

**ORDINANCE NO. 207**

AN ORDINANCE ordering an election to be held in the City of Magnolia, Texas, to submit a proposition on the question of the adoption of an additional sales and use tax under the provisions of Section 4A of the Industrial Development Corporation Act; making provision for the conduct of the election and resolving other matters incident and related to such election; and providing an effective date.

WHEREAS, the City Council of the City of Magnolia, Texas hereby finds that a election should be held for the purposes of submitting a proposition on the levy and collection of an additional sales and use tax within the city under the provisions of Sections 4A of Article 5190.6, V.A.T.C.S. (the "Act"); and

WHEREAS, in accordance with the requirements of the Act, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed two (2) percent; now, therefore,

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

SECTION 1: An election shall be held on the 21th day of January, 1995 in the City of Magnolia, Texas, which date is not less than forty five (45) days from the date of the adoption hereof, and is a uniform election date pursuant to V.T.C.A. Election Code, Section 41.001, for the purpose of submitting the following measure:

"SHALL the City Council of the City of Magnolia, Texas, be authorized to impose and adopt a sales and use tax for the promotion and development of new and expanded business enterprises at the rate of one-half (1/2) of one percent (1%)?

SECTION 2: Ballots will be manually counted in this election and for early voting by personal appearance and by mail and each voter shall record his vote by placing an "X" in the square beside the proposition.

Voters may cast their ballots either "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

**"THE ADOPTION OF A SALES AND USE TAX FOR THE PROMOTION AND DEVELOPMENT OF NEW AND EXPANDED BUSINESS ENTERPRISES AT THE RATE OF ONE-HALF (1/2) OF ONE PERCENT (1%)**

SECTION 3: The City shall have one precinct for this election and the polling place designated for the election precinct and the persons hereby appointed to serve as Presiding Judge and Alternate Presiding Judge for the polling place are shown in Exhibit "A", which is attached hereto and incorporated herein by reference as a part hereof for all purposes.

Each Presiding Judge shall appoint not less than two (2) nor more than four (4) qualified clerks to serve and assist in holding said election; provided that if the Presiding Judge herein appointed actually serves, the Alternate Presiding Judge shall be one of the clerks.

On election day, the polls shall be open from 7:00 A.M. to 7:00 P. M.

Early voting shall be conducted at the City Secretary's office in the City Hall, 510 Magnolia Blvd, in accordance with the provisions of V.T.C.A., Election Code.

SECTION 4: All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election, such electors shall vote at the polling place designated for the Election Precinct in which they reside. This election shall be held and conducted in accordance with the provisions of V.T.C.A., Election Code, a V.T.C.A., Tax Code, Subchapter E of Chapter 321, and Section 4A of the Act, and as may be required by law, all election materials and proceedings shall be printed in both English and Spanish.

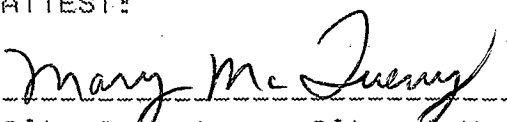
SECTION 5: A substantial copy of this ordinance shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be posted not later than the 21st day before the election on the bulletin board used for posting notices of meetings of the City Council and shall also be published at least once not earlier than the 30th day nor later than the 10th day before the election in a newspaper published and of general circulation in the City.

SECTION 6: The public importance of this measure and the fact there is an urgent public necessity for the election herein ordered to be held on the next uniform election date in January, 1995 to avoid further delay in settling the important public issues contained in the proposition to be submitted at such election constitute and create an emergency for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of municipal department, and this ordinance is hereby declared to be an emergency measure and shall be in full force and effect from and after the date shown below following its passage and adoption.

PASSED AND APPROVED, this the 13th day of December, 1994.

  
\_\_\_\_\_  
Mayor, City of Magnolia

ATTEST:

  
\_\_\_\_\_  
City Secretary, City of Magnolia

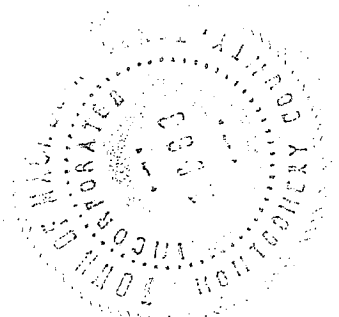


EXHIBIT A

CITY ELECTION  
PRECINCT

POLLING PLACE

PRESIDING  
JUDGE

ALTERNATE  
PRESIDING  
JUDGE

NUMBER 1  
(INCLUDES  
MONTGOMERY COUNTY)  
Precincts nos. 18  
& 29

CITY HALL  
510 Magnolia Blvd  
Magnolia, TX 77355

Evelyn  
Butler

Jeannie  
Kana

CERTIFICATE OF CITY SECRETARY

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

CITY OF MAGNOLIA

I, the undersigned, City Secretary of the City of Magnolia, Texas  
DO HEREBY CERTIFY as follows:

John Bramlett Mayor

Ronnie Chumley	)	
Sewall Smith	)	
Evelyn Cloyd	)	Councilmembers
Patsy Ogden	)	
Dave Sutherland	)	

and all of said persons were present at said meeting, except the  
following Patsy Ogden. Among other  
business considered at said meeting, the attached ordinance  
entitled:

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Magnolia, Texas to submit a proposition on the question of the  
adoption of an additional sales and use tax under the provisions  
of Section 4A of the Industrial Development Corporation Act;  
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other matters incident and related to such election; and  
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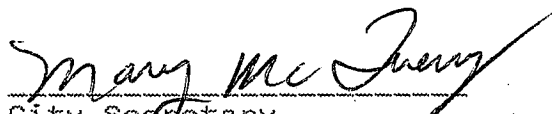
was introduced and submitted to the Council for passage and  
adoption. After presentation and due consideration of the  
ordinance, and upon a motion made by Alderman Smith and  
seconded by Alderman Sutherland, the ordinance was duly passed  
and adopted by the Council to be effective immediately by the  
following vote:

4 voted "For: 0 voted "Against" 0 Abstained

all as shown in the official Minutes of the Council for the  
meeting held on the aforesaid date.

2. That the attached ordinance is a true and correct copy of the original on file in the official records of the City, the duly qualified and acting members of the City Council of the City on the date of the aforesaid meeting are those persons shown above and, according to the records of may office, advance notice of the time, place and purpose of said meeting was given to each member of the Council; and that said meeting, and the deliberation of the aforesaid public business, were open to the public and written notice of said meeting, including the subject of the above entitled ordinance, was posted and given in advance thereof in compliance with the provisions of V.T.C.A., Government Code, Chapter 551, as amended.

IN WITNESS WHEREOF, I have hereunto signed my name officially and affixed the seal of said City, this the 13th day of December, 1994.

  
City Secretary  
City of Magnolia, Texas

