



CITY OF
MAGNOLIA

Ordinance 2007-124

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION ON NOVEMBER 6, 2007, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY TWO PROPOSITIONS; (1) WHETHER OR NOT TO ADOPT THE CITY MANAGER FORM OF GOVERNMENT IN THE CITY OF MAGNOLIA, TEXAS; AND (2) AUTHORIZING THE USE OF THE SALES AND USE TAX DESIGNATED FOR A ARTICLE 5190.6, SECTION 4A ECONOMIC DEVELOPMENT CORPORATION FOR A SPECIFIC PROJECT THAT QUALIFIES UNDER SECTION 4B OF ARTICLE 5190.6; 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, a general election was held in the City of Magnolia, Texas, on November 6, 2007, at which election it was submitted to the resident qualified voters of the City two propositions for their action thereon;

1- THE GOVERNING BODY OF THE CITY OF MAGNOLIA, TEXAS APPOINTING A CITY MANAGER AND SETTING BY ORDINANCE THE SALARY OF THE MANAGER.

2- TO AUTHORIZE THE CITY OF MAGNOLIA ECONOMIC DEVELOPMENT CORPORATION TO UTILIZE THE SALES AND USE TAX COLLECTED UNDER SECTION 4A OF ARTICLE 5190.6 V.A.T.C., INCLUDING ANY AMOUNTS PREVIOUSLY AUTHORIZED AND COLLECTED, TO BE USED FOR THE DEVELOPMENT, IMPROVEMENT, CONSTRUCTION, MAINTENANCE, AND OPERATING COSTS OF THE DOWNTOWN REVITALIZATION PROJECT IN THE MANNER AND TO THE PURPOSES AUTHORIZED BY SECTION 4B OF THE ACT. EXPENDITURES FOR THIS PROJECT INCLUDE PARKING FACILITIES, PUBLIC PARKS, PARK FACILITIES, SPORTS AND ATHLETIC PURPOSES AND EVENTS, OPEN SPACE IMPROVEMENTS, UTILITIES, RESTROOMS, ROADWAYS AND WALKWAYS, TRAFFIC AND PEDESTRIAN FLOW, PERFORMING ARTS CENTERS, MUSEUMS, WATER DETENTION AND DRAINAGE IMPROVEMENTS, AND OTHER RELATED IMPROVEMENTS THAT ENHANCE ANY OF THOSE ITEMS.

WHEREAS, said election was duly called; that notice thereof was given in accordance with law; and said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks and canvassed by the City Council of Magnolia; now therefore,

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

Section 1. The facts set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The official canvass of the returns of the general election held on November 6, 2007 reflects the following:

Proposition No. 1

THE GOVERNING BODY OF THE CITY OF MAGNOLIA, TEXAS
APPOINTING A CITY MANAGER AND SETTING BY ORDINANCE THE
SALARY OF THE MANAGER.

For: 68
Against: 97
Total Vote: 165

Proposition No. 2

TO AUTHORIZE THE CITY OF MAGNOLIA ECONOMIC DEVELOPMENT CORPORATION TO UTILIZE THE SALES AND USE TAX COLLECTED UNDER SECTION 4A OF ARTICLE 5190.6 V.A.T.C., INCLUDING ANY AMOUNTS PREVIOUSLY AUTHORIZED AND COLLECTED, TO BE USED FOR THE DEVELOPMENT, IMPROVEMENT, CONSTRUCTION, MAINTENANCE, AND OPERATING COSTS OF THE DOWNTOWN REVITALIZATION PROJECT IN THE MANNER AND TO THE PURPOSES AUTHORIZED BY SECTION 4B OF THE ACT. EXPENDITURES FOR THIS PROJECT INCLUDE PARKING FACILITIES, PUBLIC PARKS, PARK FACILITIES, SPORTS AND ATHLETIC PURPOSES AND EVENTS, OPEN SPACE IMPROVEMENTS, UTILITIES, RESTROOMS, ROADWAYS AND WALKWAYS, TRAFFIC AND PEDESTRIAN FLOW, PERFORMING ARTS CENTERS, MUSEUMS, WATER DETENTION AND DRAINAGE IMPROVEMENTS, AND OTHER RELATED IMPROVEMENTS THAT ENHANCE ANY OF THOSE ITEMS.

For: 108
Against: 55
Total Vote: 163

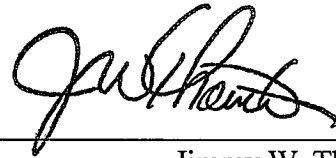
Section 3. The election held in and throughout the City of Magnolia, Texas, on the 6th day of November, 2007, which election is more particularly described in the preamble of this ordinance, was duly called and notice thereof was given and the election was held under and in strict conformity with law; that only duly qualified resident electors of the City voted at the election; that due returns of the election have been made by the proper officers; that the election has resulted in the negative as to the appointing of City Manager mentioned in Proposition 1 and favorably to the authorization to use the 4A sales and use tax for the specified 4B projects mentioned in Proposition 2; and that a majority of the qualified voters voting in the election have voted against the appointment of a City Manager in Proposition 1 and that a majority of the

qualified voters voting in the election have voted for the use of the 4A sales and use tax for the specified 4B projects mentioned in Proposition 2.

Section 4: The City Council of the City is now authorized to approve the use of the 4A sales and use tax funds as described in Proposition 2 and the City Council is authorized to do any and all things necessary and/or convenient in connection therewith.

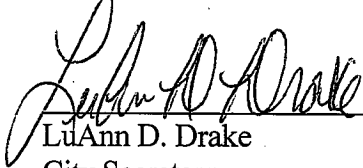
Section 5: It is hereby officially found and determined that notice of the meeting at which this ordinance is adopted was given as required by the Texas Open Meetings Act, and that such meeting has been open to the public at all times when this ordinance was discussed and acted on.

PASSED, APPROVED, AND ADOPTED this 16th day of November 2007.



Jimmy W. Thornton, Jr.
Mayor

ATTEST:



LuAnn D. Drake
City Secretary