

ORDINANCE NO. 2009-O-9C

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, LEVYING THE AD VALOREM PROPERTY TAX OF THE CITY OF ANGLETON, TEXAS, FOR THE YEAR 2009 ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY ON JANUARY 1, 2009, AND ADOPTING A TAX RATE FOR 2009; PROVIDING REVENUES FOR PAYMENT OF CURRENT MUNICIPAL MAINTENANCE AND OPERATING EXPENSES AND FOR PAYMENT OF INTEREST AND PRINCIPAL ON OUTSTANDING CITY OF ANGLETON DEBT; PROVIDING FOR LIMITED EXEMPTIONS OF CERTAIN HOMESTEADS; PROVIDING FOR ENFORCEMENT OF COLLECTIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after notice of two public hearings on a tax increase was published in The Facts newspaper on August 17, 2009, and posted on the City's Internet website and its public access television channel as required by law, on August 25, 2009 and September 8, 2009, the City Council of the City of Angleton, Texas (City) held two public hearings on a proposal to adopt a tax rate of \$0.706000 for each \$100 of taxable value which would increase total tax revenues from property on the tax roll by 1.86% and the notice showing the effect of the proposed tax revenue increase was posted on the City's Internet website (and the City's public access television channel) and any additional notices and actions were completed, as required by law; and

WHEREAS, at the end of the August 25, 2009 and September 8, 2009 public hearings, the City Council passed a Resolution setting the meeting on which it would vote on the tax rate and at the hearings it announced that it would vote on the tax rate at its September, 22, 2009 meeting, which Resolution and announcements specified the date, time and place of this meeting in accordance with the law; and

WHEREAS, after the public hearings and before the September 22, 2009 meeting, the City Council recorded its vote and published a Notice of Tax Revenue Increase in accordance with the law; and

WHEREAS, this Ordinance sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the City that exceeds the amount of taxes imposed for that purpose in 2008; and

WHEREAS, the City Council deems it in the public interest to adopt a tax rate for the 2009 tax year that will exceed the effective tax rate;

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

- SECTION 1.** The findings set forth in the preamble of this Ordinance are incorporated herein by reference into the body of this Ordinance as if fully set forth herein.
- SECTION 2.** By authority of the Charter of the City of Angleton, Texas, and the laws of the State of Texas, there is hereby levied and adopted for the tax year 2009, on all taxable property situated within the corporate limits of the City of Angleton, Texas on January 1, 2009, a tax rate of \$0.706000 for each \$100 of taxable value. This tax rate is expected to increase total revenue from properties on the tax roll by 1.86% over 2008 tax revenues.
- SECTION 3.** Of the total tax rate, \$0.552309 for each \$100 of taxable value is hereby included, adopted and shall be distributed to the General Fund of the City to fund maintenance and operation expenditures of the City in accordance with Section 26.05(a)(2) of the Texas Property Tax Code and any other applicable laws.
- SECTION 4.** Of the total tax rate, \$0.153691 for each \$100 of taxable value is hereby included, adopted and shall be distributed to pay the City's debt service as provided by Sections 26.04(e)(3)(C) and 26.05(a)(1) of the Texas Property Tax Code and any other applicable laws.
- SECTION 5.** THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.
- SECTION 6.** THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.79 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$12.74.
- SECTION 7.** The City Manager, or his designee, is directed to include the following statement on the home page of the City's internet website: THE CITY OF ANGLETON, TEXAS ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.79% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$12.74.
- SECTION 8.** Pursuant to Article 8, Section 1-b of the Texas Constitution, \$45,000 of the assessed value of residential homesteads of persons 65 years of age or older shall be exempt from City ad valorem taxes.
- SECTION 9.** Pursuant to Article 8, Section 1-b of the Texas Constitution, \$45,000 of the assessed value of residential homesteads of disabled persons shall be exempt from City ad valorem taxes.

SECTION 10. For enforcement of the collection of taxes hereby levied, the City of Angleton shall have available all rights and remedies provided by law.

SECTION 11. If any section, subsection, paragraph, sentence, clause, phrase or word in this Ordinance, or the application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance and the City Council of the City of Angleton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 12. The Motion approving this Ordinance was made and seconded as follows: “I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.706000 WHICH IS EFFECTIVELY A 1.86 PERCENT INCREASE IN THE TAX RATE”.

SECTION 13. This Ordinance shall become effective immediately upon its passage and approval at a regular meeting of the City Council of the City of Angleton, Texas on this the 22nd day of September, 2009, at which meeting a quorum was present and the meeting was held in accordance with the provisions of the Tex. Gov’t Code, Section 551.001 *et seq.* The City Secretary is hereby directed to record this Ordinance and the vote to adopt the tax rate.

PASSED AND APPROVED BY A RECORD ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS ON THIS 22ND DAY OF SEPTEMBER, 2009.

CITY OF ANGLETON, TEXAS

J. PATRICK HENRY, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

HERBERT L. PROUTY, Interim City Attorney

RECORD ROLL CALL VOTE:

<u>COUNCIL MEMBER:</u>	<u>VOTED FOR</u>	<u>VOTED AGAINST</u>
PATRICK HENRY, MAYOR	_____	_____
RUDY SANTOS, MAYOR PRO TEM	_____	_____
JASON PEREZ, POSITION 2	_____	_____
GREGG DYKES, POSITION 3	_____	_____
JOHN WRIGHT, POSITION 4	_____	_____
RANDY RHYNE POSITION 5	_____	_____