

MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: May 12, 2015

Subject: Second reading of ordinance amending Chapter 2, Administration of Ordinances of the City of Marshall, Texas, requiring that a certain percentage of the local Sales tax be appropriated to maintaining and improving City streets

This item has been placed on the agenda for a required second reading of this proposed Ordinance. A copy of the proposed Ordinance, prepared by the City Attorney, is attached.

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, ADDING A NEW PROVISION OF CHAPTER 2 REQUIRING THAT A CERTAIN PERCENTAGE OF THE LOCAL SALES TAX BE APPROPRIATED TO MAINTAINING AND IMPROVING CITY STREETS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Commission in 2003 passed a resolution requiring that no less than 1/32nd of the total City's Sales Tax revenue be dedicated to the improvement of the City's street infrastructure on an annual basis; and,

WHEREAS, the same resolution required that after the first year the amount of sales tax funds dedicated to street improvements should increase by no less than 1/32nd of the total sales tax revenues for the City until the said amount reached the equivalent of 1/4th of the total sales tax revenues; and,

WHEREAS, the City Commission achieved the goal of appropriating 1/4th of the City's total sales tax revenue to street improvements for the first time in the 2014 budget; and,

WHEREAS, the City Commission finds that the Resolution should be converted to an Ordinance to insure that the City continues to dedicate sufficient funds to support the needed improvements to the City's street infrastructure; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That a new section of Chapter 2, Administration is hereby created and adopted. That section to be titled, *Section 2-12 Annual Sales Tax Appropriation for Street Projects*, said section to read as follows:

“Sec. 2-12. Annual Sales Tax Appropriation for Street Projects.

(a) To insure that sufficient funds are provided annually for capital improvement to city streets, an amount equal to one fourth (1/4) of the total sales tax revenues received from the State of Texas, shall be appropriated as a separate line item within the final budget adopted and approved by the City Commission each year.

(b) Notwithstanding the forgoing provision, should in any one or more years, the City Commission determine that a financial exigency or

emergency exists, such that implementation of the provisions contained in this paragraph, will cause undue hardship, or serious adverse impact upon the City's finances during that fiscal year, implementation of these provisions may be deferred and postponed, in whole or in part, until and after such financial exigency no longer exists, but shall be resumed hereafter.”

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2015.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

AYES: _____

NOES: _____

ABSTAINED: _____

EDWARD N. SMITH, III
CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

ATTEST:

Title: _____