

**ORDINANCE NO. 307**

**AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON SEPTEMBER 14, 2002, REGARDING 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.**

\* \* \* \* \*

**WHEREAS**, a special election was held in the City of Magnolia, Texas, on September 14, 2002, at which two propositions were submitted to the duly qualified, resident electors of the City for their action thereon, 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; and

**WHEREAS**, there were cast at said special election 59 votes, of which number there were cast:

**PROPOSITION NO. 1**

**FOR 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  
1976)..... 59  
VOTES;

AGAINST 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)..... 0  
VOTES;

**MAJORITY FOR 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).....59**  
VOTES.

## **PROPOSITION NO. 2**

FOR 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.....58  
VOTES;

AGAINST 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.....0 VOTES;

**MAJORITY FOR 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.....0**  
VOTES;

and

WHEREAS, the above and foregoing totals are shown in the official election returns of said  
special election heretofore submitted to the City Council and filed with the City Secretary; 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 hereby found to be true and correct.

**Section 2.** The special election held in the City of Magnolia, Texas, on September 14, 2002, which is more fully described in the preamble of this Ordinance, was called and notice thereof was given in accordance with law. Only qualified, resident electors of the City voted in the special election. Returns of the special election have been lawfully made by the proper officials.

**Section 3.** The special election relating to the authority of City Council to reduce 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), as reflected in Proposition No. 1, has resulted as follows:

For 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).

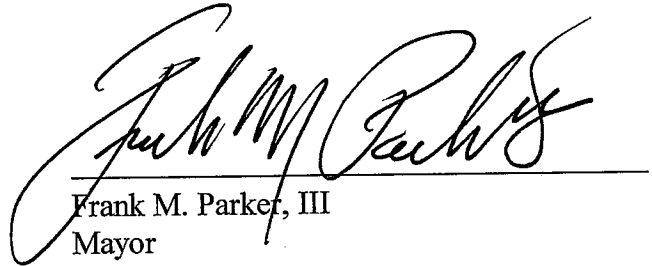
**Section 4.** The special election relating to the authority of City Council to adopt a local sales and use tax pursuant to Chapter 327, Texas Tax Code, at the rate of one-fourth of one percent, to provide revenue for maintenance and repair of municipal streets, as reflected in Proposition No. 2, has resulted as follows:

For 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 5.** It is hereby found and determined that the NOTICE OF MEETING relating to the special meeting of the City Council at which this Ordinance was considered and the posting thereof,

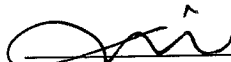
was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and ADOPTED on this 20<sup>th</sup> day of September, 2002.



Frank M. Parker, III  
Mayor

ATTEST



Jane H. 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 307

An ordinance of the City of Magnolia, Texas, canvassing the returns and declaring the results of a special election held on September 14, 2002. Regarding two propositions, one such proposition to authorize a reduction on 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.

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:

Oct. 28, 2002

                    , 2002

Elizabeth Davis  
Elizabeth Davis, Billing Department

Subscribed and sworn to this 8 day of November, 2002

