

**ORDINANCE NO. O-2022-0005**

**AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AUTHORIZING THE PAYMENT OF A TAX REFUND TO PROPERTY TAXPAYERS IN ACCORDANCE WITH TEXAS LAW**

**WHEREAS**, on May 7, 2022 the City of La Marque, Texas conducted a special election titled:

**SPECIAL ELECTION  
MAY 7, 2022  
LA MARQUE TAX REFERENDUM**

**WHEREAS**, the City Council of La Marque, Texas canvassed and certified the results of the Special Election on May 17, 2022 in accordance with the laws of the State of Texas and the City Charter of La Marque, Texas.

**WHEREAS**, as a result of the Special Election the City of La Marque, Texas shall refund the difference between the amount of taxes paid by the property owners using the tax rate of \$.550764 and the tax rate of \$.477076 in accordance with Texas Tax Code § 26.075(k).

**WHEREAS**, the City of La Marque, Texas contracts with the Galveston County Tax Assessor Collector's office for the collection of property tax receipts.

**WHEREAS**, the City Council of La Marque, Texas desires to utilize the Galveston County Tax Assessor Collector's office to process and return the refunds required by Texas Tax Code § 26.075(k).

**WHEREAS**, the City Council of La Marque, Texas desires to make one payment to the Galveston County Tax Assessor Collector's office who will in turn remit the applicable amounts to the property owners in accordance with Texas Tax Code § 26.075(k).

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS THAT:**

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

**Section 2.** The City of La Marque Texas shall utilize the Galveston County Tax Assessor Collector's office to process and return the refunds required by Texas Tax Code § 26.075(k).

**Section 3.** The City Manager and appropriate city staff are authorized to deliver the amount of \$800,380.94 from the City of La Marque's general fund to the Galveston County Tax Assessor Collector's office for a refund to the property owners in accordance with Texas Tax Code § 26.075(k) and in the amounts set out in Exhibit 1.

**Section 4.** The City Manager and appropriate city staff are authorized, without further action of the City Council of La Marque, Texas, to make any other payments to the Galveston County Tax Assessor Collector's office that in the determination of the Galveston County Tax Assessor Collector are necessary to cover the property tax refund payments the subject of this Ordinance. The authority granted by this Section 4 shall expire 90 days after the effective date of this Ordinance.

**Section 5. Repeal.** This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

**Section 6. Severability.** In the event any clause, phrase, provision sentence, or part of this Ordinance or the application of the same to any person or circumstance for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 7. Publication and Effective Date.** This Ordinance shall be effective immediately upon passage by City Council, a public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of La Marque on First Reading this \_\_\_\_ day of \_\_\_\_\_, **2022**; and

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of La Marque on Second and Final Reading this \_\_\_\_\_ day of \_\_\_\_\_, **2022**; and

**CITY OF LA MARQUE, TEXAS**

\_\_\_\_\_  
Keith Bell, Mayor

**ATTEST:**

\_\_\_\_\_  
Kierra Nance, TRMC, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gus Knebel  
City Attorney