



City of Magnolia

P.O. BOX 396
MONTGOMERY COUNTY
MAGNOLIA, TEXAS 77353-0396
281-356-2266
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ORDINANCE NO. 2006-0021

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 13, 2006, FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS AND THE ELECTION OF A MAYOR, AND FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY FOUR PROPOSITIONS; (1) TO APPROVE OR REJECT THE DISSOLUTION OF THE MAGNOLIA COMMUNITY DEVELOPMENT CORPORATION; AND (2) TO APPROVE OR REJECT THE USE OF SALES AND USE TAX PROCEEDS FOR INFRASTRUCTURE RELATING TO WATER SUPPLY FACILITIES AND WATER CONSERVATION PROGRAMS; AND (3) TO APPROVE OR REJECT ISSUING CERTIFICATES OF OBLIGATION FOR THE REPAIR OF A WATER WELL AND THE ACQUISITION AND RENOVATION OF THE BUILDING LOCATED AT 18111 BUDDY RILEY BLVD., MAGNOLIA, TEXAS TO BE USED AS THE NEW CITY HALL; AND (4) TO REAUTHORIZE THE LOCAL SALES AND USE TAX IN THE CITY OF MAGNOLIA, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT; AND DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING THE FORM OF THE BALLOTS AT SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the City of Magnolia, Texas (the "City") pursuant to the laws of the State of Texas, as amended, is required to hold a general election by State Law which requires the general election for 2006 be held on the second Saturday of May to elect Councilpersons whose terms are expiring or to elect persons to Council Positions that are vacant, to elect a Mayor, and additionally the City is permitted or required by state law to submit four (4) propositions to the qualified voters of the City;

WHEREAS, by state law the uniform election date for the month of May 2006 falls on May 13, 2006, and there is therefore required to be elected, on May 13, 2006, the following officials for the City:

Council Position 1, for a one-year term ending May 2007; and
Council Position 4, for a two-year term ending May 2008; and
Council Position 5, for a two-year term ending May 2008; and

Office of Mayor, for a two-year term ending May 2008.

WHEREAS, pursuant to Chapters 31 and 271 of the Texas Election Code the City is authorized to enter into a joint election agreement with the Montgomery County Hospital District and a contract for election services with Montgomery County and the City has entered into said agreements; and

WHEREAS the City of Magnolia Texas previously authorized the creation of a 4B Economic Development Corporation called the Magnolia Community Development Corporation (the "4B Corporation" and the voters previously approved a sales and use tax to fund the 4B Corporation; and

WHEREAS, a lawful petition to dissolve the 4B Corporation was submitted to the Council and the Council is required by Section 4B of Article 5190.6 to submit a proposition to the voters to approve or reject the dissolution of the Magnolia Community Development Corporation; and

WHEREAS, the City is permitted by Section 4B of Article 5190.6 to submit a proposition regarding the sales and use tax dedicated to the 4B Corporation, said proposition being to approve or reject the use of sales and use tax proceeds for infrastructure relating to water supply facilities and water conservation programs; and

WHEREAS, a lawful petition was submitted to the City Council and the Council is required by Chapter 271.049 of the Local Government Code, as amended, to submit a proposition to the voters to approve or reject the issuance of certificates of obligation to pay all or any portion or the cost of repairing the water well and the acquisition and renovation of a building located at 18111 Buddy Riley Blvd., Magnolia, Texas to be used as a new City Hall and the cost of professional services incurred therewith; and

WHEREAS, the City is permitted to reauthorize the local sales and use tax in to continue providing revenue for maintenance and repair of municipal streets pursuant to Section 327.007(b) of the Tax Code; and

WHEREAS, the City Council of the City of Magnolia, Texas and Carol Gaultney, Election Administrator for Montgomery, County, Texas, hereinafter called "Administrator" have determined it would be in the best interest of Montgomery County and the inhabitants thereof, that provisions be made for Administrator to help conduct the City General Election on May 13, 2006 and the City enter into a Joint Election Agreement with the Montgomery County Hospital District; and

WHEREAS, the City Council wishes to proceed with the ordering of such general election on Saturday, May 13, 2006, which is a uniform election date;

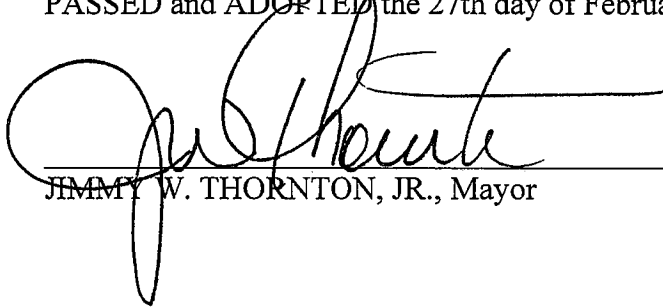
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. The facts and opinions in the preamble to this Ordinance are true and correct.

Section 2. The attached Election Order (Exhibit "A") is herein adopted, which declares and orders that a general election (the "General Election") be held in and throughout the City of Magnolia on Saturday, May 13, 2006, to elect persons to Council Position 1 for a one year term, Council Positions 4 and 5, for a two-year term and for the Office of Mayor for a two-year term and for the submission to the voters the four (4) propositions as described in the preamble to this ordinance.

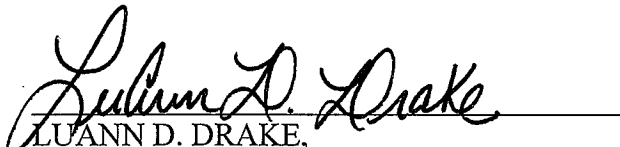
Section 3. All ordinances and parts of ordinances in conflict herewith are herein repealed to the extent of the conflict only.

PASSED and ADOPTED the 27th day of February, 2006.



JIMMY W. THORNTON, JR., Mayor

ATTEST:



LUANN D. DRAKE,
Acting City Secretary

ORDINANCE NO. 2006-0021

EXHIBIT "A"

ELECTION ORDER

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the second Saturday in May 2006, the same being the 13th day of said month. The City Secretary is hereby authorized and directed to prepare the election ballots and provide and furnish all necessary election supplies, including bilingual forms, to conduct the General Election in accordance with the provisions of the Texas Constitution and Texas Election Code. On such election ballot, the qualified voters of the City may vote for the purpose of electing the following officials of the City:

Office of Mayor (for a two year term to end in May, 2008)
Councilmember, Position No. 1 (for a one year term to end in May, 2007)
Councilmember, Position No. 4 (for a two year term to end in May, 2008)
Councilmember, Position No. 5 (for a two year term to end in May, 2008)

Section 2. No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 16835 FM 1488, Building 1, Magnolia, Texas 77354, not later than five o'clock (5:00) p.m. on the sixty-second (62nd) day before the date of such election, said date being March 13, 2006. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

Section 3. It is further ordered that on the General Election be held in the City of Magnolia, Texas, on the 13th day of May 2006, there shall be submitted to the resident qualified voters of the City four (4) propositions, for their action thereon.

Section 4. The ballot for the General Election shall conform to the requirements of the TEXAS ELECTION CODE, as amended; Section 4B of Article 5190.6 Vernon's Ann. Texas Civ. St., as amended; Section 271.049 of the Local Government Code as amended, and Chapter 1251 of the Government Code, as amended, and on such ballot shall appear the ballot language for the following propositions, with the provision permitting voters to vote

"For" or "Against" on each proposition without voting "For" or "Against" all propositions. Such propositions shall provide as follows:

Proposition No. 1 and Ballot Language for Proposition No. 1.

Dissolution of the City of Magnolia Community Development Corporation, a development corporation created and operating under Section 4B, Article 5190.6, Vernon's Ann. Tex. Civ. St., as amended (The Development Corporation Act of 1979).

Proposition No. 2 and Ballot Language for Proposition No. 2

The use of sales and use tax proceeds for infrastructure relating to water supply facilities including transmission and distribution lines, well field developments, and ground and elevated storage facilities and to pay for the maintenance and operating costs of such infrastructure, pursuant to the authority contained in Section 4B(a)(2)(D), Article 5190.6 Vernon's Ann. Tex. Civ. St., as amended.

Proposition No. 3

Authorizing the City Council of the City of Magnolia, Texas (the "City") to issue and sell at any price or prices Certificates of Obligation of the City in the maximum aggregate principal amount of \$1,500,000, for the purpose of evidencing the indebtedness of the City for all or any part of the cost of repairing the water well and the acquisition and renovation of a building located at 1811 Buddy Riley Blvd., Magnolia, Texas, to be used as the new City Hall, and the cost of professional services incurred in connection therewith, which Certificates of Obligation shall mature serially or otherwise not more than thirty (30) years from their date, and shall bear interest at such rate or rates, not to exceed the maximum interest rate now or hereafter allowed by law, as shall be determined by the City Council within the discretion of the City Council at the time of issuance, authorizing the City Council of the City to make a limited pledge of a subordinate lien on the net revenues of the City's waterworks and sanitary sewer system to secure the payment of the Certificates of Obligation and authorizing the City Council to levy and pledge and cause to be assessed and collected, annual ad valorem taxes on all taxable property within the City sufficient, within the limits prescribed by law, to pay the principal and interest on said Certificates of Obligation; said Certificates of Obligation to be issued under the Constitution and laws of the State of Texas, including Chapter 271, Texas Local Government Code.

Ballot Language for Proposition No. 3

The issuance of \$1,500,000 Certificates of Obligation for the repair of the water well and the acquisition and renovation of a building located at 1811 Buddy Riley Blvd., Magnolia, Texas, to be used as a new city hall, and the cost of professional services incurred in connection therewith, the limited pledge of a subordinate lien on the net

revenues of the City of Magnolia's waterworks and sanitary sewer system to secure payment thereof, and the levying of a tax in payment thereof.

Proposition No. 4 and Ballot Language for Proposition No. 4.

The reauthorization of the local sales and use tax in the City of Magnolia, Texas at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

Section 5. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

POLLING PLACE

Montgomery County
Malcolm Purvis Library
510 Melton Street
Magnolia, Texas 77354

ELECTION OFFICERS

Presiding Judge

Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

Section 6. The City Secretary and the Montgomery County Elections Officer are hereby appointed as joint early voting clerks for early voting; the appointment of a deputy clerk or clerks for early voting by the joint early voting clerks shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The City adopts the designated May 13, 2006 Joint Election Early Voting Locations listed in the attached Exhibit "A" and the early voting dates and times are designated and listed in the attached Exhibit "A" for each early voting location all pursuant to the contract for election services with Montgomery County.

The City Secretary is hereby appointed as the Regular Early Voting Clerk to receive ballot by mail applications. The appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The address of the Regular Early Voting Clerk is:

City Office
City of Magnolia
16835 FM 1488, Building 1
Magnolia, Texas 77354

The above-described place is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 7. That the City Secretary shall receive applications by mail for a ballot to be voted by mail from March 14, 2006 until the close of business on April 28, 2006. Requests for applications should be mailed to: City Secretary, City of Magnolia, 16835 FM 1488, Building 1, Magnolia, Texas 77354. All ballot by mail applications received by the Regular Early Voting Clerk must be hand delivered or faxed to the Montgomery County Elections Officer on the day of receipt and the original application mailed or delivered to the Montgomery County Elections Officer. The Montgomery County Elections Officer will process applications, mail ballots, and tabulate.

Section 8. _____ is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with Section 87.001, *et seq.*, TEXAS ELECTION CODE, said Presiding Judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said TEXAS ELECTION CODE. These appointments will be made as recommended by the Montgomery County Elections Officer.

Section 9. All ballots shall be prepared in accordance with the TEXAS ELECTION CODE. Early voting by personal appearance shall be by Direct Recording Electronic voting machines in accordance with Section 61.012 of the Texas Election Code. Voting by personal appearance on election day shall be by Direct Recording Electronic voting machines in accordance with Section 61.012 of the Texas Election Code. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefore is hereby authorized. Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 *et seq.*, TEXAS ELECTION CODE.

Section 10. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 11. The candidate receiving the highest number of votes in each of the positions to be filled at such election shall be declared elected to such positions.

Section 12. The order in which the names of the candidates are to be printed on the ballot for the general election, and the order in which the names of the candidates are to be printed on the ballot for the special election, shall be determined by a drawing by the City Secretary, as provided by Section 42.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, hour, and place of drawing. Such notice shall remain posted continuously for seventy-two (72) hours immediately preceding the scheduled time of the drawing, and personal notice shall also be given to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

Section 13. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 14. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

Section 15. It is further found and determined that in accordance with the order of this governing body the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting. A copy of the return of such posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

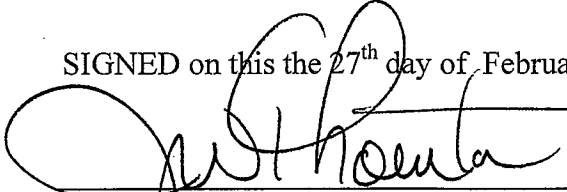
Section 16. That the Mayor and/or the City Secretary of the City of Magnolia are hereby authorized to execute and/or issue, for an on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

Section 17. If any person or persons appointed herein do not appear, are unable to perform their duties, or fail to perform their duties, the Mayor shall have the discretion and authority to appoint any substitute personnel to fill the position(s).

Section 18. The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act and the terms and provisions of the Election Services Contract and the Joint Election Agreement in carrying out the provisions of this Ordinance, whether or not expressly authorized herein.

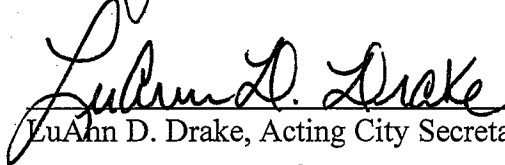
Section 19. The City Secretary is hereby authorized to perform all duties and take all actions as required by both the joint election agreement with the Montgomery County Hospital District and the contract for election services with Montgomery County.

SIGNED on this the 27th day of February 2006.



Jimmy W. Thornton, Jr., Mayor

ATTEST



LuAnn D. Drake, Acting City Secretary

MAY 13, 2006 JOINT ELECTION
Early Voting Locations

Election Central
225 Collins Street
Conroe, Texas 77301

Malcolm Purvis Library
510 Melton Street
Magnolia, Texas 77354

South County Community Building
2235 Lake Robbins Drive
The Woodlands, Texas 77380

Constable / J.P. 1 Precinct Building
300 South Danville (State Highway 75)
Willis, Texas 77378

East County Courthouse Annex
21130 U.S. Highway 59 South
New Caney, Texas 77357

West County Courthouse Annex
19380 Hwy 105 W., Suite 507
Montgomery, Texas 77356

Early Voting Times

May 1 – May 5	8:00 am – 5:00 pm
May 6 (West County Annex only)	8:00 am – 5:00 pm
May 8 – May 9	7:00 am – 7:00 pm