

ORDINANCE NO. 2004-9

AN ORDINANCE CANVASSING THE RETURNS OF AN ELECTION TO DECIDE WHETHER TO ADOPT A LOCAL SALE AND USE TAX IN THE CITY OF CUMBY, TEXAS AT THE RATE OF .25% OF ONE PERCENT (1%) TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; DECLARING THE RESULTS OF THE ELECTION

WHEREAS, under and by virtue of an Election Order duly passed and adopted by the City Council of the City of Cumby, Texas on the 6th day of July, 2004, an election was held in said District on the 11th day of September, 2004, to decide whether to adopt a local sales and use tax in the City of Cumby, Texas at the rate of .25% of one percent (1%) to provide revenue for maintenance and repair of municipal streets; and,

WHEREAS, on this 14th day of September, 2004, there came on to be considered the returns of said election; and,

WHEREAS, the ballot read: "The adoption of a local sales and use tax in the City of Cumby, Texas at the rate of .25% of one percent (1%) to provide revenue for maintenance and repair of municipal streets;

WHEREAS, upon consideration of the returns of said election, it appears that the same was in all respects legally held, after due notice had been given, and that the said returns were duly and legally made; and,

WHEREAS, it further appears from said returns that the votes regarding this issue of adoption of a sales and use tax in the City of Cumby, Texas at the rate of .25% of one percent (1%) to provide revenue for maintenance and repair of municipal streets are as follows:

	Early Voting	Election Day	Total
In Favor	29	21	50
Against	<u>0</u>	<u>4</u>	<u>4</u>
TOTAL VOTES:	29	27	56

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
Cumby, Texas:

I.

That the aforesaid election was duly and legally called and notice thereof given in accordance with the laws of the State of Texas and the Order calling said election; that said election was held in strict conformity with the Constitution and Laws of the State of Texas and the returns thereof have been made to the officials of the City Council of the City of Cumby, Texas entitled to receive the same; that only resident qualified voters of the City of Cumby, Texas were permitted to vote in said election; and, further that the election properly represents the desires of those qualified to vote as aforesaid.

II.

That the citizens of the City of Cumby, Texas by their vote in favor adopt a local sales and use tax at the rate of .25% of one percent (1%) to provide revenue for maintenance and repair of municipal streets by 44 number of votes.

III.

Should it ever be found and determined by a court of competent jurisdiction that this action of the City Council of the City of Cumby, Texas should have been by order, resolution, or in any other manner other than by ordinance as here ordained, the City Council of the City of Cumby, Texas expresses its intent that this action be considered as having been done by order, or by resolution, or by such other manner as said court shall find, and further that it would have so acted in such manner as determined by the Court and desires that this Ordinance be read and considered as such order, resolution, or in such other form as may be found and determined.

PASSED AND ADOPTED by majority vote this 14th day of
September, 2004.

CITY COUNCIL OF CUMBY, TEXAS
BY: Shawn Bayly
Mayor

ATTEST

Mary L. France
City Secretary