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ORDINANCE NO. 12-0010

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

AN ORDINANCE CALLING AN ELECTION TO BE HELD IN THE CITY OF NEW BERLIN, TEXAS, TO SUBMIT A CERTAIN PROPOSITION ON THE QUESTION OF THE ADOPTION OF SALES AND USE TAX 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 OTHER 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 question of the levy and collection of a 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 hereby find and determine that an election under such Chapter 327 has not been previously held within one year from the date of this ordinance.

WHEREAS, the Board of Aldermen 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 subdivision having territory in the City does not and will not, with the adoption of the municipal sales and use tax, exceed two percent 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 shall be held on the 11th day of May, 2013, in the City of New Berlin, Texas, which date is on the first succeeding uniform election date for which sufficient time has elapsed 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

"Shall the city adopt a local sales and use tax in the City of New Berlin at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets?"

SECTION 2. The entire City shall constitute an election precinct for this election and the New Berlin City Hall is hereby designated as the polling place(s). The persons herein appointed to serve as the election officers at said polling place(s) are as follows:

PRESIDING JUDGE—SUE BASHAM

ALTERNATE PRESIDING JUDGE--

The Presiding Judge shall appoint the necessary clerks to assist which shall not exceed 5 clerks. On election day, the polls shall be open from 7:00 A.M. to 7:00 P.M. Early voting shall be conducted at the City Secretary's office in the City Hall, 275 FM 2538, in accordance with the provisions of V.T.C.A., Election Code. Early voting for this election shall begin Monday, April 29, 2013 and shall be conducted Monday through Friday during regular business hours of the City Secretary's office. Office hours are Monday through Thursday from 9:00 a.m. to 2:00p.m.

SECTION 3. Paper ballots shall be used for said election, which ballots shall be prepared in accordance with the V.T.C.A. Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballots substantially as follows:

PROPOSITION

"THE ADOPTION OF A LOCAL SALES AND USE TAX IN NEW BERLIN, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR 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 provision of 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 May, 2013, 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 for the usual daily operation of municipal government, and this ordinance is hereby declared to be 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 this Ordinance for all purposes and are adopted as 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 is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PASSED AND ADOPTED, this the 15th day of October, 2012

CITY OF NEW BERLIN, TEXAS

Mayor Gilbert Merkle *Gilbert Merkle*

ATTEST:
City Secretary Joan Milanovich *Joan Milanovich*

(Seal)



FILED FOR RECORD
13 MAY 29 PM 2:17
TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY
BY *Courtney Casas*

STATE OF TEXAS
COUNTY OF GUADALUPE
I certify this instrument was FILED on the
date and at the time stamped thereon and
was duly recorded in the Official Public
Records of Guadalupe County, Texas.
Teresa Kiel
TERESA KIEL
Guadalupe County Clerk

