

AN ORDINANCE 2011-04-07-0278

APPROVING THE CONTINUED IMPOSITION OF A ONE-EIGHTH (1/8th) CENT SALES AND USE TAX FOR PROPOSITIONS 1, THE EDWARDS AQUIFER PROTECTION VENUE PROJECT, AND PROPOSITION 2, THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT; AND APPROVING THE ESTABLISHMENT OF VENUE PROJECT FUNDS TO BE USED IN CONNECTION WITH THE EDWARDS AQUIFER PROTECTION VENUE PROJECT AND THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT.

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WHEREAS, on November 2, 2010, the City held an election to impose a one-eighth (1/8th) cent sales and use tax to provide for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of various venue projects as authorized by Chapter 334, Texas Local Government Code (the "Act"); and

WHEREAS, Propositions 1 and 2 provide for the collection of a one-eighth (1/8th) cent sales and use tax, receipts aggregating up to \$135 million to be used as follows: (i) \$90 million to acquire and preserve land or interests in land in the Edwards Aquifer recharge and contributing zones both inside and outside Bexar County; and (ii) \$45 million to be used for the acquisition of open space and linear parks along San Antonio's Creekways, specifically including Leon Creek, Salado Creek, Apache Creek, Alazan Creek, Martinez Creek, San Pedro Creek, the Medina River and the San Antonio River and for improvements and additions to the Municipal Parks and Recreation System; and

WHEREAS, Proposition 1, entitled "The Edwards Aquifer Protection Venue Project", and Proposition 2, entitled "The Parks Development and Expansion Venue Project", were approved by the voters; and

WHEREAS, on November 10, 2010 City Council approved the canvassing of the election returns; and

WHEREAS, as represented to the voters in each of the Propositions, the City intends to fully collect the sales and use tax authorized for similar Venue Projects on May 7, 2005; and

WHEREAS, in that 2005 Election, the voters authorized the imposition of a sales and use tax at the rate of one-eighth (1/8th) of 1% for the purpose of financing an Edwards Aquifer Protection Venue Project and a Parks Development and Expansion Venue Project; and

WHEREAS, the one-eighth (1/8th) of 1% sales and use tax is expected to be fully collected by the end of August 2011 and received by the beginning of October 2011 by the City; and

WHEREAS, the one-eighth (1/8th) of 1% sales and use tax approved by the voters in this most recent election is expected to take effect in September 2011 with receipt by the City to begin in November 2011; and

WHEREAS, thus, the one-eighth (1/8th) of 1% sales and use tax shall be extended, resulting in the continued sales and use tax rate of 8.125% for the City; and

WHEREAS, the City is required to submit notice to the State Comptroller showing any change in the City's sales tax resulting from an election; and

WHEREAS, by this Ordinance, the City Clerk is authorized to send to the Comptroller a certified copy of this Ordinance, along with a certified copy of the Canvassing Ordinance, and a map of the City clearly showing the boundaries of the City, as required by the Act and Section 321.405 of the Texas Tax Code; and

WHEREAS, in connection with the adoption of these Venue Projects, the Act requires the City to establish venue project funds for the deposit of tax proceeds and revenue in connection with the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project. The City is required to establish separate accounts within the fund for the various revenue sources. All proceeds from the one-eighth (1/8th) sales and use tax imposed by the City must be deposited in the venue project funds, respectively, along with any other revenue or money required by law to be deposited in this fund; and

WHEREAS, the money in the venue project funds may be used to: (1) reimburse or pay the costs of planning, acquisition, establishment, development, construction, monitoring or renovation of the respective venue project; (2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the City or to refund bonds, notes, or other obligations, in connection with the venue projects, if applicable; or (3) pay the costs of operating or maintaining the respective venue projects; and

WHEREAS, the Finance Department will establish funds to account for revenues and expenditures, including a renovation and maintenance sub-fund that will be utilized for renovations to aging trails and a monitoring sub-fund that will be utilized to monitor existing conservation easements; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A sales and use tax as provided in Chapter 334, Texas Local Government Code, as amended, (the "Act) is hereby imposed and levied at the rate of one-eighth of one percent (1/8th of 1%), the adoption of which was authorized and approved by the voters of the City at the November 2, 2010 Special Election held within the City, in accordance with the procedures and requirements of the Act to be effective the first date on which such tax is authorized by the Act to be collected by the City for purposes and uses authorized by the voters and in the Act.

SECTION 2. The Edwards Aquifer Protection Venue Project Fund (SAP Fund 29100000, Edwards Aquifer Acquisition 2010) is hereby established. In accordance with Section 334.088 of the Act, the City shall deposit all proceeds from the one-eighth (1/8th) cent sales and use tax imposed by the City in connection with Proposition No. 1 the Edwards Aquifer Protection Venue Project, approved by the voters at the November 2, 2010 Special Election, along with all revenue from the sale of bonds or other obligations issued by the City under the Act, if applicable, and any other revenue or money required by law to be deposited in the Venue Project Fund. The money in the Edwards Aquifer

Protection Venue Project Fund may be used to: (1) reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, or renovating the respective venue project; (2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the City or to refund bonds, notes, or other obligations, in connection with the Edwards Aquifer Protection Venue Project, if applicable; or (3) pay the costs of operating or maintaining the Edward Aquifer Protection Venue Project.

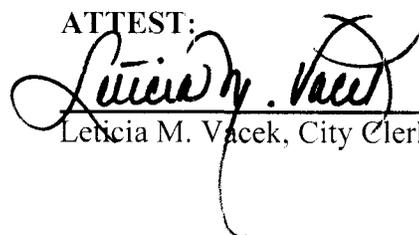
SECTION 3. The Parks Development and Expansion Venue Project Fund (SAP Fund 29101001, Park Development and Expansion - 2010) is hereby established. In accordance with Section 334.088 of the Act, the City shall deposit all proceeds from the one-eighth (1/8th) cent sales and use tax imposed by the City in connection with Proposition No. 2 the Parks Development and Expansion Venue Project, approved by the voters at the November 2, 2010 Special Election, along with all revenue from the sale of bonds or other obligations issued by the city under the Act, if applicable, and any other revenue or money required by law to be deposited in the Venue Project Fund. The money in the Parks Development and Expansion Venue Project Fund may be used to: (1) reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, or renovating the respective venue project; (2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the City of to refund bonds, notes, or other obligations, in connection with the Parks Development and Expansion Venue Project, if applicable; or (3) pay the costs of operating or maintaining the Parks Development and Expansion Venue Project.

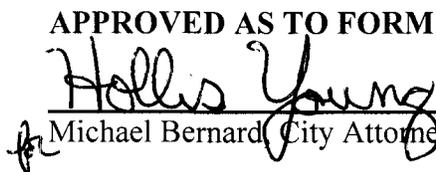
SECTION 4. The City Clerk is hereby authorized and directed to send to the State Comptroller of Public Accounts by United States certified or registered mail, a certified copy of this Ordinance, along with a certified copy of the Canvassing Ordinance, and a map of the City clearly showing the boundaries of the City, as required by the Act and Section 321.405 of the Texas Tax Code.

SECTION 5. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 7th day of April, 2011.


M A Y O R
Julián Castro

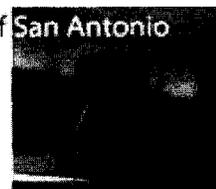
ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Michael Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 30

Name:	30						
Date:	04/07/2011						
Time:	11:03:44 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving the continued imposition of a one-eighth (1/8) cent sales and use tax for Propositions 1, the Edwards Aquifer Protection Venue Project, and Proposition 2, the Parks Development and Expansion Venue Project; and approving the establishment of venue project funds to be used in connection with the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project. [Sharon De La Garza, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				