

GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 1

ORDER NO. 01-20-22-06

STATE OF TEXAS §
§
COUNTY OF GONZALES §

RESOLUTION AND ORDER CALLING FOR A SPECIAL ELECTION ON THE ISSUE OF THE ADOPTION OF A SALES AND USE TAX OF GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 1 PURSUANT TO CHAPTER 775, HEALTH & SAFETY CODE AND OTHER APPLICABLE LAW.

WHEREAS, Texas Health & Safety Code § 775.0751, *et seq.*, permits a district operating under Chapter 775, Health & Safety Code to adopt, change the rate of, or abolish a sales and use tax; and,

WHEREAS, Texas Health & Safety Code § 775.0751(c-1) and other applicable law provides that a district that would otherwise be precluded from adopting a sales and use tax under § 775.0751(c) may adopt, change the rate of, or abolish a sales and use tax at an election held as provided by § 775.0752, if the Board of Emergency Services Commissioners of the District (“Board”):

- 1) Excludes from the applicability of any proposed sales and use tax any territory in the district where the sales and use tax is then at two percent; and,
- 2) Not later than the 30th day after the date on which the Board issues the election order, gives, for informational purposes, written or oral notice on the proposed imposition, increase, or abolition of the sales and use tax, including the reasons for the proposed change, to the commissioners court of each county in which the district is located.

WHEREAS, Gonzales County, Texas previously adopted a sales and use tax at the rate of one-half of one percent, and

WHEREAS, the City of Gonzales, the City of Nixon, and the City of Waelder, all within territorial limits in Gonzales County, Texas have previously adopted a sales and use tax of one and one-half percent making the total local sales and use tax in the cities set forth above two percent as of the date of this Order; and,

WHEREAS, the Board of Emergency Services Commissioners of Gonzales County Emergency Services District No. 1 (“District”) held a meeting called and conducted pursuant to all applicable law, including the Texas Open Meetings Act, on January 20, 2022; and,

WHEREAS, at its meeting held on January 20, 2022, the District ordered an election pursuant to Chapter 775, Health & Safety Code, and other applicable law, for the [019.35924/2022 Sales Tax Election/2022 Resolution and Order \(long\) rev. kpc 011822](#)

adoption of a local sales and use tax of three-eighths of one percent in those areas of the District not then at two percent for a total rate of District sales and use tax rate of three-eighths of one percent in said areas excluding the City of Gonzales, the City of Nixon, and the City of Waelder, Texas to be held on May 7, 2022, for the remainder of the District after excluding from said election and the applicability of any proposed sales and use tax any territory in the District where the sales and use tax is then at two percent; and,

WHEREAS, within 30 days of the date for calling for said election, the Board will provide written and oral notice for informational purposes to the Commissioners Court of Gonzales County, Texas, the only county in which the District is located, on the proposed increase in the Sales and Use Tax called for herein, including the reasons for the proposed adoption of a Sales and Use Tax; and,

WHEREAS, the Board, in calling for this election excludes from the applicability of any proposed sales and use tax any territory in the District where the sales and use tax is then at two percent, pursuant to applicable law, including, but not limited to, the City of Gonzales, the City of Nixon, and the City of Waelder, Texas, within the territorial limits of the District:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF EMERGENCY SERVICES COMMISSIONERS OF GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 1 THAT:

Section 1. That the statements contained in the preamble to this Resolution and Order are true and correct and are adopted as findings of fact hereby.

Section 2. The District shall hold an election on May 7, 2022 between the hours of 7:00 a.m. and 7:00 p.m. at the polling locations and precincts common to the District and set forth and established by the Gonzales County Commissioners Court with all applicable early and absentee voting places determined by the District in conjunction with its agreement with the Gonzales County Elections Administrator, and as required by law or further notice. The location of the main early voting by personal appearance polling places shall be as agreed between the Gonzales County Elections Administrator and the District, and those other locations as designated by the Gonzales County Elections Administrator, pursuant to that certain agreement between the District and the Gonzales County Elections Administrator. The District's Early Voting Elections Administrator shall be Gwen Schaefer, Gonzales County Elections Administrator, or her designee, whose official mailing address is P. O. Box 1753, Gonzales, Texas 78629. The District's Election Official is Rene De la Garza, President, whose official mailing address is P. O. Box 743, Gonzales, Texas 78629, or his designee. The Election Official is hereby empowered to execute any and all necessary documents and take any and all necessary actions to effect and conduct the election ordered herein. The Presiding Election Judges, the Alternate Election Judges, and other election officials shall be those as designated by the Gonzales County Elections Administrator or the District, pursuant to that certain agreement between the District and the Gonzales Elections Administrator.

Section 3. The early voting shall be held at locations designated by the Gonzales County Elections Administrator, at those locations and times to be determined.

Section 4. Pursuant to Texas Election Code § 42.061, the District adopts the precincts of Gonzales County located within its territorial limits as its precincts for this election and pursuant to the agreement with the Gonzales County Elections Administrator, who will be conducting the election, unless otherwise further ordered by the District. The District shall follow all applicable bilingual procedures in the election. The District may consolidate some of these precincts upon the advice of the Gonzales County Elections Administrator and pursuant to that certain agreement referenced herein.

Section 5. The voting at said election shall be by paper or electronic ballot with other required election systems or Direct Recording Electronic voting systems utilized by Gonzales County, and such ballots for the election shall be printed in English and Spanish to permit voting for or against the proposition:

“The adoption of a local sales and use tax in Gonzales County Emergency Services District No. 2 at a rate not to exceed three-eighths of one percent in any location in the district.”

Section 6. The appropriate officers of the District are hereby authorized and directed to coordinate and oversee this election, and the Gonzales County Elections Administrator, and appropriate officers, is hereby appointed to assist the District in the coordination and oversight of this election pursuant to that certain interlocal agreement executed by and between the District and the Gonzales County Elections Administrator. The District’s attorney, Ken Campbell, is hereby authorized and empowered to take any actions and execute and deliver any documents necessary to carry out this election.

Section 7. Notice and/or Order of this election, in substantially the form promulgated by the Texas Secretary of State or other applicable law, and in Spanish translation thereof, shall be issued and given in the manner provided by law.

Section 8. The District reserves the right to amend this order as necessary to conduct this election pursuant to applicable law and in compliance with the Gonzales County Elections Administrator or other appropriate authorities having jurisdiction.

Section 9. In compliance with applicable law, and for the applicability of the sales and use tax, if approved by the voters, the District excludes from the election and the applicability of any proposed sales and use tax any territory in the District where the sales and use tax is at then at two percent, including, but not limited to, the City of Gonzales, the City of Nixon, and the City of Waelder, Texas. Further, the Board has provided all required notice to the Commissioners Court of Gonzales County, Texas as required by applicable law.

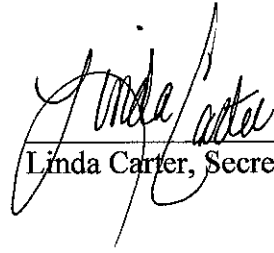
RESOLVED AND ORDERED this 20th day of January 2022.

GONZALES COUNTY EMERGENCY
SERVICES DISTRICT NO. 1

ATTEST:

By: _____

Rene De la Garza, President



Linda Carter, Secretary