



City of Abilene

Abilene-Taylor County Events Venue District Board Agenda

Notice is hereby given of a meeting of the Abilene-Taylor County Events Venue District Board of City of Abilene to be held on August 7, 2023 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

1. Public Comments on Any Item on the Agenda

MINUTES

2. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 12, 2023

AGENDA ITEMS

3. **Resolution:** Consider and Adopt an Order of the Board of Directors of the Abilene-Taylor County Events Venue District Calling a Special Election for Designating a Venue Project to be Financed With a Hotel Occupancy Tax Within the District in Accordance With the Provisions of Chapter 335, Texas Local Government Code, As Amended; Making Provision for the Conduct of the Election; and Resolving Other Matters Incident to Such Election

ADJOURNMENT

Notice

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received forty-eight (48) hours prior to scheduled meetings. Please contact the City Secretary's Office at 325-676-6208. Telecommunication device for the deaf is 325-676-6360.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 1st day of August, 2023, at 4:00 p.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*

Minutes
Abilene-Taylor County Events Venue District
Board Meeting June 12, 2023

Public notice having been posted, a meeting of the Board of Directors of the Abilene-Taylor County Events Venue District was held on Monday, June 12, 2023 at 1:30 pm at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas.

Board Members Present: Chuck Statler, Commissioner, Taylor County
Kyle McAlister, Councilmember, City of Abilene
Judge Phil Crowley, Taylor County
Anthony Williams, City of Abilene representative
Glenn Dromgoole, Director

Others Present: Representing City of Abilene:
Stanley Smith, City Attorney
Mike Rains, Director of Finance
Shawna Atkinson, City Secretary

Additional Attendees:
Jeff Salmon, *Frontier Texas!*
Rochelle Johnson, Taylor County Expo Center
Sam Gill, McCall, Parkhurst & Horton LLP

1. The meeting was called to order at 1:30 pm by Chuck Statler.

Commissioner Chuck Statler, Judge Phil Crowley, and Glenn Dromgoole were sworn in as board members by Shawna Atkinson, City Secretary.

2. No public comments were made on any agenda item.
3. A motion to approve the minutes for the July 20, 2022 meeting was made by Councilmember Kyle McAlister and seconded by Anthony Williams. All Board members voted in favor; the motion carried.
4. 1) Jeff Salmon, Executive Director of *Frontier Texas!* thanked the board members for serving. Mr. Salmon indicated that out of the \$800,000 *Frontier Texas!* operating budget the Venue Tax funds approximately 67.8%. He asked that the board consider a .5% shift from *Frontier Texas!* to the Expo Center for FY 24 to reach a 50%-50% split with the Taylor County Expo Center of Venue Tax collections. He requested the Venue District continue with a new venue project at the expiration of the current district. *Frontier Texas!* has a \$5 million project planned for expansion and renovation which he requested the Venue Tax to fund \$2 million of the project.

2) Rochelle Johnson, General Manager of the Taylor County Expo Center also thanked the board. She indicated in 2022, the Taylor County Expo Center hosted 330 event days with 214 different events on 213 calendar days. She asked the board to support the collaboration and move forward with reaching a 50-50 split with *Frontier Texas!* in FY 24. She also indicated, she was in favor of continuing the Venue District and after paying any debt service that the venue tax collections be split 50-50% with *Frontier Texas!* in the future.

5. Councilmember Kyle McAllister made a motion to shift .5% of venue allocations from *Frontier Texas!* to the Taylor County Expo Center for FY 24 making the split:

Frontier Texas! – 50%

Taylor County Expo Center – 50%

Judge Phil Crowley seconded the motion. All Board members voted in favor; motion carried.

6. Sam Gill informed the Board, the Attorney General of Texas has indicated that a new Venue District could continue beyond the expiration of the current Venue District on June 15, 2024. He indicated the first step would be for the Board to approve a Resolution providing for a new venue project. After receiving approval from the Texas Comptroller of a Fiscal Impact Analysis, the Board would call for a Venue Project Election which would then be in the hands of voters to approve. If the election is approved the new Venue Project would commence on June 16, 2024. A motion was made by Judge Phil Crowley, seconded by Anthony Williams to approve the Resolution providing for a Venue Project. All Board members voted in favor; motion carried.
7. Mike Rains presented the 2022 annual audit report prepared by Forvis, LLP. Glenn Dromgoole made a motion to accept the report; Councilmember Kyle McAlister seconded. All Board members voted in favor of the motion; motion carried.
8. Mike Rains presented the Revised Budget for fiscal year 2022-2023 and the Proposed Budget for fiscal year 2023-2024. Anthony Williams made a motion to approve the 2022-2023 Revised Budget and the 2023-2024 Proposed Budget; Judge Phil Crowley seconded. All Board members voted in favor; motion carried.
9. Glenn Dromgoole made a motion to adjourn; Councilmember Kyle McAlister seconded. Meeting was adjourned at 2:05 p.m.

Mike Rains, recording secretary for
Glenn Dromgoole, Secretary

Chuck Statler
President

Order No. _____

AN ORDER OF THE BOARD OF DIRECTORS OF THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT CALLING A SPECIAL ELECTION FOR DESIGNATING A VENUE PROJECT TO BE FINANCED WITH A HOTEL OCCUPANCY TAX WITHIN THE DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 335, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND RESOLVING OTHER MATTERS INCIDENT TO SUCH ELECTION

WHEREAS, in 2003, the Board of Directors (the *Board*) of the Abilene-Taylor County Events Venue District (the *District*) declared as a venue project the planning, acquisition, establishment, development, construction, renovation and/or operation of Frontier Texas!, a museum and visitors center for transportation and Western Heritage; improvements to the Taylor County Expo Center and Shotwell Stadium, such as paving of the parking area, together with related infrastructure and other related improvements (the *Prior Venue Project*); and

WHEREAS, on February 7, 2004, the voters of the City of Abilene, Texas (the *City*) and Taylor County, Texas (the *County*) approved a single proposition authorizing the Prior Venue Project and the imposition of a hotel occupancy tax at a maximum rate of two percent (2%) in the City and the County for the purpose of financing and operating the Prior Venue Project (the *Prior Venue Tax*), which Prior Venue Tax became effective April 1, 2004; and

WHEREAS, in June 2004, the District issued its Abilene-Taylor County Events Venue District Hotel Occupancy Tax Revenue Bonds, Series 2004 (the *2004 Bonds*) that are secured by the Prior Venue Tax; and

WHEREAS, the Prior Venue Tax will terminate upon the final maturity of the 2004 Bonds on June 15, 2024 pursuant to Section 334.112 of the Local Government Code, as amended; and

WHEREAS, the Board adopted a Resolution on June 12, 2023 (the *Venue Designation Resolution*) to provide for the planning, acquisition, establishment, development, construction, renovation, maintenance and/or operation of: Frontier Texas!, a museum and visitors center for transportation and Western Heritage; and the Expo Center of Taylor County; together with related infrastructure and other related improvements (the *Venue Project*); and

WHEREAS, in the Venue Designation Resolution, the Board declared its intent to finance the Venue Project with the imposition of a hotel occupancy tax at a maximum rate of two percent (2%) of the price paid for a room in a hotel in the City and County, as provided by Chapter 335, Texas Local Government Code, as amended (the *Act*), which tax would be imposed after the 2004 Bonds mature and the Prior Venue Tax terminates; and

WHEREAS, the Board followed the procedures prescribed by the Act and obtained a determination from the Comptroller of Public Accounts for the State of Texas that implementation

of the Venue Designation Resolution will not have a significant negative fiscal impact on revenues of the State of Texas; and

WHEREAS, the Board desires that the qualified voters of the District consider approval and implementation of the Venue Designation Resolution at an election to be conducted at the next available uniform election date (the *Election*); and

WHEREAS, the District will contract with the Elections Administrator (the *Administrator*) of the County to conduct all aspects of the Election; and

WHEREAS, the Election may be held jointly with other political subdivisions (collectively, the *Participants*) for whom the County is also conducting elections; and

WHEREAS, the Board hereby finds and determines that this action is in the best interests of the residents of the District; now, therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT THAT:

SECTION 1. The Election shall be held on November 7, 2023 (*Election Day*), a uniform election date in the District, which date is seventy-eight (78) or more days from the date of the adoption of this Order, for the purpose of submitting the following measure to the qualified voters of the District:

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT MEASURE A

Shall the Board of Directors of the Abilene-Taylor County Events Venue District be authorized to provide for the planning, acquisition, establishment, development, construction, renovation, maintenance and/or operation of: Frontier Texas!, a museum and visitors center for transportation and Western Heritage; and the Expo Center of Taylor County; together with related infrastructure and other related improvements (collectively, a Venue Project of the type described and defined in Chapter 335, Texas Local Government Code, as amended) and to impose the following tax to pay the costs of the Venue Project and to secure the payment of revenue bonds of the District issued to pay the costs of the Project: the imposition of an additional hotel occupancy tax at a maximum rate of two percent (2%) of the price paid for a room in a hotel in the City of Abilene, Texas and Taylor County, Texas as authorized by law, the proceeds of which are to be deposited into a venue project fund created under, and to be used for any purposes authorized by Chapter 335, Texas Local Government Code, as amended, and also approving and authorizing the implementation of the Venue Designation Resolution adopted on June 12, 2023?

SECTION 2. One or more District election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the District election precincts as identified in Exhibit B to this Order (which is incorporated herein by reference for all purposes). The President of the Board, or the designee thereof, in coordination with the Administrator, or the designee thereof, as necessary or desirable,

will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Order based upon the final locations and times agreed upon by the Administrator, the District, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day.

B. On Election Day, the polls shall be open as designated on Exhibit B.

C. The early voting locations, dates, and hours are designated in Exhibit A to this Order (which is hereby incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks.

D. An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The Administrator will designate the Presiding Judge of the Early Voting Ballot Board, and the Presiding Judge shall appoint not less than two resident qualified voters of the District to serve as members of the Early Voting Ballot Board and may appoint members of a signature verification committee as necessary or desirable.

SECTION 3. Electronic voting machines may be used in conducting the Election; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted by the use of paper ballots (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the District shall provide at least one accessible voting system in each polling place used in the Election. Certain early voting may be conducted by mail.

SECTION 4. The District is authorized to utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., Texas Election Code, as amended. The Administrator, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code, as amended. The Board hereby appoints the Administrator, or the designee thereof, as the Tabulation Supervisor and the Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

SECTION 5. The official ballots shall be prepared in accordance with the Election Code, as amended, so as to permit qualified voters to vote “FOR” or “AGAINST” the aforesaid measure which shall appear on the ballot substantially as follows:

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT PROPOSITION A

Authorizing the Abilene-Taylor County Events Venue District to finance a venue project for the planning, acquisition, establishment, development, construction, renovation, maintenance and/or operation of the Venue Project, to-wit: City of Abilene Frontier Texas!, a museum and visitors center for transportation and Western Heritage; and the Expo Center of Taylor County; together with related infrastructure and other related improvements, and to impose a hotel occupancy tax at a maximum rate of two percent (2%) of the price paid for a room in a hotel in the City of Abilene, Texas and Taylor County, Texas for the purpose of financing the Venue Project, as provided by Chapter 335, Local Government Code, as amended. If approved, the maximum hotel occupancy tax rate imposed from all sources in Abilene-Taylor County Events Venue District would be fifteen percent (15%) of the price paid for a room in a hotel.

SECTION 6. All resident qualified voters of the District shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, the applicable provisions of the Act, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be posted at least 21 days prior to Election Day at the normal posting location for meetings of the Board (that is, the City's website). In addition, notice of election, including a Spanish translation thereof, shall be published in a newspaper of general circulation in the District not more than 30 days, and not less than 10 full days prior to Election Day.

SECTION 8. The Board authorizes its President or the President's designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code. In addition, the District authorizes the President or the President's designee to make such technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

SECTION 9. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 10. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 11. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 12. It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 13. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 14. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Order shall be effective immediately upon adoption.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED on August 7, 2023.

ABILENE-TAYLOR COUNTY EVENTS VENUE
DISTRICT

President, Board of Directors

ATTEST:

Secretary, Board of Directors

(DISTRICT SEAL)

[Signature page to the Election Order]