ORDINANCE NO. 4177

ORDINANCE CANCELLING SPECIAL ELECTION FOR ADOPTION OF TYPE B SALE AND USE TAX AND PROVIDING FOR OTHER MATTERS INCIDENTAL AND RELATED THERETO.

WHEREAS the City of Deer Park, Texas (the "City") is a political subdivision of the State of Texas (the "State") and on February 4, 2020, the City Council of the City (the "City Council") approved that certain Ordinance Calling a Special Election for Adoption of Type B Sale and Use Tax (the "Original Ordinance") ordering a special election to be held within the boundaries of the City on May 2, 2020 (the "Election"); and

WHEREAS, the public health risks posed by the novel coronavirus ("COVID-19") have resulted in widespread economic and social disruption, the closure of businesses and governmental action restricting certain public gatherings and activities, and such disruption, closures and restrictions are reasonably anticipated to impact the City and its residents; and

WHEREAS, pursuant to Section 418.018, Texas Government Code, the Governor issued a proclamation on March 13, 2020 certifying that COVID-19 poses 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; and

WHEREAS, pursuant to Section 418.016, Texas Government Code, the Governor issued a proclamation on March 18, 2020 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 (collectively with the proclamation issued on March 13, 2020, the "Proclamation"); and

WHEREAS, in response to the Proclamation, the Texas Secretary of State provided guidance to election officials, advising election officials to postpone elections to be held on May 2, 2020; and

WHEREAS, pursuant to the Proclamation and the Secretary of State's advisories, on April 21, 2020, the City Council approved that certain Order Declaring Postponement of May 2, 2020 Elections

(the "Postponement Order"), which postponed the Election until the November 3, 2020 uniform election date; and

WHEREAS, the City Council hereby finds, determines and declares that the economic and social disruption and turmoil caused by COVID-19 and the related mitigation measures implemented in response to COVID-19 may endure for an indefinite period of time, resulting in operational and financial uncertainty in (i) the businesses and residents within the City and (ii) the resources available to or required by the City in the discharge of its governmental purposes and the Deer Park Community Corporation (the "Corporation") in the fulfillment of its purposes; and

WHEREAS, the City Council hereby finds determines and declares that City staff and the City Council require additional time to assess and accurately determine (i) the impact of COVID-19 on the residents and businesses within the City, (ii) 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 Corporation, and (iii) the impact of the aforementioned economic and social disruption on the cost of projects to be undertaken by the Corporation; and

WHEREAS, based on the foregoing and pursuant to Section 2.081, Texas Election Code, the City Council hereby finds, determines and declares 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;

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS THAT:

Section 1. The findings, determinations, and declarations set forth in the recitals of this Ordinance are hereby restated and incorporated into and made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The measures to be submitted to voters at the Special Election (for the 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 because such measures were the only measures to be

presented to voters in the election, the election is hereby cancelled, and all proceedings and actions to date with respect to such Election shall be of no force or effect.

Section 3. The City Council further authorizes and directs the Mayor, the City Administrator and the City Secretary to take any and all necessary action contemplated by this Ordinance to facilitate the cancellation of the Election, including posting notice of the cancellation of the Election on the City's website, notifying the appropriate county election officer and providing any other notices required by law or deemed appropriate by the Mayor, the City Administrator or the City Secretary in connection with cancellation of the Election.

Section 4. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was held in compliance wit the advisory issued by the Governor and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code as amended.

Section 7. This Ordinance shall be in force and effect from and after the date of its adoption.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the 4th day of August, 2020 **by a vote of** 7 **"Ayes" and** 0 **"Noes".**

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney