

ELECTION ORDER

Travis County Emergency Services District No. 17 Annexation – Unincorporated Area

This Election Order regarding an Annexation Petition – Unincorporated Territory is made the 16th day of August, 2021 in an open meeting of the Board of Commissioners of Travis County Emergency Services District No. 17 (“ESD 17”), and as to same, the ESD 17 Board of Commissioners makes the following findings and enters the following Orders:

A. Petition Requesting annexation of certain unincorporated areas in Travis County:

WHEREAS, the ESD 17 Board of Commissioners received on July 15, 2021 a Petition requesting inclusion into ESD 17 of certain territory (“Unincorporated Territory”), located in Travis County, pursuant to Section 775.051 of the Texas Health & Safety Code (“H&S Code”); and

WHEREAS, the ESD 17 Board of Commissioners determined that the Petition was legally sufficient under 775.051 of the H&S Code, and signed by not fewer than fifty (50) individuals who are registered voters owning taxable real property within Unincorporated Territory located in Travis County; and

WHEREAS, the Unincorporated Territory is described as the unincorporated areas situated within the boundaries of Travis County Emergency Services District No. 2 which are not included within the boundaries of ESD 17; and

WHEREAS, the ESD 17 Board of Commissioners called a public hearing for August 16, 2021 regarding the Petition, pursuant to Section 775.051(b), H&S Code, to be held at Wells Branch Community Center, Katherine Fleischer Park, 2106 Klattenhoff Dr., Austin, TX 78728; and

WHEREAS, following the posting and publication of the Notice of Public Hearing said public hearing was held at the appointed time and place, and public commentary on the subject matter was received by the ESD 17 Board of Commissioners; and

WHEREAS, following the public hearing the ESD 17 Board of Commissioners made the finding that the proposed annexation of all or a portion of the Unincorporated Territory into ESD 17 would be feasible and would benefit ESD 17; and

WHEREAS, pursuant to Section 775.051(e), H&S Code, the ESD 17 Board of Commissioners is not required to include all of the territory described in the Petition if the ESD 17 Board of Commissioners finds that a change is necessary or desirable; and

WHEREAS, the ESD 17 Board of Commissioners made no changes in the territory described in the Petition; and

WHEREAS, following said public hearing the ESD 17 Board of Commissioners approved the annexation,

NOW THEREFORE, IT IS ORDERED:

1. An election is hereby called and shall be held on November 2, 2021, being the next uniform election day, regarding the annexation and inclusion into ESD 17 of the Unincorporated Territory (described as the unincorporated areas situated within the boundaries of Travis County Emergency Services District No. 2 which are not included within the boundaries of ESD 17).
2. The ballot propositions regarding the annexation and inclusion into ESD 17 of the Pflugerville City Territory are as follows:
PROPOSITION A: "Adding the unincorporated areas situated within the boundaries of Travis County Emergency Services District No. 2 which are not included within the boundaries of Travis County Emergency Services District No. 17 to the Travis County Emergency Services District No. 17."
PROPOSITION B: "The unincorporated areas situated within the boundaries of Travis County Emergency Services District No. 2 which are not included within the boundaries of Travis County Emergency Services District No. 17 assuming its proportionate share of the outstanding debts and taxes of the Travis County Emergency Services District No. 17, if it is added to the district."
3. The ballots for the election shall provide for voting "for" or "against" the propositions. A vote "for" shall mean a vote in favor of the proposition, and a vote "against" shall mean a vote opposing the proposition.
4. A majority of the votes cast "for" or "against" adding the Unincorporated Territory situated within the boundaries of Travis County Emergency Services District No. 2 which are not within the boundaries of ESD 17 to the Travis County

Emergency Services District No. 17 shall determine if that proposition is adopted. Provided, however, for passage of the proposition of adding the Unincorporated Territory situated within the boundaries of Travis County Emergency Services District No. 2 which are not within the boundaries of ESD 17 to the Travis County Emergency Services District No. 17, the proposition must be approved by both the voters in ESD 17 and by the voters in the Unincorporated Territory.

5. The election shall be conducted as set forth in Article B of this Order.

B. Election Procedures:

1. The election on the Petition - Unincorporated Territory situated within the boundaries of Travis County Emergency Services District No. 2 which are not within the boundaries of ESD 17 shall be held in ESD 17 and the annexation area (Unincorporated Territory situated within the boundaries of Travis County Emergency Services District No. 2 which are not within the boundaries of ESD 17) on the 2nd day of November, 2021, between the hours of 7:00 a.m. and 7:00 p.m., as part of a joint election with Travis County and other entities.

2. The election shall be conducted such that the voters in ESD 17 shall vote on the Unincorporated Territory annexation propositions, and the voters in the Unincorporated Territory shall separately vote on the Unincorporated Territory annexation propositions.

3. The Notice of the Election shall be given and the election shall be held in compliance with the provisions of the Texas Election Code in all respects, and, as applicable, Section 775.051 of the H&S Code. The ballots for the election shall comply with the Texas Election Code and, as applicable, Section 775.051 of the Texas H&S Code, and shall be in the form as agreed by ESD 17 and the Travis County Election Officer for use on the voting devices and ballots used by the Travis County Election Officer.

(a) The Notice of Election shall be published in a newspaper of general circulation in the areas of ESD 17 and the Unincorporated Territory not earlier than the 30th day nor later than the 10th day before Election Day.

(b) A copy of the Notice of Election shall be posted, not later than the 21st day prior to Election Day, on the place/bulletin board used by ESD 17 to post its

meeting notices, and a copy of the Notice of Election shall be filed with the Travis County Clerk's Office.

4. **Dana DeBeauvoir**, the Travis County Election Officer/County Clerk, is hereby confirmed and appointed to serve as the ESD 17 Election Officer and Early Voting Clerk. The Election Officer's employees and appointees, along with the election judges, alternate election judges and election clerks appointed by the Travis County Election Officer are likewise designated and shall hold and conduct this election in the manner provided by the Election Agreement between ESD 17 and Travis County, and as provided under the Texas Election Code and, as applicable, Section 775.051 of the H&S Code.

(a) The main early voting polling place for this election shall be as established by Travis County Elections, in accordance with the Election Agreement.

(b) Early voting by personal appearance at the main early voting polling place shall be conducted on the weekdays of the early voting period and during the hours that the Travis County Clerk's main business office is regularly open for business.

5. All ballots, voting instructions, signs, and posters and other election materials required by Texas Election Code, shall be prepared in English and Spanish, and shall contain such provisions, instructions, markings and verbiage as required by law.

6. The election precincts for the election shall be those precincts established by Travis County, and administered by the Travis County Election Officer; provided, however, that (i) the ballots voted by the voters currently in ESD 17, and (ii) the ballots voted by the voters currently in the Unincorporated Territory shall be counted, tabulated and reported separately.

(a) As provided under Section 775.051(f) of H&S Code, annexation of the Unincorporated Territory is final when the annexation proposition of adding the Unincorporated Territory situated within the boundaries of Travis County Emergency Services District No. 2 which are not within the boundaries of ESD 17 to the Travis County Emergency Services District No. 17, is approved by a

majority of the voters in ESD 17 at this election, and approved by a majority of the voters in the Unincorporated Territory at this election.

(b) All qualified voters in ESD 17, and in the Unincorporated Territory shall be entitled to vote in the election.

7. Precinct designations and Polling Places shall be those county precincts and voting locations approved as provided in and as set forth under the Election Agreement, or otherwise as agreed by Travis County and ESD 17.

8. Early Voting by personal appearance and by mail will be conducted and coordinated by the Travis County Elections Officer, who is also hereby designated as the Early Voting Clerk for this election. Early Voting by personal appearance shall be held at those places so selected and designated by the Travis County Elections Officer. Early voting shall commence on October 18, 2021 and shall continue through October 29, 2021. Election day and early voting locations shall be as established by Travis County Elections and are subject to change.

9. Robert Humphrey, is hereby appointed to serve as the ESD 17 custodian of election records, and its Board Recorder. As such he will assist Travis County whenever possible when the conduct of the election requires assistance from ESD 17 departments and staff. Robert Humphrey will also serve as the Regular Early Voting Clerk for ESD 17 to receive requests for applications for early voting ballots and forward these applications to the Joint Early Voting Clerk.

10. Applications for voting by mail for all voters in the election must be submitted by personal/commercial delivery no later than October 15, 2021, or received by mail no later than 5:00 p.m. on October 22, 2021.

Applications for voting by mail shall be sent by US Postal Mail or personal/commercial delivery, or, as permitted by law, telefax, or email.

(a) The address for US Postal Mail is:

Travis County Early Voting Clerk

P.O. Box 149325

Austin, TX 78714-9325

(b) The address for personal/commercial delivery is:

5501 Airport Boulevard
Austin, TX 78751
(c) Fax: 515-854-3969
(d) Email: ebbm@traviscounty.org

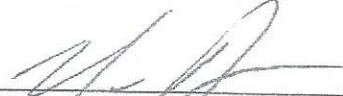
11. As soon as practicable, and as provided in the Election Agreement, after the elections the election officials holding same shall make and deliver the returns and the results thereof to the ESD 17 Board as provided under the Election Agreement, for the Board to canvass the returns and declare the results of the election.

12. The ESD 17 secretary shall post and publish the Notice of Election in the form as required by law, and as provided under the Election Agreement between ESD 17 and Travis County. By this Order, the Austin-American Statesman is designated as the newspaper for publication.

13. The ESD 17 president is authorized to execute the Joint Election Agreement and all applicable contracts, notices and other documents relevant to this election or otherwise appropriate for the conducting of the November 2, 2021 annexation election.

Signed this 16th day of August, 2021.

TRAVIS COUNTY EMERGENCY
SERVICES DISTRICT NO. 17

By: 
Mike Howe, President

Date: 8/16/2021

Attest:

By: 
Vicky Linsalata, Secretary