

City of Magnolia, Texas

Ordinance No. 2009-159

AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF MAGNOLIA, TEXAS, FOR THE YEAR 2009-2010 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that by September 30, or as soon thereafter as practicable, the governing body of each taxing unit shall adopt a tax rate for the current year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of such two components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Magnolia, Texas, consists of two such components, a tax rate of twenty one and sixteen hundredths cents (0.2116) for debt service and a tax rate of twenty seven and ninety eight hundredths cents (0.2798) to fund maintenance and operations expenditures; and

WHEREAS, the City previously adopted the above proposed tax rate on August 25th, 2009 by Minute Order and now desires to set the said tax rated by Ordinance; and

WHEREAS, by separate motions heretofore adopted by the City Council of the City of Magnolia, Texas, at a meeting of said City Council held on this 29th day of September 2009, said City Council has set separately the tax rate heretofore specified for each of said components; and

WHEREAS, having thus separately approved the tax rate for each of such components, it is necessary and appropriate for the City Council to now formally pass, approve, and adopt a 2009-2010 tax rate ordinance for the City of Magnolia, Texas; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval and adoption of said tax rate ordinance have been timely and properly given and held;

NOW, THEREFORE, be it ordained by the City Council of the City of Magnolia, Texas:

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

Section 2. All property subject to ad valorem taxation by the City of Magnolia, Texas, shall be equally and uniformly assessed for such purposes at One Hundred Percent (100%) of the fair market value of such property.

Section 3. There is hereby levied for general purposes and use by the City of Magnolia, Texas, for the year 2009 – 2010, and for each year thereafter until otherwise provided, and ad valorem tax at the rate of twenty seven and ninety eight hundredths cents (0.2798) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits upon which and ad valorem tax is authorized by law to be levied by the City of Magnolia, Texas. The proceeds from such tax shall be applied to the payment of the general and current expenses of the government of the City. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. For the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Magnolia, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, and for the purpose of repaying any sums borrowed in anticipation of current revenues for use in the payment of bonds and certificates of obligation and interest thereon maturing in the fiscal year 2006 – 2007, and for the purpose of paying interest and making provisions for the sinking fund on such other bond issues, warrants, certificates of obligation, or other lawfully authorized evidences of indebtedness as may be authorized, there is hereby levied for the year 2009 – 2010 and for each year thereafter until otherwise provided, to be assessed and collected upon all property described in Section 3 of this Ordinance, an annual ad valorem tax at the rate of twenty one and sixteen hundredths cents (0.2116) on each One Hundred Dollars (\$100.00) of assessed valuation.

Section 5. All ad valorem taxes levied hereby, in the total amount of forty nine and fourteen hundredths cents (0.4914) on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 3 and 4 hereof, shall be due and payable on or before January 31, 2010. All ad valorem taxes due the City of Magnolia, Texas, and not paid on or before January 31, 2010 following the year for which they were levied shall bear penalty and interest as prescribed in the Property Tax Code of the State of Texas.

Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

THE TAX RATE WILL INCREASE TAXES FOR MAINTENANCE AND OPERATIONS ON
A \$100,000 HOME BY APPROXIMATELY \$ 29.72.

Members Present Were:

- | | |
|--------------------------------------|--|
| 1. Mayor Jimmy Thornton | 4. Councilmember John Bramlett, # 2 |
| 2. Mayor Pro Tem Patsy Williams, # 5 | 5. Councilmember Todd Kana, # 3 |
| 3. Councilmember Sammie Scott, # 1 | 6. Councilmember Burhl Sanders, # 4 |

Members Voting For:

- | | |
|-------------------------------------|--|
| 1. Mayor Pro Tem Patsy Williams | 4. Councilmember Todd Kana, # 3 |
| 2. Councilmember Sammie Scott, # 1 | 5. Councilmember Burhl Sanders, # 4 |
| 3. Councilmember John Bramlett, # 2 | 6. _____ |

Those Member Voting Against:

1. _____

4. _____

2 _____
3 _____

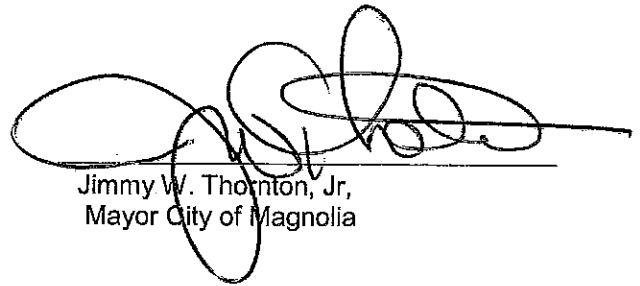
Members Present Not voting:

5 _____
6 _____

Members Absent:

Todd Kana

PASSED AND APPROVED this 29th day of September, 2009.



Jimmy W. Thornton, Jr,
Mayor City of Magnolia

Attest:



Debra Brent, City Secretary

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