

RESOLUTION 2022-07-003

**RESOLUTION TO ADOPT ORDER CALLING ELECTION ON THE UNIFORM
ELECTION DATE OF NOVEMBER 8, 2022**

The Agua Special Utility District ("Agua SUD" or "District") resolves as follows:

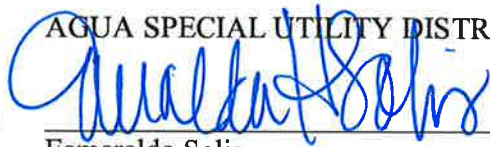
WHEREAS, the Board of Directors (the "Board") of the Agua Special Utility District ("Agua SUD" or "District") has the authority pursuant to Section 7201.055 of the Special District Local Laws Code to call a General Election on November 8, 2022 to elect Directors to the Board of the Agua SUD ("Directors"); and


WHEREAS, on the uniform election date in November of each even-numbered year, the District shall hold an election to elect the appropriate number of directors, as follows:

- one (1) Director from the territory of Agua SUD in District 4,
- one (1) Director from the territory of Agua SUD in District 5,
- one (1) Director from the territory of Agua SUD in District 6, and
- one (1) Director from the territory of Agua SUD in District 7.

NOW, THEREFORE, BE IT RESOLVED, that the Order Calling Election attached to this Resolution is hereby adopted and approved.

Adopted by the Agua Special Utility District this 11th day of July, 2022.

AGUA SPECIAL UTILITY DISTRICT
By: 
Esmeralda Solis
President, Board of Directors

Attest: 
Cesar Rodriguez,
Secretary, Board of Directors

ORDER CALLING ELECTION

WHEREAS, the Board of Directors (the "Board") of the Agua Special Utility District ("Agua SUD" or "District") has the authority pursuant to Section 7201.055 of the Special District Local Laws Code to call a General Election on November 8, 2022 to elect Directors to the Board of the Agua SUD ("Directors") as follows:

- one (1) Director from the territory of Agua SUD in District 4,
- one (1) Director from the territory of Agua SUD in District 5,
- one (1) Director from the territory of Agua SUD in District 6, and
- one (1) Director from the territory of Agua SUD in District 7.

WHEREAS, the Board also has the authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with other governing entities, which are political subdivisions also holding a general election on the same date; and

WHEREAS, the Board also has the authority pursuant to Chapter 31, Texas Election Code, to enter into a contract for election services with Hidalgo County, Texas.

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE AGUA SPECIAL UTILITY DISTRICT THAT:

Section 1. Call of Election: Date: Eligible Electors: and Hours. An election (the "Election") shall be held on Saturday, November 8, 2022, which is seventy-eight (78) or more days from the date of the adoption of this order (the "Order") within the territory of Agua SUD for Directors to serve on the Board of the District. The Election shall be held as follows:

- An election shall be held in the territory of Agua SUD within District 4, District 5, District 6 and District 7 for one (1) director each, in which only the resident qualified electors of that portion of Agua SUD within the respective subdistricts of District 4, District 5, District 6 or District 7 shall be entitled to vote for candidates in that election.

The candidate in each position receiving more votes in each respective subdistrict than any other candidate shall be elected Director for that respective position. If two or more candidate receives a tie for the number of votes cast, a second election shall be conducted in which the tied candidates shall participate, in accordance with the Texas Election Code.

The Board hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7 a.m. to 7 p.m.

Section 2. Conduct of Election, Election Services Agreement, Joint Election Agreement and Appointment of Election Officer. The Election shall be conducted by election

officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. An electronic voting system, as defined and described in Title 8 of the Texas Election Code, shall be utilized for the Election.

Pursuant to Chapter 31 of the Texas Election Code, the Board orders that the Election be conducted pursuant to an Election Services Contract with Hidalgo County. The contract is being developed by the Hidalgo County Election Administrator and, upon approval by the Board at a subsequent meeting, may be executed by the President of the Board or the Executive Director.

Pursuant to Chapter 271 of the Texas Election Code, the Board orders that the Election be conducted under the terms and conditions of the Agreement to Conduct Joint Elections between other participating subdivisions holding elections on November 8, 2022. Chapter 271 provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Board is expressly authorizing this action. This agreement may be approved by the Board at a subsequent meeting.

The Election Day Presiding Judge and Alternate Presiding Judge for each polling location shall be those designated by the Hidalgo County Elections Administrator.

Section 3. Voting Precincts. Except as otherwise provided herein, the presently existing boundaries and territory of the respective Hidalgo and Starr County Election Precincts, that are wholly or partially within the territorial boundaries of Agua SUD are hereby designated as the voting precincts of Agua SUD for the Election. The precinct numbers for Agua SUD's election precincts shall be the corresponding Hidalgo and Starr County Election Precinct Number for each precinct.

Section 4. Election Day Polling Places. The list of all of AGUA SUD's voting precincts and polling places is being set up by the Hidalgo County Election Administrator and will be approved in a subsequent meeting of the Board. The territory of Hidalgo and Starr County Election Precincts that are wholly or partially within the AGUA SUD are hereby combined for the election. The polling place for each voting precinct and for each combined voting precinct that is wholly or partially within this district will be those utilized.

Section 5. Early Voting. The Board appoints Yvonne Ramon, the Hidalgo County Elections Administrator as Agua SUD's Joint and Regular Early Voting Clerk.

Early Voting by Personal Appearance

Early voting by personal appearance shall be conducted at the dates, times and locations that will be presented to the District for approval at a subsequent meeting.

Early Voting by Mail

Ballot applications shall be addressed to Agua SUD's Regular Early Voting Clerk at the address indicated immediately below.

Yvonne Ramon, Hidalgo County Election Administrator
Mailing Address: P.O. Box 659, Edinburg, Texas 78540
Physical Address: 213 S Closner Blvd., Edinburg, Texas 78539
Office: 956-318-2570
Fax: 956-393-2039
Email: elections@co.hidalgo.tx.us

Section 6. Delivery of Voted Ballots; Counting. In accordance with the requirements of the Texas Election Code, after the close of voting on Election Day, the presiding election judges for each respective precinct shall deliver the ballot boxes for their respective precinct to the Central Counting Station. The early voting ballot board, at a time and in the manner permitted under the Texas Election Code, shall deliver the early voting ballots to the Central Counting Station.

Section 7. Canvassing of Returns: Declaring Results. The Election Officer, Yvonne Ramon, the Hidalgo County Elections Administrator, as Agua SUD's designated election officer under the Election Contract, shall make a written return of the Elections results to Agua SUD in accordance with the Election Code. The Board shall canvass the returns and declare the results of the Election.

If the Board finds at the time of canvassing the election results, that no candidate for a particular place for director has received the votes of a majority of the resident, qualified electors voting at the Election, including those voting early, then a run-off election will be ordered by the Board between the two candidates receiving the highest number of votes for the particular place at a time and under procedures appropriate under the Texas Election Code.

Section 8. Appointment of Custodian of Records. To the extent not otherwise provided for in Election Services Agreement, the Board appoints Cynthia Villarreal, an employee of Agua SUD, as the Custodian of Records ("Custodian") to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning the fiftieth (50th) day before and ending not earlier than the fortieth (40th) day after the day of the Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order in which names will appear on the ballot for the director positions and accept and maintain records regarding campaign expenditures that may be filed with the district.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of Agua SUD that are required by the Texas Election Code.

Section 9. Appointment of Agent. The Secretary to the Board may appoint, and the Board approves the Secretary's appointment of, Cynthia Villarreal, as the Secretary's agent ("Agent") to perform the duties of secretary related to the conduct and maintenance of records of

the Election as required under the Texas Election Code, Section 31.123 during the period beginning the fiftieth (50th) day before election day and ending not earlier than the fortieth (40th) day after the day of the election. The Executive Director is authorized to designate staff in the District to perform any or all of the various responsibilities of the Board's Agent.

The Agent shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Agent shall maintain the documents, records and other items relating to the election and shall be the Agent designated to receive documents on behalf of the District that are required by the Texas Election Code.

The Agent shall post notice of the location and hours of the office as required by the Texas Election Code.

Section 10. Notice of Election. Notice of the Election, stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within Agua SUD's territory at least 10 days and no more than 30 days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the Board's meetings no later than the 21st day before the Election.

Section 11. Election Information to be provided in Spanish. The Custodian of Records appointed by the Board shall be responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election and shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Custodian is hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 12. Training of Election Officials. Pursuant to the Election Code, a public school of instruction for all election officers shall be held as arranged or contracted by the Election Officer.

Section 13. Authorization to Execute. The President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the President of the Board and the Executive Director are authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 14. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED 11th day of July, 2022.



Esmeralda Solis
President, Board of Directors

Board of Directors

ATTEST:



Cesar Rodriguez,
Secretary, Board of Directors

[SEAL]