

VILLAGE OF WEBBERVILLE

ORDINANCE No. 2011-05

ORDINANCE CALLING AN ELECTION ON TAX PROPOSITION

AN ORDINANCE CALLING AN ELECTION TO BE HELD IN THE VILLAGE OF WEBBERVILLE, TEXAS TO SUBMIT A PROPOSITION ON THE QUESTION OF THE AUTHORIZATION OF A SALES AND USE TAX UNDER THE PROVISIONS OF THE TEXAS TAX CODE TO PROVIDE REVENUE TO MAINTAIN AND REPAIR MUNICIPAL STREETS; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR REPEALER, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE & HEARING.

WHEREAS, the Village Commission ("Village Commission") of the Village of Webberville, Texas ("Village") hereby finds and determines that an election should be held to determine whether the Commission shall be authorized to levy and collect a sales and use tax within the City under the provisions of Texas Tax Code Chapter 327 to provide revenue for the maintenance and repair of municipal streets; and

WHEREAS, in accordance with Texas Tax Code Chapter 327, the combined rate of all local sales and use taxes imposed by the Village and other political subdivisions having territory in the Village will not exceed two percent (2%); and

WHEREAS, the Village Commission hereby finds and determines that the holding of this election on the date set forth below, a uniform election date, is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Village Commission of the Village of Webberville:

1. ELECTION DATE & PURPOSE

An election shall be held on the 8th day of November, 2011, a uniform election date, in the Village of Webberville, Texas, which date is not less than the sixty-second (62nd) day from the date of the adoption of this Ordinance, for the purpose of submitting a proposition to the qualified voters of the Village regarding the levy and collection of a sales and use tax of one quarter (1/4) of one percent (1%) to maintain and repair municipal streets.

2. BALLOT LANGUAGE

The official ballots shall be prepared in accordance with the Texas Tax Code so as to permit electors to vote "FOR" or "AGAINST" the proposition which shall appear on the ballot substantially as follows:

"THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE VILLAGE OF WEBBERVILLE, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

3. ELECTION PROCEDURES

All resident qualified electors of the Village shall be permitted to vote at the election and on the day of the election, such electors shall vote at the designated polling place. The election shall be held and conducted in accordance with the provisions of the Texas Election Code and Chapter 327 of the Texas Tax Code. All election materials and proceedings shall be printed in both English and Spanish. The sales and use tax shall expire, unless reauthorized, as provided by the provisions of Texas Tax Code Section 327.007.

4. SPANISH REQUIREMENT

In accordance with Texas Election Code Section 272.002, all election materials and proceedings shall be printed in both English and Spanish.

5. NOTICE OF ELECTION

A substantial copy of this Ordinance shall serve as proper notice of the election. Such 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 meetings of the Village Commission 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 of general circulation in the Village.

6. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

7. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

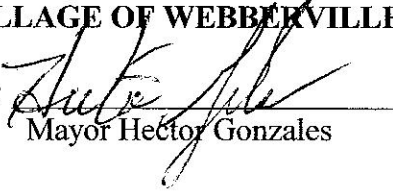
9. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 29th day of August 2011, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of Webberville, Texas.

VILLAGE OF WEBBERVILLE

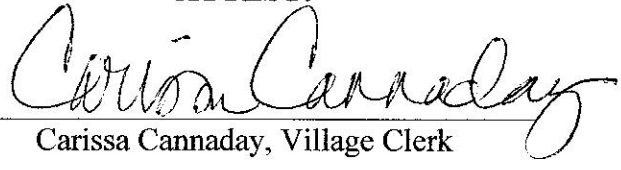
by:



Mayor Hector Gonzales

ATTEST:

by:



Carissa Cannaday, Village Clerk

APPROVED AS TO FORM:

Alan J. Bojorquez, Village Attorney