

ORDINANCE NO. 2018-07

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, RESCINDING ANY PREVIOUS ORDINANCE, RESOLUTION, ORDER, OR DECREE THAT AUTHORIZED THE TAXATION OF FREEPORT GOODS AND GRANTING A FREEPORT TAX EXEMPTION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas Tax Code § 11.251 and Texas Constitution Article VIII, Section 1-j provide for the exemption of certain tangible personal property from ad valorem taxation; and

WHEREAS, "Freeport Goods" as referred to herein shall mean that property as defined by Texas Tax Code § 11.251 and Texas Constitution Article VIII, Section 1-j; and

WHEREAS, the City of Burnet adopted Ordinance/Resolution 89-8 on December 12, 1989, to deny tax exempt status to Freeport Goods; and

WHEREAS, Texas Constitution Article VIII, Section 1-j(b) provides that (1) the City may subsequently exempt Freeport Goods from taxation by rescinding its action to tax Freeport Goods; (2) the exemption applies to each tax year that begins after the date the action is taken and applies to the tax year in which the action is taken if the governing body so provides; and (3) the City may not take action to tax such Freeport Goods after the rescission; and

WHEREAS, the City Council of the City of Burnet, Texas finds that rescinding its prior action to tax Freeport Goods is in the best interest of the City and thereby grant the exemption for Freeport Goods for companies eligible for such exemption.

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

Section 1. Findings. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Rescission. The City of Burnet, Texas hereby rescinds any all prior actions to tax Freeport Goods in accordance with Texas Constitution Article VIII, Section 1-j(b).

Section 3. Exemption. The City of Burnet, Texas does hereby exercise its authority under Texas Constitution Article VIII, Section 1-j(b) and exempts Freeport Goods from ad valorem taxation.

Section 4. Tax-Exempt Effective Date. The City of Burnet, Texas does hereby make the tax-exempt status of qualified Freeport Goods effective and applicable to the tax year in which this Ordinance is adopted and to each tax year after the date of adoption of this Ordinance.

Section 5. Repeal of Conflicting Ordinances. All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

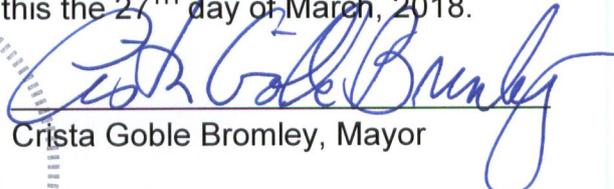
Section 6. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

Section 8. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on First Reading this the 27TH day of February, 2018.

FINALLY PASSED AND APPROVED on this the 27TH day of March, 2018.


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

