

ORDINANCE NO. 233

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 18th day of January, 1997 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 measurer:

"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 measurer 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.

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's Secretary office in the City Hall, 510 Magnolia Blvd., in accordance with the provisions of V.T.C.A., Election Code.

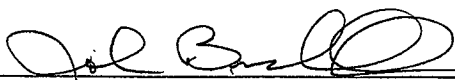
For purposes of processing ballots cast in early voting, the precinct election officer of Election shall also serve as the Early Ballot Board for this election.

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, 1997 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 12TH DAY OF NOVEMBER, 1996


Mayor, City of Magnolia, Tex.

ATTEST:

City Secretary

City Seal