

# City of Freeport

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, SEPTEMBER 22, 2008 6:00 P.M.  
MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.

## AGENDA FORMAL SESSION

1. Call to Order.
2. **Public Hearing (2nd):** Proposing a tax rate in excess of the effective rate for the 2008-2009 tax year. Pg. 1362-1365
3. Consideration of the approval of proposing a tax increase for the 2008-2009 tax year. Pg. 1366

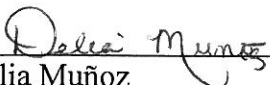
### Adjourn

**NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.**

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code)

In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on September 19, 2008 at or before 5:00 p.m.

  
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Delia Muñoz  
City Secretary



# Council

## MEMORANDUM

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To: Mayor and City Council

From: Gary Beverly

Re: Budget / Tax Rate Adoption

Date: September 22, 2008

Included on the agenda(s) are four items related to budget and tax rate:

AGENDA #1:

2. **Public Hearing (2nd)** Proposing a tax rate in excess of the effective rate for the 2008-2009 tax year.
3. Consideration and approval of proposing a tax increase for the 200-2009 tax year.

AGENDA #2:

6. Consideration of the approval of Ordinance No. 2008-2209 adopting a budget for fiscal year 2008-2009 for the City of Freeport.
7. Consideration of the approval of Ordinance No. 2008-2210 adopting a tax rate for fiscal year 2008-2009 for the City of Freeport.

These items have been arranged in this format (2 agendas) from the advise of Ro'vin Garrett, Tax Assessor Collector, in consultation with our City Attorney.

These agenda items have been included to give you an opportunity to provide us with changes you would like to see for the tax rate and in the budget. The attached State tax code 26.05 (attached) and Freeport Home Rule Charter Section 9.10 (attached) govern the deadlines for completion of the budget and tax rate adoption. If you can provide me with changes to the budget at or before the meeting we can adopt the changes and a budget for fiscal year 2008-2009, otherwise the fiscal year 2006-2007 Budget will take effect October 1<sup>st</sup>. In addition, the effective rate of \$0.685449/\$100 will take effect without an approved tax rate.

If you have any questions, let me know!

**SECTION 9.04. PROPOSED EXPENDITURES COMPARED WITH OTHER YEARS.**

The City Manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

**SECTION 9.05. BUDGET A PUBLIC RECORD.**

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the City Council, and shall be a public record. The City Manager shall provide copies for distribution to all interested persons.

**SECTION 9.06. NOTICE OF PUBLIC HEARING ON BUDGET.**

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the City of Freeport, a notice of the hearing setting forth the time and place thereof at least fifteen (15) days before the date of such hearing.

**SECTION 9.07. PUBLIC HEARING ON BUDGET.**

At the time and place set forth in the notice required by Section 9.06, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

**SECTION 9.08. PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING.**

After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue at least to equal such proposed expenditures.

**SECTION 9.09. VOTE REQUIRED FOR ADOPTION.**

The budget shall be adopted by the favorable vote of a majority of the members of the whole City Council.

**SECTION 9.10. DATE FOR FINAL ADOPTION.**

The budget shall be finally adopted not later than fifteen (15) days prior to the beginning of the fiscal year, and should the City Council fail to so adopt a budget, the then existing budget together with its tax levying ordinance and its appropriation ordinance shall be deemed adopted for the ensuing fiscal year. If delayed by a situation beyond control of the City it shall be acted on as soon as practicable. (Amended 4-86)

**SECTION 9.11. EFFECTIVE DATE OF BUDGET; CERTIFICATIONS; COPIES MADE AVAILABLE.**

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary, the County Clerk of Brazoria County and the State Controller of Public Accounts at Austin. The final budget shall be printed, mimeographed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

**C****Effective: September 1, 2007**

Vernon's Texas Statutes and Codes Annotated Currentness

Tax Code (Refs &amp; Annos)

Title 1. Property Tax Code

▣ Subtitle D. Appraisal and Assessment (Refs &amp; Annos)

▣ Chapter 26. Assessment (Refs &amp; Annos)

→ § 26.05. Tax Rate

(a) The governing body of each taxing unit, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate published under Section 44.004(c)(5)(A)(ii)(b). Education Code; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year.

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that property taxes be increased by the adoption of a tax rate of (specify tax rate)." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: “(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE”; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: “THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount).”

(c) If the governing body of a taxing unit does not adopt a tax rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the effective tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate calculated as provided by this chapter until the governing body has held two public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and Section 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(e) A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with the requirements of this section and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed prior to the date a taxing unit delivers substantially all of its tax bills.

(f) Except as required by the law under which an obligation was created, the governing body may not apply any tax revenues generated by the rate described in Subsection (a)(1) of this section for any purpose other than the retirement of debt.

#### CREDIT(S)

Acts 1979, 66th Leg., p. 2268, ch. 841, § 1, eff. Jan. 1, 1982. Amended by Acts 1981, 67th Leg., 1st C.S., p. 164, ch. 13, § 117, eff. Jan. 1, 1982; Acts 1985, 69th Leg., ch. 657, § 3, eff. June 14, 1985; Acts 1987, 70th Leg., ch. 699, § 2, eff. June 19, 1987; Acts 1987, 70th Leg., ch. 947, § 7, eff. Jan. 1, 1988; Acts 1987, 70th Leg., ch. 988, § 2, eff. June 18, 1987; Acts 1991, 72nd Leg., ch. 404, § 1, eff. Jan. 1, 1992; Acts 1997, 75th Leg., ch. 165, § 29.06, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1039, § 27, eff. Jan. 1, 1998; Acts 1999, 76th Leg., ch. 398, § 3, eff. Aug. 30, 1999; Acts 1999, 76th Leg., ch. 423, § 1, eff. Jan. 1, 2000; Acts 1999, 76th Leg., ch. 1358, § 2, eff. Jan. 1, 2000; Acts 2005, 79th Leg., ch. 412, § 13, eff. Sept. 1, 2005; Acts 2005, 79th Leg., ch. 1368, § 1, eff. June 18, 2005; Acts 2007, 80th Leg., ch. 921, § 14.001, eff. Sept. 1, 2007.

Current through the end of the 2007 Regular Session of the 80th Legislature

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