

ORDINANCE NO. 208

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 4B 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

WHEREAS, the City Council of the City of Magnolia, Texas hereby finds that an 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 4B of Article 5190.6, V.A.T.C.S. (the "Act"); and

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 an additional one-half cent (1/2) sales and use tax within the City for projects authorized by Section 4B, Article 5190.6, Vernon's Texas Civil Statutes, as amended, including parks, auditoriums, learning centers, open space improvements, athletic and exhibition facilities, and other related improvements and for maintenance and operating costs of the publicly owner ad operated projects?"

SECTION 2: Paper Ballots shall be used in this election and for early voting by personal appearance and by mail and each voter shall record his vote by marking with an X in the square beside the provision. Paper ballots shall be prepared in accordance with the applicable provisions of the Election Code so the voters may cast their ballots either "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

"THE ADOPTION OF AN ADDITIONAL ONE-HALF CENT (1/2) SALES AND USE TAX FOR PROJECTS AUTHORIZED BY SECTION 4B, ARTICLE 5190.6, VERNON'S TEXAS CIVIL STATUTES, AS AMENDED, INCLUDING PARKS, AUDITORIUMS, LEARNING CENTERS, OPEN SPACE IMPROVEMENTS, ATHLETIC AND EXHIBITION FACILITIES, AND OTHER RELATED IMPROVEMENTS AND FOR MAINTENANCE AND OPERATING COSTS OF THE PUBLICLY OWNED AND OPERATED PROJECTS"

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

The 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.

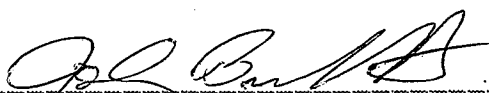
For purposes of processing ballots cast in early voting, the precinct election officers of Election shall also serve as the Early Ballot Board for this election.

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 and V.T.C.A., Tax code, Subchapter E of Chapter 321, and 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 meeting 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, Texas

ATTEST:


City Secretary, City of Magnolia, Texas

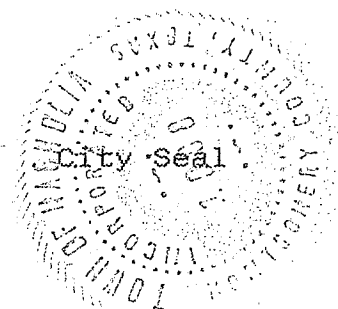


EXHIBIT A

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:

"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 4B of the Industrial Development Corporation Act;
making provisions for the conduct of the election and resolving
other matters incident and related to such election."

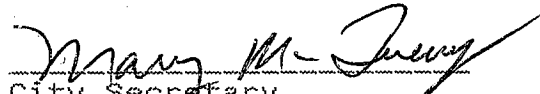
was introduced and submitted to the Council for passage and
adoption. After presentation and due consideration of the
ordinance, and upon a motion made by Alderman Sutherland and
seconded by Alderman Chumley, the ordinance was duly passed
and adopted by the Council to be effective immediately by the
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 my 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

