

ORDINANCE NO. 023-007

AN ORDINANCE OF THE CITY OF MARLIN, TEXAS, APPROVING AND LEVYING A SALES AND USE TAX OF ONE-FOURTH (1/4) OF ONE PERCENT TO BE USED TO REDUCE THE PROPERTY TAX RATE AND APPROVING AND LEVYING A LOCAL GOVERNMENT CODE SECTION 505.251 SALES AND USE TAX OF ONE-FOURTH (1/4) OF ONE PERCENT TO UNDERTAKE ECONOMIC DEVELOPMENT PROJECTS AUTHORIZED IN SECTION 505 OF THE DEVELOPMENT CORPORATION ACT, ALL AS APPROVED BY THE QUALIFIED VOTERS OF THE CITY; PROVIDING FOR LEGAL AUTHORITY TO LEVY THE SALES AND USE TAXES; PROVIDING FOR THE EFFECTIVE DATE OF THE SALES AND USE TAXES LEVY; PROVIDING FOR NOTICE TO THE STATE COMPTROLLER OF THE LEVY OF THE SALES AND USE TAXES; AND PROVIDING FOR AN EFFECTIVE DATE CLAUSE AND AN OPEN MEETINGS CLAUSE.

WHEREAS, the Development Corporation Act of 1979, formerly Article 5190.6 of the Texas Revised Civil Statutes, was codified at Title 12, Subtitle C1, Section 501, et seq., providing for the creation of economic development corporations by municipalities for the purposes specified in the applicable provisions of the Development Corporation Act;

WHEREAS, Texas Local Government Code Chapter 505, Type B Corporations, applicable to Type B Economic Development Corporations, provides for the levy of a sales and use tax for the benefit of a Type B Economic Development Corporation if the adoption of the sales and use tax is authorized by a majority of the qualified voters of the City of Marlin;

WHEREAS, the City Council has previously adopted, after an election was held for such purpose, a sales and use tax of one-half (1/2) of one percent dedicated to property tax reduction;

WHEREAS, Section 321.409 of the Texas Tax Code requires the City Council of the City of Marlin to call a special election with a combined ballot for the purpose of determining if a majority of the citizens of the City of Marlin desire to reduce that tax dedicated to property tax relief to one-fourth (1/4) of one percent and adopting a sales and use tax of one-fourth (1/4) of one percent for the purpose of economic development as described in the Development Corporation Act;

WHEREAS, The City Council adopted Ordinance Number ____023-002__ ordering a special election with a combined ballot to be held on Saturday, May 6, 2023, such date being a uniform election date, as set forth in the Texas Election Code, for the purpose of submitting to the qualified voters of the City the proposition on whether a majority of the citizens of Marlin to consider the following proposition (the "Proposition"):

PROPOSITION:

"The lowering of the current one-half (1/2) of one percent sales and use tax allocated for

property tax relief to one-fourth (1/4) of one percent and to thereby adopt a sales and use tax of one-fourth (1/4) of one percent to be used to reduce the property tax rate and the adoption of a Local Government Code Section 505.251 sales and use tax of one-fourth (1/4) of one percent to undertake projects authorized by and described in Section 505 of the Development Corporation Act”

WHEREAS, the Proposition was submitted to the City’s qualified voters for their approval or disapproval at a special election held concurrently with the regular City election of City Council members on Saturday, May 6, 2023, the general uniform election date;

WHEREAS, the City Council conducted the official canvass of the results of the special election on May 16, 2023, and the City Council adopted Resolution Number _____ which sets forth the official canvass and results of the special election held for the purpose of submitting to the qualified voters of the City to consider the Proposition. Based upon the official canvass, the Proposition received sufficient votes to pass and was, therefore, approved by the qualified voters of the City;

WHEREAS, to the extent and as required by Texas law, the City Council desires and intends to approve and levy the sales and use taxes approved by the voters by levying a one-fourth (1/4) of one percent sales and use tax dedicated to property tax relief and approve and levy one-fourth (1/4) of one percent sales and use tax for the purpose of economic development as described in the Development Corporation Act, in accordance with Texas Tax Code Chapter 321, the Development Corporation Act, and other applicable Texas state law, which shall become effective as law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Levy of Sales and Use Tax Dedicated for Property Tax Relief. A sales and use tax of one-fourth (1/4) of one percent dedicated to property tax relief is adopted and levied by this Ordinance which is a reduction of the prior adopted one-half (1/2) of one percent sales and use tax dedicated to property tax relief.

Section 3. Levy of Sales and Use Tax Dedicated for for the Purpose of Economic Development. A sales and use tax of one-fourth (1/4) of one percent sales and use tax is adopted and levied to undertake projects authorized by and described in Section 505 of the Development Corporation Act and as authorized by Local Government Code Section 505.251.

Section 4. Legal Authority. The sales and use taxes described and levied as set forth and as provided in this Ordinance are levied as provided and as authorized by Texas Tax Code Chapter 321, Texas Local Government Code Chapter 505, Type B Corporations, applicable to Type B Economic Development Corporations, Local Government Code Section

505.251, the Development Corporation Act, and other applicable Texas state law, which shall become effective as law as provided by Texas Tax Code Chapter 321.

Section 5. Effective Date of Sales and Use Tax Levy. To the extent as provided and as authorized by law, the effective date of the sales and use tax levy levied in this Ordinance shall become effective as authorized by Texas Tax Code Chapter 321, the Development Corporation Act, and other applicable Texas state law.

Section 6. Notice to the State Comptroller. The City Secretary is directed and authorized to provide all required notices and documents to the State Comptroller to carry out and fulfill the intent of this Ordinance and to provide for the State comptroller to collect and pay and deliver to the City the sales and use taxes approved by the qualified voters of the City and levied by this Ordinance, as required by Chapter 321 of the Texas Tax Code and all other applicable Texas law;

Section 7. Effective Date; Election Code. This Ordinance shall take effect immediately as authorized by the City Charter for the City of Marlin and State law; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Election Code, the Texas Election Code shall govern and control. The City Secretary shall comply with the Texas Election Code.

Section 8. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code.*

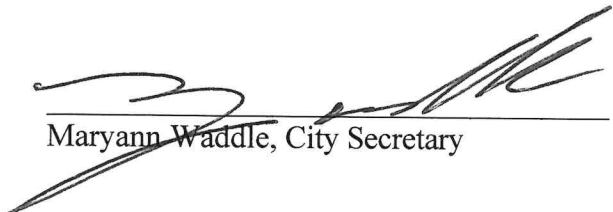
FIRST READING on the 13th day of June, 2023.

SECOND READING on the 20 day of June, 2023.

PASSED AND APPROVED on this the 20 day of June, 2023.

ATTEST:

CITY OF MARLIN, TEXAS


Maryann Waddle, City Secretary


Susan Byrd, Mayor