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From the Desk of:
KEN CAMPBELL
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January 16, 2020

VIA CMRRR 7019 0700 0000 2662 2385

AND EMAIL: countyjudge@burnetcountytexas.org

The Honorable James Oakley
County Judge
Burnet County
220 South Pierce
Burnet County, Texas 78611

*A/R
1/28 cc
AO.*

RE: Burnet County Emergency Services District No. 5/Sales and Use Tax Election
under § 775.0751.
Our File No.: 019.23901

Dear Judge Oakley:

As you know, I am the attorney for Burnet County Emergency Services District No. 5 ("District"), and this correspondence is to provide the Commissioners Court of Burnet County, Texas ("County") official notice that the District has called an election to be held on May 2, 2020 under applicable law on the issue of the adoption of a local sales and use tax in the District a rate not to exceed two percent. I am attaching the District's Order No. 2019-12-18-01 in relation to this matter.

For your information, the District is not aware of any other entity in its territory that levies a sales and use tax. This leaves two percent available for adoption by the District in the Burnet County areas within the territorial limits of the District. Pursuant to applicable law, the District is specifically excluding any area of the District currently at two percent.

The combined rate of all sales and use taxes imposed by the District and other political subdivisions of the State of Texas having territory in the District would not exceed two percent at any location in the District if the District adopts the proposed rate noted above. Although this does not apply to the District, pursuant to § 775.0751(c-1), a district that would otherwise be precluded from adopting a sales and use tax under § 775.0751(c) may adopt 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.

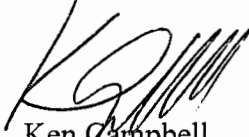
Therefore, the District is calling for an election on the issue noted above. The District is seeking this additional tax revenue to support the emergency services provided by the District to its citizens and the citizens of Burnet County. Like many other Districts in Burnet County, the District requires additional funds to maintain and improve the provision of emergency services to the citizens of Burnet County and the District.

By way of this correspondence, I am also providing notice pursuant to Section 4.008, Texas Election Code, to the Burnet County Elections Administrator.

I appreciate your courtesies and cooperation in relation to this matter, and if you have any questions, please do not hesitate to call.

Sincerely,

BURNS ANDERSON JURY & BRENNER, L.L.P.



Ken Campbell
KPC

cc: **VIA EMAIL: elections@burnetcountytexas.org**
AND FIRST CLASS MAIL:

Doug Ferguson
Burnet County Elections Administrator
220 South Pierce
Burnet, Texas 78611

BURNET COUNTY EMERGENCY SERVICES DISTRICT NO. 5

ORDER NO. 2019-12-18-01

**RESOLUTION AND ORDER CALLING FOR A SPECIAL ELECTION ON THE
ISSUE OF ADOPTION BY THE DISTRICT OF A SALES AND USE TAX
PURSUANT TO CHAPTER 775, HEALTH & SAFETY CODE**

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

WHEREAS, the Board of Emergency Services Commissioners of Burnet County Emergency Services District No. 5 ("District") held a meeting called and conducted pursuant to all applicable law, including the Texas Open Meetings Act, on December 18, 2019; and,

WHEREAS, the Board, in calling for this election 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 then at two percent, pursuant to applicable law; and,

WHEREAS, at its meeting held on December 18, 2019, the District ordered such an election pursuant to Chapter 775, Health & Safety Code, and other applicable law, to be held on May 2, 2020:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF EMERGENCY SERVICES COMMISSIONERS OF BURNET COUNTY EMERGENCY SERVICES DISTRICT NO. 5 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 and law hereby.

Section 2. The District shall hold an election on May 2, 2020 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 Burnet County Commissioners Court with all applicable early and absentee voting places determined by the District in conjunction with its agreement with the Office of the Burnet County Elections Administrator, and as required by law or further notice. The location of the main early voting by personal appearance polling place shall be 220 South Pierce, Burnet, Texas 78611, and/or those other locations as designated by the Burnet County Elections Administrator, pursuant to that certain agreement between the District and the Office of the Burnet County Elections Administrator. The District's Early Voting Clerk shall be Doug Ferguson, Burnet County Elections Administrator, or designee, whose official mailing address is 220 South Pierce, Burnet, Texas 78611. The District's Election Official is Brad Beneski, President of the District, whose official mailing address is P. O. Box 512, Burnet, Texas 78611. The Election Official is hereby empowered to execute any and all necessary documents and take any and all necessary actions to effect the election ordered herein. The Presiding

Election Judge and the Alternate Election Judge shall be those as designated by the Burnet County Elections Administrator, pursuant to that certain agreement between the District and the Office of the Burnet County Elections Administrator.

Section 3. The early voting shall be held as designated by the Burnet 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 Burnet County located within its territorial limits as its precincts for this election and pursuant to the agreement with the Burnet County Elections Administrator who will be conducting the election. The District shall follow all applicable bilingual procedures in the election. The District may consolidate some of these precincts upon the advice of the Burnet County Elections Administrator and pursuant to that certain agreement between the District and the Office of the Burnet County Elections Administrator.

Section 5. The voting at said election shall be by Direct Recording Electronic voting with Hart Intercivic eSlate voting systems, or other voting systems utilized by Burnet County, and such ballots for the election shall be printed in English and Spanish to permit voting for or against the proposition, subject to confirmation of the rate by the Texas Comptroller of Public Accounts or other appropriate authority:

“The adoption of a local sales and use tax in Burnet County Emergency Services District No. 5 at a rate not to exceed two percent in any location in the district.”

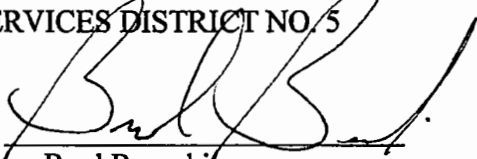
Section 6. The appropriate officers of the District, and its attorney, are hereby authorized and directed to coordinate and oversee this election, and the Burnet County Elections Administrator, and its appropriate officers, is hereby appointed to assist the District in the coordination and oversight of this election pursuant to that certain interlocal agreement executed by and between the District and Burnet County.

Section 7. The appropriate officers of the District may revise the rate of the proposed Sales and Use Tax to be voted on in said election in conformance with the actual applicable Sales and Use Tax available in the District after appropriate exclusions are made, and by virtue of this Order, any area within the District that would otherwise be precluded from adopting a sales and use tax under § 775.0751(c), or other applicable law, is excluded from the election and the applicability of any proposed sales and use tax in any territory in the District where the sales and use tax is then at two percent.

Section 8. Notice and/or Order of this election, and Spanish translation thereof, shall be issued and given in the manner provided by law.

RESOLVED AND ORDERED this 18th day of December, 2020.

BURNET COUNTY EMERGENCY
SERVICES DISTRICT NO. 5

By: 

Brad Beneski,
President
Election Official