

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL ADOPTING AN ORDINANCE APPROVING VIA'S DECISION TO REPEAL THE APPLICATION OF THE EXEMPTION OF TAXES ON SALES WITHIN VIA'S ENTITY AREA OF TELECOMMUNICATIONS SERVICES AND APPROVES VIA'S DECISION TO IMPOSE SUCH A TAX ON TELECOMMUNICATIONS SERVICES.

WHEREAS, under Section 322.109 of the Texas Tax Code there are exempted from the taxes imposed by a taxing entity the sales within the entity area of telecommunications services unless the application of the exemption is repealed under that section, and

WHEREAS, under Section 322.109(d) of the Texas Tax Code, the governing board of a taxing entity created under Chapter 451, Transportation Code, may not repeal the application of the exemption of taxes on sales within its entity area of telecommunications services unless the repeal is first approved by a majority of the members of the governing body of each municipality that created the taxing entity.

WHEREAS, VIA Metropolitan Transit (VIA) is a taxing entity created under Chapter 451, Transportation Code; and

WHEREAS, the City Council of the City of Leon Valley is a governing board of a municipality that created VIA; and

WHEREAS, VIA does not currently impose a sales and use tax on telecommunications services sold within its entity area; and

WHEREAS, the governing board of VIA intends to repeal the application of the exemption of taxes on sales within VIA's entity area of telecommunications services and has requested the City Council of the City of Leon Valley approve VIA's decision to do so as required under Section 322.109(d) of the Texas Tax Code; and

WHEREAS, after thorough review and consideration, the City Council finds it approves VIA's desire to repeal the application of the exemption of taxes on sales within VIA's entity area of telecommunications services and approves VIA's intent to impose such a tax on telecommunication services;

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

SECTION 1. . The City Council hereby approves VIA's decision to repeal the application of the exemption of taxes on sales within VIA's entity area of telecommunications services and approves VIA's decision to impose such a tax on telecommunications services.

SECTION 2. Upon this Ordinance becoming law pursuant to applicable City procedures, it shall be entered into the minutes of the City Council.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections,

ORDINANCE NO.

paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the XXth day of April, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
CITY SECRETARY

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
CITY ATTORNEY