

City of Houston, Texas, Ordinance No. 2020-629

AN ORDINANCE AMENDING SECTION 44-27 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO NOTICE FOR PURPOSES OF SETTING AN AD VALOREM TAX RATE; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, in accordance with the procedural requirements in Chapter 26 of the Texas Tax Code, the City of Houston (the "City") adopts an ad valorem tax rate each year; and

WHEREAS, Section 44-25 of the Code of Ordinances requires approval by two-thirds of the full City Council in order to set an ad valorem tax rate above a certain amount; and

WHEREAS, pursuant to Section 44-27 of the Code of Ordinances, the passage of any ordinance required by Section 44-25 requires notice to the public in the form defined by Section 44-27; and

WHEREAS, the 86th Texas Legislature amended Chapter 26 of the Texas Tax Code including amendments to certain provisions relating to notice to the public and public hearings, effective January 1, 2020; and

WHEREAS, the Finance Department recommends that City Council approve an ordinance to amend Section 44-27 of the Code of Ordinances in order to comply with and more closely track the procedural requirements of Chapter 26 of the Texas Tax Code; and

WHEREAS, the City will provide notice as required by Section 44-27 in the form and manner prescribed by Chapter 26 of the Texas Tax Code; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS, THAT:

Section 1. The findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Items (1) and (2) of Section 44-27 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

- "(1) Have published in the major Houston newspaper an analysis of anticipated increased revenues in any form required by the Texas Tax Code, if applicable; and
- (2) Hold a public hearing thereon not earlier than seven days before the date of passage. The public hearing may be combined with a hearing required by the Texas Tax Code."

Section 3. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

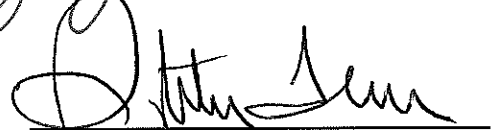
Section 5. The City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make sure such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 6. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days

after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 15th day of July, 2020.

APPROVED this 15th day of July, 2020



Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

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Prepared by Legal Dept. *my*
JRC&RH:jmb 07/01/2020 Assistant City Attorney
Requested by Tantri Emo, Director, Finance Department
L.D. No. 0342000074001

Ch 44-Ord Amend

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: JUL 21 2020

AYE	NO	
✓		MAYOR TURNER
••••	••••	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
		ABSENT-ON PERSONAL BUSINESS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	