

ORDINANCE NO. 6-2023

AN ORDINANCE OF THE VILLAGE OF BONNEY, TEXAS, FOR THE PURPOSE OF CANVASSING AN ELECTION AND DECLARING ELECTION RESULTS CONCERNING THE ADOPTION OF A SALES AND USE TAX; RATIFYING ALL ACTIONS CONCERNING SUCH ELECTION; CONTAINING FINDINGS OF FACT; ADOPTING A ONE AND ONE-HALF PERCENT SALES AND USE TAX; APPLYING THE TAX WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BONNEY, TEXAS; AND PROVIDING A SEVERANCE CLAUSE, AN EFFECTIVE DATE, AND OTHER PROVISIONS CONCERNING THAT TAX.

BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE VILLAGE OF BONNEY, TEXAS:

SECTION 1. This ordinance applies to the election held by the Village of Bonney, Texas (“the Village”), on May 6, 2023, concerning the adoption of a sales and use tax.

SECTION 2. The Board of Alderpersons hereby finds the following facts:

- (a) Notice of said election was given as required by law.
- (b) Said election was called and in all ways held as required by law.
- (c) Only qualified voters voted in said election.
- (d) There were 0 write in votes in said election.
- (e) There were 0 absentee ballots cast, 5 early voting ballots cast, and 5 ballots cast on election day, for a total of 10 ballots cast.
- (f) The returns of said election have been prepared and presented as provided by law, and the results are as follows:

Proposition:

“A sales and use tax is adopted within the village at the rate of one and one-half percent.”

Votes for the Proposition: 9

Votes Against the Proposition: 1

Votes by which the Proposition was Approved: 8

SECTION 3. The Board of Alderpersons hereby declares that the proposition stated in the preceding section has been passed and approved in the election.

SECTION 4. All actions taken by any officer of the Village in connection with said election are hereby ratified.

SECTION 5. A true copy of the election returns is attached hereto as Exhibit "A" and incorporated herein in full. Those election returns are marked "Unofficial" only because they were printed before this ordinance was passed. The passage of this ordinance makes those election returns official.

SECTION 6. The Village hereby adopts a one and one-half percent sales and use tax pursuant to said election, Chapter 321 of the Texas Tax Code, and all applicable law.

SECTION 7. The sales and use tax under this ordinance shall apply throughout the corporate limits of the Village, as they may be amended from time to time.

SECTION 8. There is imposed a tax on the receipts from the sale at retail of taxable items within the Village at the rate of one and one-half percent and at the same rate on the receipts from the sale at retail within the Village of gas and electricity for residential use.

SECTION 9. There is imposed an excise tax on the use, storage, or other consumption within the Village of taxable items purchased, leased, or rented from a retailer during the period that the tax is effective within the Village. The rate of the excise tax is one and one-half percent and is applied to the sales price of the taxable items.

SECTION 10. There is imposed an excise tax on the use, storage, or other consumption of gas or electricity for residential purposes and purchased from any retailer during the period that the tax is effective within the Village. The tax is imposed at the rate of one and one-half percent. The tax under this section is subject to any applicable exemptions imposed by section 321.105 of the Texas Tax Code.

SECTION 11. The scope of the sales and uses that are subject to this tax is based upon sections 321.101(a), 321.103(a), 321.104, and all of Chapter 321 of the Texas Tax Code, and all applicable law. If the scope of the sales or use tax under those sections or other applicable law is ever increased, then the scope of the tax adopted by this ordinance shall automatically increase accordingly, without further action by the Village.

SECTION 12. In the event of any conflict of terms, whether as written or as applied, then the provision providing for the broader application, whether geographically, by subject matter, or otherwise, of the tax enacted by this ordinance shall govern and control.

SECTION 13. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

SECTION 14. This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 16th of May, 2023.

VILLAGE OF BONNEY, TEXAS

By: *Raymond Cantu*
RAYMOND CANTU, Mayor

ATTEST:

Hellen Perales
HELLEN PERALES, Village Secretary



EXHIBIT "A"

ELECTION RETURNS

Village of Bonney Cumulative Report

2023-05-06 Joint Local Election

Run Time 9:59 AM

Run Date 05/08/2023

Brazoria County

Joint Local Election

5/6/2023

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Unofficial Results

Registered Voters

10 of 171 = 5.85%

Precincts Reporting

1 of 1 = 100.00%

Village of Bonney Proposition A

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		0	0.00%	5	100.00%	4	80.00%	9	90.00%
Against		0	0.00%	0	0.00%	1	20.00%	1	10.00%
Cast Votes:		0	0.00%	5	100.00%	5	100.00%	10	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

*** End of report ***