIBIT A

CONTRACT FOR ELECTION SERVICES BETWEEN GALVESTON COUNTY AND THE CITY OF GALVESTON, TEXAS