

HCD

**ORDINANCE NUMBER 2016-008 .**

**AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERLIN,  
TEXAS CHANGING THE DATE FOR GENERAL ELECTIONS OF NEW BERLIN  
ALDERMEN AND CITY OFFICERS TO THE NOVEMBER UNIFORM ELECTION DATE;  
CHANGING THE TERM OF OFFICE FOR THE CITY MARSHALL; PROVIDING FOR  
THE EXTENSION OF CURRENT ELECTED CITY OFFICES;  
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, chapter 41 of the Texas Election Code sets the uniform election dates for political subdivisions in the State of Texas; and

**WHEREAS**, section 41.0052 of the Texas Election Code authorizes political subdivisions to change the date of its general election of its officers to the November uniform election date before December 31, 2016; and

**WHEREAS**, as jurisdictions in Guadalupe County change the date for the general election of officers to the November uniform election date, the pro rata expense for jurisdictions continuing to hold such elections on the May uniform election date will thereby substantially increase;

**WHEREAS**, the City of New Berlin Texas determines that it is necessary to change the date of the general election of Aldermen and City officers to the November uniform election date;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERLIN, TEXAS:**

**Section 1. CHANGE OF GENERAL ELECTION DATE**

The date for the general election of the Mayor, members of the Board of Aldermen and other City Officers is hereby changed from the May uniform election date, the second Saturday in May each year to the November uniform election date, the first Tuesday of November each year. The term of each such office shall remain two years except as provided in this Ordinance. The staggering of offices in effect immediately before the effective date of this Ordinance shall continue in effect, so that the term of each office will expire in the even or odd year applicable before the effective date of this Ordinance.

**Section 2. CHANGING THE TERM OF OFFICE FOR THE CITY MARSHALL**

The term of office for the City Marshal is hereby changed from one (1) year to two (2) years and the election thereof shall be in accordance with the uniform election date as provided in this Ordinance.

**Section 3. EXTENDING CURRENT ELECTED OFFICES**

For the Mayor, Aldermen or City Officers holding such an office on the effective date of this Ordinance, the term of office shall extend to the later of:

- (i) the next November uniform election date after the date an election would have been scheduled to elect a successor to such office but for the change effected by this Ordinance; or
- (ii) when a successor has duly been qualified and is authorized to assume the office in accordance with applicable law.

**Section 4. CONFLICT**

All Ordinances, Resolutions, Policies or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5. SEVERABILITY**

If any provision, section, paragraph, sub-paragraph, clause or phrase of this Ordinance or the application of such to any person or circumstance is for any reason held unconstitutional, invalid or unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby, and to this end all the provisions of this Ordinance are declared to be severable for that purpose.

**Section 6. SAVINGS CLAUSE**

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

**Section 7. MEETING OPEN TO THE PUBLIC**

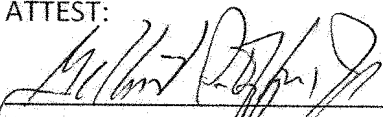
It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

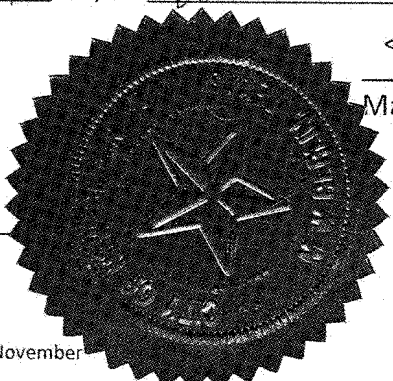
**Section 8. EFFECTIVE DATE**

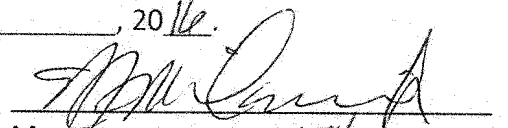
This Ordinance shall be effective immediately upon passage as provided by law.

PASSED AND APPROVED this 17<sup>th</sup> day of October, 2016.

ATTEST:

  
 \_\_\_\_\_  
 City Secretary  
 ALBERT J. WELLS



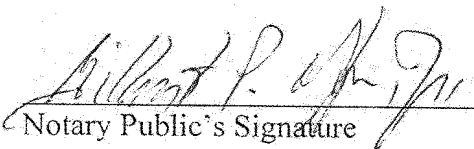
  
 \_\_\_\_\_  
 Mayor  
 NICHOLAS J. MCKAY  
 AFTER RECORDING  
 RETURN TO

→ THE CITY OF NEW BERLIN  
 NEW BERLIN, TEXAS  
 275 FM 2538  
 SEGUIN, TX 78155

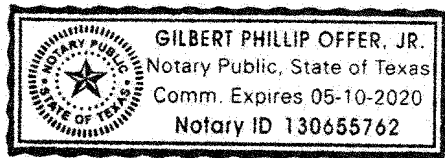
**State of Texas**  
**County of Guadalupe**

Before me, Gilbert P Offer, Jr, Notary Public, on this day personally appeared Nicholas J Milanovich, known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of October, 2016.

  
Notary Public's Signature

(Notary Seal)



Certificate of Acknowledgment

Ordinance Number - 2016-008

EXHIBIT A  
CURRENT ELECTED/APPOINTED CITY OFFICERS

OFFICE	NAME	NEW END OF TERM
Mayor	NICK MILANOVICH	NOV. 2018
Alderman	CLAIRE WALTERS	NOV. 2018
Alderman	JOYCE WOLFE	NOV. 2017
Alderman	BARBARA GERHART	NOV. 2017
Alderman	GIL MERKLE (Appointed June 2016)	NOV. 2017
Alderman	CHRIS DAVENPORT	NOV. 2018
Marshal	WAYNE ZWICKE	NOV. 2018

**2017002343**  
**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**  
01/30/2017 3:27:18 PM  
PAGES: 4  
TERESA KIEL, COUNTY CLERK  
GUADALUPE COUNTY, TEXAS



*Teresa Kiel*

The following are Ordinances for the City of New Berlin to be posted in accordance with Section 52.012 of the Texas Local Government Code.

The Following are Annexation Ordinances

2014-007 Property located at 4753 Gin Rd

2015-001 Property located on FM 467

2016-002 Property located at 6779 Linne Rd

2016-003 Portion of Property located at 8270 Linne Rd

2016-004 Remainder of Property located at 8270 Linne Rd

2016-005 Property located at 7400 Linne Rd

2016-006 Property located at 7388 Linne Rd

Other Ordinances

2013-0026

AN ORDINANCE ESTABLISHING THE RULES AND REGULATION FOR DEVELOPMENT OF PROPERTY ADJOINING RECOGNIZED HISTORIC PROPERTIES IN THE CITY OF NEW BERLIN AND PROVIDING PENALTY FOR VIOLATIONS

15-003

AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR PROPER DEVELOPMENT AND MANAGEMENT OF TRESS IN THE CITY OF NEW BERLIN AND PROVIDING A PENALTY FOR VIOLATIONS.

16-001

AN ORDINANCE REQUESTING A TAX ROLL FOR THE CITY OF NEW BERLIN, TEXAS, FOR THE PURPOSE OF SETTING A TAX RATE TO THE PLANNED EXPENSES THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017.

2016-007

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERLIN, TEXAS, ESTABLISHING STRUCTURE, DUTIES AND TERMS, AND SETTING A MISSION STATEMENT, GUIDELINES, AND APPOINTMENT OF MEMBERS FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEW BERLIN, TEXAS. THIS ORDINANCE REPLACES ORDINANCE 99-004.

2016-008

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERLIN, TEXAS, CHANGING THE DATE FOR THE GENERAL ELECTIONS OF NEW BERLIN ALDERMEN AND CITY OFFICERS TO THE UNIFORM ELECTION DATE; CHANGING THE TERM OF OFFICE FOR THE CITY MARSHAL, PROVIDING FOR THE EXTENSION OF CURRENT ELECTED CITY OFFICES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

*NB VFD*

POSTED ON THE 26<sup>th</sup> DAY OF JANUARY, 2017 AT 6 PM

REMOVED

*1:00 PM  
2/1/2019*

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9:05 PM 1/15

POSTED ON THE 21<sup>st</sup> DAY OF January, 20 17 AT 6 PM.

REMOVED 12:45  
2/1/2017

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9100  
FM TTS  
City Hall

POSTED ON THE 26<sup>th</sup> DAY OF January, 2017 AT 6 PM.

REMOVED 12 AM 2/1/2017