

ORDER NO. 24-0808-08

AN ORDER OF BRUSHY CREEK MUNICIPAL UTILITY DISTRICT CALLING AN ELECTION FOR DIRECTORS

WHEREAS, Brushy Creek Municipal Utility District (the “*District*”) is a conservation and reclamation district, a body corporate and politic and governmental agency of the State of Texas, created under Article XVI, Sec. 59 of the Texas Constitution by order of the Texas Water Commission, now the Texas Commission on Environmental Quality (“*TCEQ*”), and the District operates under Chapters 49 and 54 of the Texas Water Code, as amended;

WHEREAS, Section 49.103 of the Texas Water Code provides that an election for directors of a municipal utility district shall be held on the uniform election date, established by the Election Code, in May of each even-numbered year to elect the appropriate number of directors;

WHEREAS, Section 5 of Senate Bill 100 passed by the 2011 Texas Legislature (and now codified at Texas Election Code §41.0052) authorized political subdivisions, other than a county, to change the date on which it holds its general election for officers to the November uniform election date;

WHEREAS, pursuant to the authority of Senate Bill 100, the Board of Directors previously adopted Resolution No. 12-0112-02 changing its general election from the uniform election date in May to the uniform election date in November of each even-numbered year;

WHEREAS, the uniform election date for the election of two (2) directors of Brushy Creek Municipal Utility District is therefore November 5, 2024;

WHEREAS, Section 31.092(a) of the Election Code authorizes the governing body of a political subdivision to contract with the county election officer to perform election services in any election ordered by the political subdivision;

WHEREAS, Section 271.002 *et seq.* of the Election Code authorizes joint elections to be held by certain entities, including two or more political subdivisions in all or part of the same territory, provided the governing bodies enter into an agreement to hold the election jointly;

WHEREAS, pursuant to Section 271.003 of the Election Code, a regular county polling place may be used for a common polling place in a joint election, and the voters of a political subdivision may be served in a joint election by a common polling place outside the boundary of the political subdivision if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election; and

WHEREAS, Section 42.0621 of the Election Code provides that in an election held on the November uniform election date, certain political subdivisions (including the District) shall use the regular county election precincts and polling locations;

WHEREAS, Williamson County has designated “Voting Centers” at which any registered voter may vote; and

WHEREAS, the Board of Directors of the District, in an open, public meeting, proper notice of which has been given as required by law, has given consideration to calling a directors election for November 5, 2024.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF BRUSHY 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 correct.

Section 2: An election for the two (2) directors shall be held between the hours of 7:00 a.m. and 7:00 p.m., on the 5th day of November 2024 at the polling places established by Williamson County to serve the county's regular election precincts within the District, as required by Section 42.0621 of the Texas Election Code, which polling places are hereby approved, established and designated, and shall be attached hereto as **Exhibit "A"**. The polling locations designated on **Exhibit "A"** may be changed from time to time to reflect any changes to the County election precincts and polling locations established by the County. Pursuant to Sections 42.002 and 42.0621 of the Election Code, the regular election precincts established by Williamson County shall be the election precincts for the election. The Williamson County Elections Administrator is conducting the election pursuant to a Joint Election Agreement and Contract for Election Services (the "Election Agreement") between the District, Williamson County and the other participating entities located in Williamson County that are holding an election on November 5, 2024, as authorized under Section 31.092 of the Texas Election Code. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code and the Election Agreement. Williamson County's election equipment shall be used in the election. After duly considering the requirements of the Texas Election Code, the Board hereby finds that the polling places established by Williamson County to be proper places for conducting the election. The Board of Directors specifically finds that such locations can adequately and conveniently serve the affected voters of the District and will facilitate the orderly conduct of the election.

Section 3: Pursuant to the Election Agreement, Bridgett Escobedo, Williamson County Elections Administrator, shall serve as the Election Officer for the Election.

Section 4: Early voting shall be conducted at the early voting polling locations established by Williamson County, which locations shall be attached hereto as **Exhibit "B"**. The Board authorizes and approves any changes to said exhibit necessary to reflect changes to early voting polling locations established by Williamson County. These places shall remain open on the dates and at the times set forth in **Exhibit "B"**. Bridgette Escobedo, Williamson County Elections Administrator, is hereby appointed as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Early voting shall commence on October 21, 2024 and continue through November 1, 2024. The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is 301 SE Inner Loop, P.O. Box 209, Georgetown, Texas 78627-0209. Electronic copies may be sent to: BBM@wilco.org (followed by a hard copy by mail no later than 4 business days after the electronic copy).

The address of the Early Voting Clerk to which ballot applications and ballots to be voted by mail may be sent or delivered is as follows:

Mailing Address:
Early Voting Clerk
Williamson County Elections Office
P.O. Box 209
Georgetown, TX 78627

Physical Location:
Early Voting Clerk
Inner Loop Annex
301 SE Inner Loop, Suite 104
Georgetown, TX 78626

Electronic copies may be sent to: BBM@wilco.org (followed by a hard copy by mail no later than 4 business days after the electronic copy).

Section 5: An Early Voting Ballot Board is hereby created to process early voting results. The early voting ballot board presiding judge and alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code.

Section 6: All resident, qualified electors of the District shall be entitled to vote at the election.

Section 7: At said election, there shall be submitted to the duly qualified resident electors of the District the matter of electing two (2) directors, one director for Place 2, and one director for Place No. 4, by submitting the names of those persons who have duly and legally filed as candidates for such office.

Section 8. The Williamson County Clerk may use a central count station as provided by Section 127.000 et. seq., as amended, Texas Election Code. The central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code.

Section 9: The election shall be held and conducted and returns shall be made to the Board in accordance with State and Federal law including the Help America Vote Act and the Texas Election Code as modified by Chapters 49 and 54, Texas Water Code, and the Election Agreement.

Section 10: Written application to have a person's name printed on the ballot as a candidate for the office of director of the District, signed by the candidate must be received by the Deputy Secretary to the Board of Directors of the District no later than 5:00 p.m. on August 19, 2024. No person's name shall be placed on the ballot unless he or she is at least eighteen (18) years of age, a citizen of the United States and a resident citizen of the State of Texas, and either owns land subject to taxation in the District or is a qualified voter within the District, and otherwise satisfies the qualifications for holding a public office contained in the Texas Election Code.

Section 11: The election shall be held and conducted and returns made to this Board of Directors in accordance with the Texas Election Code, as modified by Chapters 49 and 54, Texas Water Code.

Section 12: Pursuant to Section 49.103(h), Texas Water Code, the Secretary, upon receipt of certification that each candidate whose name is to appear on the ballot is unopposed, is authorized to post notice that the election is not to be held at the polling place that would have been used at the election. The notice of cancellation shall be posted on or before the commencement of early voting (October 21, 2024).

Section 13. Immediately after the election, the officers holding same shall make and deliver the returns of the results thereof to the Secretary to the Board of Directors, who shall safely keep them and deliver same to the Board of Directors at its next meeting, at which time the Board shall canvass said returns and declare the results of said election.

Section 14: The Secretary to the Board is hereby directed to cause notice of the election to be provided in accordance with the requirements of the Texas Election Code. The Secretary is further directed to deliver notice of the election to the County Clerk of Williamson County not later than the 60th day before election day. In the event the election is cancelled, no posting or publication of the notice is required.

Section 15: The rate of pay for judges and clerks of the election shall be determined according to the Election Agreement.

Section 17: The President and Secretary are authorized and directed to take any action necessary to carry out the provisions of this Order.


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PASSED AND APPROVED the 8 day of August 2024.



Michael Tucker
President, Board of Directors

ATTEST:


Ken Reifschlager
Secretary, Board of Directors

(SEAL)

EXHIBIT "A"

**ELECTION DAY POLLING PLACES
November 5, 2024**

SEE ATTACHED SCHEDULE PROVIDED BY WILLIAMSON COUNTY*

SUBJECT TO CHANGE

***As of the date this Order, Williamson County had not determined the Election Day precincts and polling places. As soon as this information is made available from Williamson County, it will be attached as Exhibit "A" to this Order.**

EXHIBIT “B”

EARLY VOTING SCHEDULE

SEE ATTACHED SCHEDULE PROVIDED BY WILLIAMSON COUNTY*

SUBJECT TO CHANGE

**As of the date this Order, Williamson County had not determined the Early Voting locations, dates and times. As soon as this information is made available from Williamson County, it will be attached as Exhibit “B” to this Order.*