

## ORDINANCE NO. 2017-034

**AN ORDINANCE CALLING FOR AN ELECTION IN THE CITY OF NEW BERLIN, TEXAS, TO SUBMIT A CERTAIN PROPOSITION ON THE QUESTION TO REAUTHORIZE THE SALES AND USE TAX ADOPTED IN 2014 FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS UNDER THE V.T.C.A., TAX CODE, CHAPTER 327; AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION AND RESOLVING MATTERS INCIDENT AND RELATED TO SUCH ELECTION.**

**WHEREAS**, the Board of Aldermen of the City of New Berlin, Texas has determined that an election should be held for the purpose of submitting a certain proposition on the reauthorization of the levy and collection of sales and use tax within the city under the provisions of V.T.C.A., Tax Code, Chapter 327, to provide revenue for the repair and maintenance of municipal streets;

**AND WHEREAS**, the Board of Aldermen of the City of New Berlin, Texas hereby find and determine that an election under Chapter 327 has not previously been held within one (1) year from the date of this ordinance.

**WHEREAS**, the Board of Aldermen of the City of New Berlin, Texas hereby further find and determine the City is not disqualified from adopting the sales and use tax in that the combined rate of all sales and use taxes imposed by the City of New Berlin, Texas and other political subdivisions having territory in the City does not and will not, with the adoption of the municipal sales and use tax, exceed two percent (2.0%) at any location in the City.

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

**SECTION 1.** An election will be held on the 7<sup>th</sup> day of November, 2017 which is the first succeeding uniform election date for which sufficient time has lapsed for the holding of an election according to V.T.C.A., Election Code, Section 41.001, for the purpose of submitting the following measure:

### **MEASURE**

**"The reauthorization of the local sales and use tax in City of New Berlin, Texas at the rate of one-fourth of one percent (0.25%) to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized."**

**SECTION 2.** The entire City shall constitute an election precinct for this election. The Guadalupe County Elections Office is hereby designated to administer the election. The voting time and places are those provided the 2017 November General Election by the Guadalupe County Elections Office. Early voting will be conducted by, and in those places provided by, Guadalupe County Elections Office for the 2017 November General Election.

**SECTION 3.** All ballots and voting materials will be provided by the Guadalupe County Elections Office, located at 215 S. Milam, Seguin, Texas 78155, Telephone number 830-303-6363, so as to permit the electors of the City of New Berlin, Texas to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballots substantially as flows

**PROPOSITION**

**"THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF NEW BERLIN, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT (0.25%) TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."**

**SECTION 4.** All resident qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the provisions of the V.T.C.A., Election Code and V.T.C.A., Tax Code, Chapter 327, and the ACT and, as may be required by law, all election material and proceeding shall be printed in both English and Spanish.

**SECTION 5.** The public importance of this measure and the fact there is an urgent necessity for the election herein ordered to be held on the next uniform election date in November, 2017, to avoid further delay in settling the important public issues contained in the proposition to be submitted at such election constitute and create an emergency for the immediate preservation of the public business, property, health or safety, or providing the usual daily operations of municipal government, and this ordinance is hereby declared an emergency measure and shall be in full force and effect from and after the date shown below following its passage and adoption.

**SECTION 6.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of the judgment and findings of the Board of Aldermen.

**SECTION 7.** All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

**SECTION 8.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 9.** It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice was given of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, all as required by the Chapter 551, as amended, Texas Government Code.

**PASSED AND ADOPTED** this the 19<sup>th</sup> day of June, 2017.

CITY OF NEW BERLIN, TEXAS



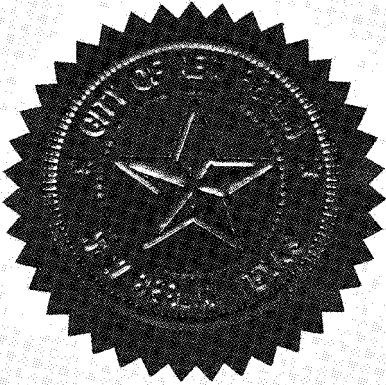
MAYOR NICK MILANOVICH  
CITY OF NEW BERLIN, TEXAS

ATTEST:



MUNICIPAL CLERK GIL OFFER  
CITY OF NEW BERLIN, TEXAS

(Seal)



After recording Please return to:  
City of New Berlin  
New Berlin, Texas  
275 FM 2538  
Seguin, TX 78155