

# Precinct 106A & 114

## Village of Webberville

ORDINANCE No. 2018 – 02

### ORDER OF CANCELLATION ORDEN DE CANCELACIÓN


The Village Commission hereby cancels the election scheduled to be held on May 5, 2018 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

*El Comision de la Aldea por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 5 de Mayo, 2018 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:*

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Hector Gonzales	Mayor/Alcalde
Ronnie Tidwell	Village Commissioner/Comisión De la Aldea
Sean McMahon	Village Commissioner/Comisión De la Aldea

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*

  
\_\_\_\_\_  
Mayor (Alcalde)

  
\_\_\_\_\_  
Village Clerk (Vendedor De la Aldea)



Wed, March 14 2018  
Date of Adoption (Fecha de adopción)

## HOW TYPE "B" EDC SALES TAX REVENUE CAN BE USED

### GENERAL RULE AND EXCEPTION: TYPE "B" EDC FUNDING REQUIRES AT LEAST ONE PUBLIC HEARING

#### **Sec. 505.159. HEARING REQUIRED TO UNDERTAKE PROJECT.**

(a) Except as provided by Subsection (b), a **Type B corporation shall hold at least one public hearing** on a proposed project before spending money to undertake the project.

(b) A Type B corporation the creation of which was authorized by a **municipality with a population of less than 20,000** is not required to hold a public hearing under this section if the proposed project is defined by Subchapter C of Local Government Code Chapter 501.

à ***NOTE:** This provision exempts Type B EDCs in certain smaller municipalities from required public hearings, but only if funding is for projects specified under LGC Chapter 501, Subchapter C. For other "projects" permitted under Chapter 505 hearings are required.*

à ***NOTE:** Some of the permitted Chapter 501 projects that would not require public hearings include **job training** for the promotion of development and expansion of business (Sec. 501.102), and **infrastructure** necessary to promote or develop new or expanded business enterprises (Sec. 501.103).*

### GENERAL RULE: FUNDING ONLY FOR "PROJECTS" THAT CREATE OR RETAIN "PRIMARY JOBS"

- Type B Economic Development Corporations may use sales tax revenues **only** to fund "projects."
- A "project" is defined in Local Government Code, Sec. 505.151 as, "land, buildings, equipment, facilities, expenditures, and improvements included in the definition of 'project' under Chapter 501."

à ***NOTE:** Chapter 501 regulates Type "A" EDCs, but certain of its provisions are incorporated into Chapter 505, which applies to Type "B" corporations.*

- Sec. 501.002 (*applicable to Type "A" EDCs*) states that a "project" is one specified as such under of Subchapter C of LGC Chapter 551.
- In turn, Subchapter C provides that, among other things, a "project" includes land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements that:
  1. (a) **are for the creation or retention of "primary jobs,"** when (b) the Board of Directors finds the funding is required or suitable for the development, retention, or expansion of any one or more of 12 listed types of facilities (Sec. 501.101);
  2. are for **job training** for the promotion of development and expansion of business (Sec. 501.102) – this funding **does not require** the creation or retention of "primary jobs,"; or
  3. are for certain targeted expenditures which the Board finds are required or suitable for **infrastructure that is necessary to promote or develop new or expanded business enterprises** including, among other things: **streets and roads, utilities (water and sewer, electric, or gas), drainage, site improvements, and related improvements** (Sec. 501.103) – this funding **does not require** the creation or retention of "primary jobs".

**OTHER EXCEPTIONS TO JOB CREATION/ RETENTION REQUIREMENT**

In addition to funding allowed under Secs. 501.102 or 501.10 – which apply to both Type A and Type B corporations – there are other exceptions to the job creation/ retention requirement that under Chapter 505 specifically apply to Type B corporations. Some of those exceptions are:

- "Sec. 505.152. **PROJECTS RELATED TO RECREATIONAL OR COMMUNITY FACILITIES.**

"For purposes of this chapter, "project" includes **land, buildings, equipment, facilities, and improvements** found by the board of directors to be required or suitable for use for professional and amateur sports, **including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events,** including stadiums, ball parks, auditoriums, amphitheaters, concert halls, **parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking**

**facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section.”**

- **“Sec. 505.156. PROJECTS RELATED TO BUSINESS ENTERPRISES IN CERTAIN MUNICIPALITIES.**

“For purposes of this chapter, “project” includes **land, buildings, equipment, facilities, and improvements** found by the board of directors to be required or suitable for the **development, retention, or expansion of business enterprises** if the project is undertaken by a Type B corporation authorized to be created by a municipality:

- “(1) **that has not for each of the preceding two fiscal years received more than \$50,000 in revenues from sales and use taxes** imposed under this chapter; and
- “(2) the governing body of which has authorized the project by adopting a resolution only after **giving the resolution at least two separate readings** conducted at least one week apart.”

- **“Sec. 505.158. PROJECTS RELATED TO BUSINESS DEVELOPMENT IN CERTAIN SMALL MUNICIPALITIES.**

“(a) For a Type B corporation authorized to be created by a municipality with a **population of 20,000 or less**, “project” also includes the **land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements** found by the corporation's board of directors to **promote new or expanded business development**.

“(b) A Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the governing body of the corporation's authorizing municipality adopts a resolution authorizing the project after **giving the resolution at least two separate readings**.