

ORDINANCE NUMBER 2024-1742

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS, APPROVING AND CANVASSING THE RETURNS, AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON THE 4TH DAY OF MAY, 2024, FOR THE PURPOSE OF CREATING THE GREATER BROWNSVILLE MUNICIPAL DEVELOPMENT DISTRICT AND THE IMPOSITION OF A SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT FOR THE PURPOSE OF FINANCING DEVELOPMENT PROJECTS BENEFICIAL TO THE DISTRICT AND ON TERMINATING THE BROWNSVILLE COMMUNITY IMPROVEMENT CORPORATION AND THE GREATER BROWNSVILLE INCENTIVES CORPORATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 16, 2024, the City Commission of the City of Brownsville, Texas (the "City Commission") passed on the first reading and adopted on its final reading on February 6, 2024, Ordinance No. 2024-1736, calling for and ordering a special election to be held on Saturday, May 4, 2024, for the purpose of creating the Greater Brownsville Municipal Development District ("District") and to authorize an additional sales tax at the rate of one-half of one percent to fund projects beneficial to the District in accordance with Chapter 377 of the Local Government Code contingent on the termination of the Greater Brownsville Incentives Corporation (GBIC) and the Brownsville Community Improvement Corporation (BCIC); and

WHEREAS, on May 4, 2024, the Special Election was held at which only the duly qualified voters of the City of Brownsville, Texas (the "City") determined to be eligible to vote in the Special Election were permitted to vote in this election for Propositions A and B, the duly qualified voters within the City's extraterritorial jurisdiction ("ETJ") were permitted to vote on Proposition A only; and

WHEREAS, on the 14th day of May 2024, during a Special Meeting of the City Commission, the City Commission canvassed the returns for the Special Election held in and throughout the City and the ETJ, on Saturday, May 4, 2024, and found the results to be as noted on Exhibit "A" of this ordinance; and

WHEREAS, all circumstances surrounding the calling of the election, giving of notice, holding of the election, and return of ballots have been legally had and done; and

WHEREAS, pursuant to Chapter 67 of the Texas Election Code, the City Commission of the City of Brownsville is required to canvass the returns and declare the results of the election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS, THAT:

SECTION 1. The declarations and findings contained in the preamble of this Ordinance are hereby found to be true and correct and shall be made a part hereof.

SECTION 2. The attached election results serve as the final, true, and correct election results of the May 4, 2024, Special Election on the charter amendments proposed by the City Charter Review committee and City Commission.

SECTION 3. The City Commission officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; and said election was duly held; the City has complied with the Federal Voting Rights Act and the Texas Election Code; due returns of the result of said election have been made and delivered; and the City Commission has duly canvassed said returns, all in accordance with law and the Resolution calling the election.

SECTION 4. The City Commission officially finds, determines, and declares the results of said Special Election on the following Propositions, expressed substantially below, are as follows:

Proposition A: Authorizing the creation of the Greater Brownsville Municipal Development District and the imposition of a sales and use tax at the rate of one-half of one percent (0.50%) for the purpose of financing development projects beneficial to the district, within the incorporated City limits and extraterritorial jurisdiction of the City of Brownsville, Texas, which boundaries shall automatically conform to any changes in the corporate boundaries and extraterritorial jurisdiction of the City, contingent upon the majority of eligible voters approving a ballot proposition to terminate the Brownsville Community Improvement Corporation and the Greater Brownsville Incentives Corporation?

FOR	[]	3,944	
AGAINST	[]	4,536	Total: 8,480
Number of votes by which the proposition was rejected			Total: 592

Proposition B: Termination of the Brownsville Community Improvement Corporation and the Greater Brownsville Incentives Corporation, contingent upon the majority of eligible voters approving a ballot proposition to create the Greater Brownsville Municipal Development District?

FOR	[]	4,518	
AGAINST	[]	3,043	Total: 7,561
Number of votes by which the proposition was approved			Total: 1,475

SECTION 5. The City Commission finds that Propositions A and B be declared rejected by the City of Brownsville as the Propositions were contingent on both passing.

SECTION 6. This Ordinance shall serve as the order in the records of the municipality declaring that the charter amendment is adopted, as required by Texas Local Government Code § 9.005, and shall serve as the required certification by the Mayor to the Secretary of State as the authenticated copy of the charter amendment under the municipality's seal showing the approval by the voters of the municipality, as required by Texas Local Government Code § 9.007.

SECTION 7. As required by Texas Local Government Code § 9.008, the City Secretary shall record in the Office of the City Secretary the Propositions as rejected by the voters of the City of Brownsville and its ETJ.

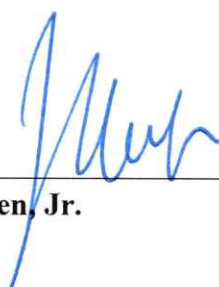
SECTION 8. Pursuant to the City Charter, this Ordinance shall become effective upon its second and final reading and passage.

SECTION 9. It is hereby officially found and determined that the meeting of the Brownsville City Commission at which this Ordinance was adopted was open to the public, and that public notice of the time, place, and purpose of said meeting was given, as required by Chapter 551 of the Texas Government Code.

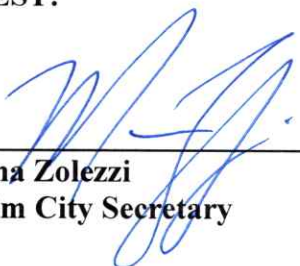
INTRODUCED and **PASSED** at a PUBLIC HEARING and FIRST READING on the 7th day of May, 2024.

APPROVED AND PASSED on the SECOND and FINAL READING on this the 14th day of May, 2024.

ATTEST:



John Cowen, Jr.
Mayor



Marina Zolezzi
Interim City Secretary



**APPROVED AS TO FORM
AND LEGALITY:**



Guillermo (Will) S. Trevino
City Attorney

EXHIBIT "A"
ELECTION RETURNS
(Insert Returns)

☐ **Proposition A City of Brownsville**

(VOTE FOR 1)

Precinct Reported: 65 of 65 (100%)

<input type="checkbox"/> For	3,944	46.51%	<div><div style="width: 46.51%;"></div></div>
<input type="checkbox"/> Against	4,536	53.49%	<div><div style="width: 53.49%;"></div></div>

☐ **Proposition B City of Brownsville**

(VOTE FOR 1)

Precinct Reported: 36 of 36 (100%)

<input type="checkbox"/> For	4,518	59.75%	<div><div style="width: 59.75%;"></div></div>
<input type="checkbox"/> Against	3,043	40.25%	<div><div style="width: 40.25%;"></div></div>