

## **ORDER CALLING 2022 DIRECTORS ELECTION**

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

HURST CREEK MUNICIPAL UTILITY DISTRICT §

The Board of Directors of Hurst Creek Municipal Utility District (the "District") met in a regular session, open to the public, after due notice, at 102 Trophy Drive, The Hills, Texas 78738, an official meeting place within the boundaries of the District, on July 18, 2022; whereupon the roll was called of the members of the Board of Directors (the "Board"), to wit:

Wilson Smith	President
Jim Wingard	Vice President
Mike Maroney	Secretary
Bill Coskey	Treasurer
Tom Stiles	Assistant Secretary

All members of the Board were present, except Tom Stiles was absent.

WHEREUPON, among other business conducted by the Board, Director Wingard introduced the order set out below and moved its adoption, which motion was seconded by Director Maroney and, after full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" 4; "No" 0

The Order thus adopted is as follows:

WHEREAS, Section 49.103 of the Texas Water Code requires that elections for members of the board of a district shall be held on the uniform election date established by the Texas Election Code in November of even-numbered years; and

WHEREAS, Sections 2.051-2.054 of the Texas Election Code establish a procedure for declaring unopposed candidates elected to office without holding the election; and

WHEREAS, in the interest of increasing the efficiency and effectiveness of local governments, local governments may contract or agree with each other to perform governmental functions and services in accordance with Chapter 791 of the Texas Government Code; and

WHEREAS, Section 31.092 of the Texas Election Code authorizes the county elections officer to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform election services in any one or more elections ordered by the political subdivision; and

county served by the officer to perform election services in any one or more elections ordered by the political subdivision; and

WHEREAS, the Board of Directors of the District contracts with Travis County for the provision of election services and is contracting with those entities with overlapping jurisdictions for joint elections; and

WHEREAS, the Board of Directors wishes to proceed with the ordering of a directors' election to be held on November 8, 2022; and

WHEREAS, in the event the directors' election is uncontested, the Board of Directors will follow the procedures for election of an unopposed candidate established by Section 2.051-2.054 of the Texas Election Code.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF HURST CREEK MUNICIPAL UTILITY DISTRICT THAT:

**Section 1.** The matters and facts set out in the preamble of this order are hereby found and declared to be true and complete.

**Section 2.** An election shall be held by the District on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m. at any polling location shown on **Exhibit A** as attached, pursuant to an agreement under Section 31.092, Texas Election Code, at which there shall be submitted the question of the election of three (3) directors, each of whom will serve four (4) year terms.

**Section 3.** Voting in said election on Election Day and during early voting by personal appearance shall be by the use of the ExpressVote Universal Voting System and DS200 Digital Precinct Scanner, which shall have available both English and Spanish and shall conform to the requirements of the Texas Election Code. Oral bilingual assistance shall be available during the election and may be obtained by contacting the Presiding Judge.

The electronic voting equipment used in the election shall include the names of all candidates for the office of director who filed applications to have their names printed on the ballot by 5:00 p.m. seventy-eight (78) days prior to the election and blank spaces for write-in votes. Any person interested in applying to be a candidate for the office of director may obtain an application to have his name printed on the ballot at the offices of the District, at 102 Trophy Drive, The Hills, Texas 78738, during the hours of 7:00 a.m. to 11:00 a.m. and 12:00 noon to 4:00 p.m. The deadline for candidates to file applications to have their name on the ballot is 4:00 p.m. on August 22, 2022, and the deadline for write-in candidates to file a declaration of write-in candidacy is 4:00 p.m. on August 26, 2022.

Each voter may vote for up to three (3) candidates on the ballot for director by placing an "X" in the square beside the person's or persons' name or by writing the name or names of a person or persons who file a valid declaration of write-in candidacy in the blank spaces provided.

**Section 4.** The boundaries of the District are hereby designated as and shall constitute one (1) election precinct. The District has previously contracted with Travis County to conduct the election. Pursuant to the Election Agreement, Travis County will designate the Presiding Judge. The

presiding judge may appoint, as he or she deems necessary, clerks to assist in the conduct of the election, not to exceed the maximum number of five (5).

The Travis County Election Officer shall serve as the Early Voting Clerk to conduct early voting. Early voting in the election by personal appearance shall begin on October 24, 2022 and shall continue through November 4, 2022, except for Saturdays, Sundays, and official state holidays. The places as designated by Travis County and at which early voting shall be conducted are listed on the attached **Exhibit A**.

The early voting clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is Hurst Creek Municipal Utility District Early Voting Clerk, Attn: Sonja De La Fuente, 102 Trophy Drive, The Hills, Texas 78738. The last day to submit to the District a request for ballot by mail is October 28, 2022.

Pursuant to the Election Agreement, Travis County will designate the presiding judge of the Early Ballot Board, the members of which shall be the precinct election officers serving the election precinct as provided in Section 87.004 of the Texas Election Code.

**Section 5.** The election shall be held and conducted and returns made to this Board of Directors in accordance with the Texas Election Code, as amended.

**Section 6.** All qualified resident electors of the District shall be entitled to vote in the election.

**Section 7.** The Secretary of the Board is hereby directed to determine if the candidates are unopposed for election based on the following conditions:

- (1) Only one candidate's name is to be placed on the ballot for each director position available, and
- (2) No candidate's name is to be placed on a list of write-in candidates for the office of director.

If such circumstances exist, the Secretary of the Board shall certify in writing which, if any, candidates are unopposed for election to the office of director. The certification shall be delivered to the Board of Directors as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates. On receipt of the certification, the Board of Directors may declare each unopposed candidate elected to office, the election for that position will not be held, and a copy of the order declaring the candidate elected shall be posted at the polling place on Election Day.

**Section 8.** Pursuant to Section 31.123, Texas Election Code, the Secretary of the Board hereby appoints Sonja De La Fuente, District Clerk, Hurst Creek Municipal Utility District, 102 Trophy Drive, The Hills, Texas 78738 as the District's agent for this election.

**Section 9.** To the extent the results of the election are not declared in accordance with Section 7 of this Order, the Secretary of the Board is hereby directed to provide notice of this election,

in English and Spanish, by any one or more of the following methods in accordance with Section 4.003, Texas Election Code:

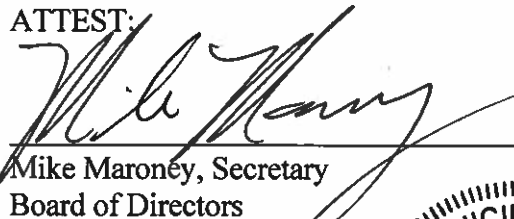
- (1) By publishing the notice at least once, not earlier than the 30th day or later than the 10th day before Election Day in a newspaper of general circulation in the territory if none is published in the jurisdiction of the authority responsible for giving the notice; or
- (2) By posting, not later than the 21st day before Election Day, a copy of the notice at a public place in each election precinct that is in the jurisdiction of the authority responsible for giving the notice; or
- (3) By mailing, not later than the 10th day before Election Day, a copy of the notice to each registered voter of the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice.

In addition to the above methods of providing notice, the Secretary of the Board shall have notice of this election, in English and Spanish, posted not later than the 19th day before the election on the bulletin board used for posting notices of the meetings of the Board of Directors. Such notice shall remain posted continuously through Election Day.

**Section 10.** The President and Secretary are authorized and directed to take any action necessary to carry out the provisions of this order.

PASSED AND APPROVED the 18<sup>th</sup> day of July 2022.

  
\_\_\_\_\_  
Wilson Smith, President  
Board of Directors

ATTEST:  
  
\_\_\_\_\_  
Mike Maroney, Secretary  
Board of Directors

(DISTRICT SEAL)



**EXHIBIT A**  
**ELECTION DAY AND EARLY VOTING POLLING LOCATIONS**

*Pending from Travis County*