ORDINANCE NO. 304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON SEPTEMBER 14, 2002, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY TWO PROPOSITIONS, ONE SUCH PROPOSITION TO AUTHORIZE A REDUCTION OF THE ECONOMIC DEVELOPMENT CORPORATION SALES AND USE TAX RATE HERETOFORE AUTHORIZED PURSUANT TO SECTION 4B, ARTICLE 5190.6, TEXAS REVISED CIVIL STATUTES (THE DEVELOPMENT CORPORATION ACT OF 1979), FROM ONE-HALF OF ONE PERCENT TO ONE-FOURTH OF ONE PERCENT, AND THE OTHER SUCH PROPOSITION TO AUTHORIZE THE IMPOSITION OF A ONE-FOURTH OF ONE PERCENT SALES AND USE TAX PURSUANT TO CHAPTER 327, TEXAS TAX CODE, TO PROVIDE REVENUES FOR MAINTENANCE AND REPAIR OF CITY STREETS; 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.

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

<u>Section 1</u>.   <u>Special Election</u>. It is hereby ordered that a Special Election be held in the City of Magnolia, Texas, on the 14th day of September 2002, at which election there shall be submitted to the resident qualified voters of the City two propositions, for their action thereon, regarding the authority of the City to reduce the sales and use tax levied pursuant to Section 4B of TEX. REV. CIV. STAT. ANN. art. 5190.6, the Development Corporation Act of 1979, from one-half of one percent to one-fourth of one percent, and to impose a one-fourth of one percent sales and use tax pursuant to Chapter 327, Texas Tax Code, to provide revenues for maintenance and repair of City streets.

Section 2.   The ballot for the Special Election shall conform to the requirements of the TEXAS ELECTION CODE, as amended, and on such ballot shall appear the following propositions, with the provision permitting voters to vote "For" or "Against" on each proposition without voting "For" or "Against" all propositions. Such propositions shall provide as follows:

Proposition No. 1

The reduction of the sales and use tax for the promotion and development of new and expanded business enterprises to the rate of one-fourth of one percent, as authorized by Section 4B, Article 5190.6, V.T.C.S., as amended (The Development Corporation Act of 1979).

Proposition No. 2

The adoption of a local sales and use tax in the City of Magnolia, Texas, at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.

Section 3.   The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

POLLING PLACE

City Hall
1811 Buddy Riley Boulevard
Magnolia, Texas 77355
ELECTION OFFICERS

_____   Presiding Judge

_____   Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

Section 4.   The City Secretary is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The

City Office
City of Magnolia
1811 Buddy Riley Boulevard
Magnolia, Texas 77355

is hereby designated as the place for early voting for said election. Said clerks shall keep said office open during the hours that the City Secretary's main office is regularly open for business, that is, from eight thirty o'clock (8:30) a.m. until four forty-five o'clock (4:45) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday, beginning on the seventeenth (17th) day and continuing through the fourth (4th) day preceding the date of said election.   Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall

maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5. Jane Miller is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with Section 87.001, *et seq.*, TEXAS ELECTION CODE, said Presiding Judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said TEXAS ELECTION CODE.
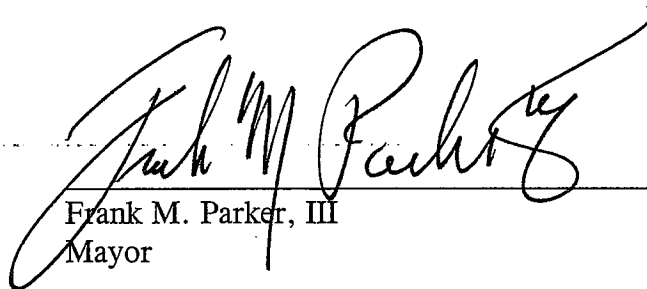
Section 6. All ballots shall be prepared in accordance with the TEXAS ELECTION CODE. Paper ballots shall be used for early voting by personal appearance and for voting on election day. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefor is hereby authorized. Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 *et seq.*, TEXAS ELECTION CODE.

Section 7. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 8. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.
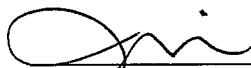
Section 9. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2002.

(signature)

Frank M. Parker, III
Mayor

ATTEST:

(signature)

Jane Miller
City Secretary

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared Elizabeth Davis who on her oath stated:

**CITY OF MAGNOLIA
ORDINANCE 304**

An Ordinance of the City Council of the city of Magnolia, Texas, providing for the holding of a special election to be held on September 14, 2002, for the purpose of submitting to the qualified voter of the city two propositions, one such proposition to authorize a reduction of the economic development corporation sales and use tax rate heretofore authorized pursuant to section 4B, article 5190.6, Texas revised Civil Statutes (the development corporation act of 1979), from one-half of one percent to one-fourth of one percent, and the other such proposition to authorize the imposition of a one-fourth of one percent sales and use tax pursuant to chapter 327, Texas tax code, to provide revenues for maintenance and repair of city streets; 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.

I am the Bookkeeper for the TOMBALL MAGNOLIA TRIBUNE a newspaper published in Harris County, Texas and now the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be copy, as the same appeared in such newspaper in the respective issues of:

July 24 , 2002

_____, 2002

Elizabeth Davis, Billing Department

Subscribed and sworn to this _2nd_ day of _August_ ,2002