



Legislation Text

File #: ORD 20-061, **Version:** 1

Consideration of and action on an ordinance cancelling the November 3, 2020 Type B Special Election.

Summary:

On February 4, 2020, the City Council adopted an ordinance calling for a special Type B economic development sales and use tax election on May 2, 2020 to authorize purposes of the Type B revenues in addition to the purpose approved by the voters at the 2015 Election. The May 2, 2020 ballot was to be set forth as follows:

CITY OF DEER PARK - PROPOSITION A

“Shall the City Council of the City of Deer Park be authorized to adopt the Type B economic development sales and use tax within the City at the rate of one-half of one percent, as authorized by chapters 501 and 505 of the Texas Local Government Code for the additional purpose of land, buildings, equipment, facilities, and improvements (including the maintenance and operating costs thereof) found by the board of directors of the Deer Park Community Development Corporation to be required or suitable for use for the following: amateur sports, children’s sports, athletic, entertainment and public park purposes and events, including ball parks, parks and park facilities, and open space improvements (including (i) a community/recreation center with indoor pool, gymnasium, and indoor track and (ii) an outdoor pool and/or pool related facilities); related concession and automobile parking facilities; related roads, streets, and water and sewer facilities; and other related improvements that enhance any of the above?”

Thereafter, due to the COVID-19 pandemic:

- On March 13, 2020, the Governor issued a proclamation certifying that COVID-19 posed an imminent threat of disaster in the state and declaring a state of disaster for all counties in the State, and the Governor has subsequently extended such disaster declaration.
- On March 18, 2020, the Governor issued a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that were utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date.
- In response to the Governor’s Proclamation, the Texas Secretary of State provided guidance to election officials, advising election officials to postpone elections to be held on May 2, 2020.
- Pursuant to the Governor’s Proclamation and the Secretary of State’s advisories, on April 21, 2020, the City Council postponed the May 2, 2020 Elections to the November 3, 2020 uniform election date.

The impact of COVID-19 impact on Type B sales and use tax revenues is still unknown at this time.

City staff and City Council need additional time to assess and accurately determine the impact of COVID-19 on the residents and businesses within the City, the impact of COVID-19 on the viability of the Type B financed improvements identified for financing through the Election to be provided by the Deer Park Economic Development Corporation, and the impact of the aforementioned economic and social disruption on the cost of projects to be undertaken by the Deer Park Economic Development Corporation.

Based on the foregoing and the discussion at the July 27, 2020 Joint City Council/Deer Park Economic Development Corporation/Parks and Recreation Commission meeting, and pursuant to Section 2.081 of the Texas Election Code, it is recommended that the measures to be presented to voters in the Special Election for adoption of Type B sale and use tax have been rendered moot for the time being within the meaning and for the purposes of Section 2.081, Texas Election Code, and that the November 3, 2020 Special Type B election be cancelled.

Fiscal/Budgetary Impact:

N/A

Approve the ordinance.