

**ORDER CALLING THE MAY 6, 2023 DIRECTOR  
ELECTION OF HMW SPECIAL UTILITY DISTRICT OF  
HARRIS AND MONTGOMERY COUNTIES;  
AUTHORIZING NOTICE THEREOF; AND  
CONTAINING OTHER PROVISIONS RELATING THERETO**

WHEREAS, the HMW Special Utility District of Harris and Montgomery Counties (the "District") was formed on March 13, 1998, by order of the Texas Natural Resource Conservation Commission (the "Commission"), under Sections 65.020 and 65.021, Texas Water Code, confirmed by the voters of the District at its confirmation election on May 2, 1998, and is an existing Texas special utility district under Chapters 49 and 65, Texas Water Code, composed of noncontiguous areas of Montgomery County and Harris County, in the State of Texas;

WHEREAS, the District is governed by an elected board of directors, as further provided by pertinent provisions of Subchapters C and D of Chapter 49, and Subchapter C of Chapter 65, Texas Water Code;

WHEREAS, an annual election is required to be held within the District under Sections 49.101, 49.103 and 65.103, Texas Water Code, for the purpose of electing persons to serve as directors for the District;

WHEREAS, the Board of Directors of the District hereby declares it to be necessary to call the election hereinafter described, to authorize the giving of notice of the election, to prescribe the manner in which the election shall be conducted, and to authorize and take all such other actions as are necessary in order to hold the election;

NOW THEREFORE, THE FOLLOWING ORDER IS ADOPTED BY  
THE BOARD OF DIRECTORS OF THE HMW SPECIAL UTILITY  
DISTRICT OF HARRIS AND MONTGOMERY COUNTIES:

1. **Nature, Date and Time of Election.**

An election shall be held for and within the District on May 6, 2023, between 7:00 o'clock a.m. and 7:00 o'clock p.m., for the purpose of electing directors for Director Positions No. 1 and No. 2 of the District, pursuant to the provisions of Sections 49.101, 49.103 and 65.103, Texas Water Code, and the applicable provisions of the Texas Election Code.

2. **Director Positions and Terms of Office.**

In the election to be held on May 6, 2023, the following director positions shall be filled by directors elected to new terms of office. The positions and terms of office shall be as follows:

- a. Position No. 1 shall serve for three years, and its term of office shall expire on or before three calendar years following the District's official canvass of such election; and
- b. Position No. 2 shall serve for three years, and its term of office shall expire on or before three calendar years following the District's official canvass of such election;

Following the election to be held pursuant to this order, the persons elected to Positions No. 1 and No. 2 shall assume their duties as required by law.

3. **Polling Places and Election Precincts.**

- a. **Polling Locations.** The director election shall be held at the following polling places within the District in the voting precincts hereafter established:

<b><u>Election Precinct Number</u></b>	<b><u>Polling Place</u></b>
<b>1</b>	<b>HMW Special Utility District of Harris and Montgomery Counties 26726 Decker-Prairie-Rosehill Rd., Magnolia, Texas 77355</b>
<b>2</b>	<b>Bussell &amp; Sons, LLC 21820 Mueschke Rd. Tomball, Texas 77377</b>

The Board of Directors may relocate the polling places within the District as required in the event the designated polling places are not available.

The Board of Directors shall by written order appoint a presiding election judge and an alternate presiding election judge for each election precinct, each of whom must be a qualified voter of the precinct for which he or she is appointed. The presiding election judge for each precinct may appoint not more than two clerks to assist in conducting such election, all of whom shall be qualified voters of the District.

- b. **Election Precincts.** Qualified voters who reside within the District and in Montgomery County, Texas, may cast their ballots at Election Precinct No. 1. Qualified voters who reside within the District and in Harris County, Texas, may cast their ballots at Election Precinct No. 2.

4. **Form of Ballot.**

Voting in such election on election day shall be by electronic machine. Ballots for the election shall be prepared in accordance with the applicable requirements of the Texas Election Code, as amended, and applicable provisions of the Texas Water Code, as amended. In addition to all other ballot requirements, the ballot shall have printed at the top thereof the following:

**OFFICIAL BALLOT  
HMW SPECIAL UTILITY DISTRICT OF  
HARRIS AND MONTGOMERY COUNTIES,  
IN THE STATE OF TEXAS  
DIRECTOR ELECTION**

There shall be printed on the ballot the names of all candidates for Director Positions No. 1 and No. 2 of the District.

1The order in which the names appear on the ballot shall be determined by random selection, by lot, whereby the Secretary of the Board of Directors places the name of each of the candidates for Positions No. 1 and No. 2 on a slip of paper, all such slips of paper are mixed in a receptacle, and then such slips are drawn therefrom. The names of the candidates for Director shall be printed on the ballot, by position, in the order in which they are drawn from such receptacle. In order to vote for a candidate, a voter shall mark the ballot electronically opposite the name of the candidate for whom he desires to vote. Each voter may vote for one director candidate for Positions No. 1 and 2. If the voter desires to vote for a person whose name does not appear on the ballot, such voter shall indicate the name of the person for whom he desires to

vote on the ballot in spaces to be provided and designated on the ballot for such purpose.

5. **Early Voting.**

The Board of Directors shall appoint a qualified voter of the District to serve as the Clerk for Early Voting. The Clerk for Early Voting shall conduct the early voting in accordance with the provisions of the Texas Water Code, as amended, and the Texas Election Code, as amended.

Early voting by personal appearance shall be by electronic ballot as aforesaid at the early voting polling place. The early voting polling place is 26726 Decker Prairie-Rosehill Road, Magnolia, Texas 77355, being a public place within the boundaries of the District. The Clerk for Early Voting shall keep the office for early voting by personal appearance open for such purpose from 9:00 o'clock a.m. to 5:00 o'clock p.m. on each day which is not a Saturday, Sunday, or an official state holiday, beginning on April 24, 2023, and continuing through May 2, 2023. In addition, the Clerk for Early Voting shall keep the office for early voting open from 7:00 o'clock a.m. to 7:00 o'clock p.m. on the day of the general election, which is May 6, 2023, for the purpose of receiving early voting ballots voted by mail.

Early voting ballots for voting by mail, which shall be paper ballots, the form of which shall comply with the Texas Election Code, as amended, may be obtained from and mailed, delivered by common or contract carrier, or sent by telephonic facsimile machine ("fax") to the Clerk of Early Voting at P.O. Box 837, Pinehurst, Texas 77362, Fax (281) 356-7667. As soon as practicable after the date on which the ballots are prepared, the Clerk for Early Voting shall mail an early voting ballot to be voted by mail to each voter who submits a proper application therefor and which has been duly received by 5:00 o'clock p.m. on April 25, 2023. To be counted, early voting ballots voted by mail must be received in the form and manner provided in the Texas Election Code, as amended, before 7:00 o'clock p.m. on election day, which is May 6, 2023.

6. **Eligible Candidates.**

Candidates for Director must meet the following qualifications:

- a. Be at least eighteen years of age;
- b. Be a resident citizen of the State of Texas; and
- c. Either own land subject to taxation in the District, be a user of the facilities of the District, or be a qualified voter of the District.

Candidates for Director must meet the applicable eligibility requirements for public office provided in Section 141.001 and, as applicable, Chapter 144, Texas Election Code, as amended.

The first day for director candidates to file for a place on the ballot is January 18, 2023.

Each candidate shall file their application for a place on the ballot and complete all related filing requirements on or before 5 :00 p.m. on Friday, February 17, 2023, as provided by Section 144.005, Texas Election Code.

7. **Certification and Election of Unopposed Candidates.**

In the event that only one (1) eligible candidate applies for a place on the ballot for Director, Position No. 1 and Position No. 2, or any of such positions, and all other requirements are met under Sections 2.051 and 2.052(a)(2), Texas Election Code, the District shall certify the unopposed status of each candidate for whom such requirements are met under Section 2.052, Texas Election Code, and thereafter declare the election to office of each such candidate under Section 2.053, Texas Election Code.

8. **District Boundaries.**

The boundaries of the District are set forth in the order of the Commission dated March 13, 1998. Such boundaries enclose certain non-continuous areas of Montgomery County and Harris County, in the State of Texas. Descriptions of such boundaries, together with a map thereof, that further show the areas within the election precincts for Montgomery County and Harris County, respectively, are attached as Exhibit A to this order as subsequently amended by the final orders of the Texas Public Utility Commission and Texas Commission for Environmental Quality.

9. **Eligible Voters.**

All qualified voters who reside within the boundaries of the District shall be entitled to vote at the election.

10. **Applicable Law.**

The election shall be held and conducted in accordance with the applicable provisions of the Texas Election Code, as amended, and the Texas Water Code, as amended, and in accordance with the terms of this Order.

11. **Returns and Canvass.**

Immediately after the election, each presiding election judge for each precinct shall make, or cause to be made, returns of the results to the Board of Directors, which shall canvass the returns and declare the results not earlier than the third (3<sup>rd</sup>) day after the election day, May 9, 2023, nor later than the eleventh (11<sup>th</sup>) day after the election day, May 17, 2023.

12. **Notice.**

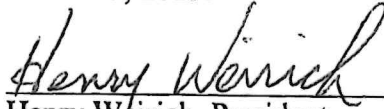
The President of the Board of Directors shall forthwith cause to be posted on the bulletin board used for posting notices of the meetings of the HMW Special Utility District of Harris and Montgomery Counties at 26726 Decker Prairie-Rosehill Road, Magnolia, Texas 77355, a Notice of Election stating in substance the content of this Order, the time and place of such election, the places where the polls shall be open, and all other matters which are required by law to be stated in the Notice of Election. The Notice of Election shall be prepared in accordance with the provisions of the Texas Election Code, as amended, the Texas Water Code, as amended, and any other applicable laws, state or federal. Such posting is to be done on or before April 15, 2023. Additionally, such officer shall give notice of the election by causing the Notice of Election to be published at least once, not earlier than the thirtieth (30<sup>th</sup>) day preceding the election day, April 6, 2023, nor later than the tenth (10<sup>th</sup>) day before election day, April 26, 2023, in a newspaper published in the territory that is covered by the election and is in the jurisdiction of the District, or alternatively by posting in each election precinct in which the election shall be held, or otherwise as provided by law. Further, such officer may cause the publication of such Notice in such other places as he deems necessary and advisable.


13. **Officers' Duties.**

The President and Secretary of the Board of Directors and their designees are hereby authorized and directed, on behalf of such Board of Directors, to evidence adoption of this Order and to do any and all things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent and purpose of this order. Such authorization shall include, without limitation, the authority to supply to the Clerk for Early Voting all necessary equipment, ballot boxes, poll lists, stub boxes, tally sheets, and other election supplies necessary for conducting the early voting and shall likewise include the due provision for a voting system by paper ballot and all necessary supplies to each polling place on the date of the general election.



This Order was passed, adopted and approved on December 21, 2022 and amended on March 15, 2023.

  
Henry Weirich, President  
Board of Directors  
HMW Special Utility District of  
Harris and Montgomery Counties

  
Mike Jones, Assistant Secretary  
Board of Directors  
HMW Special Utility District of  
Harris and Montgomery Counties