

ORDER CALLING ELECTION FOR CREATION OF THE WALLER COUNTY
ASSISTANCE DISTRICT NO. 4 AND IMPOSITION OF A SALES AND USE TAX

WHEREAS, the Commissioners Court of Waller County (the "County") has determined that there are certain important public services, projects and programs that lack funding within the County; and

WHEREAS, Chapter 387, Local Government Code (the "Act"), authorizes the County to create County Assistance Districts and to adopt a local sales tax to assist in funding certain public services, projects and programs; and

WHEREAS, the Act provides that in order to create a county assistance district, a commissioners court of a county must call an election on the question of creating a county assistance district to perform certain functions within the district including the construction, maintenance, or improvement of roads or highways; the provision of law enforcement and detention services; the maintenance or improvement of libraries, museums, parks, or other recreational facilities; the provision of services that benefit the public health or welfare, including the provision of firefighting and fire prevention services; or the promotion of economic development and tourism; and

WHEREAS, the Commissioners Court of the County proposes to create the Waller County Assistance District No. 4 (the "District") to perform those functions stated in the Act, to have all powers as authorized by the Act, as amended from time to time, and to call an election on the question of creation of the District, defining the boundaries of the District as shown as CAD 4 on the map, attached as **Exhibit A**, which is a representation of the GIS Data File and is incorporated herein by reference, a copy of which is available at the County Engineer's Office on file with the County Clerk, and the imposition by the District of a tax on the sale of all taxable items within certain areas of the District at a rate not to exceed one percent (1%) of the sales price of the taxable item sold; and

WHEREAS, the County has determined that the combined rate of sales and use taxes imposed by political subdivisions of the State within those certain areas within the proposed boundaries of the District, including the rate to be imposed by the District, if approved at this election, would not exceed the maximum allowable rate; and

WHEREAS, as the District does not include territory within the corporate limits or extraterritorial jurisdiction of a municipality, the County is not required to send notice to a governing body of a municipality of its intent to create the District prior to calling this election pursuant to the Act; and

WHEREAS, the Commissioners Court intends for the map in the attached **Exhibit A** to form a closure and accurately depict the entire boundaries of the District. The District's imposition of a sales and use tax will only apply to those areas located within its boundaries and in those areas of the County in which the current sales and use tax

imposed by local political subdivisions is one percent (1%) or less (the "Available Portions of the Boundaries of the District"). To the extent that a mistake is made in the property description such that the boundaries of the District extend into an area in which less than one percent (1%) of sales and use tax is currently available, that portion of the boundaries shall be deemed to be excluded from the District; and

WHEREAS, the County intends for the primary purpose of the District to be the construction, maintenance, or improvement of roads, highways, bridges and drainage facilities but, the District may perform any other lawfully permitted purpose under the Act; and

WHEREAS, the Commissioners Court of the County wishes to proceed with the ordering of said election;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF WALLER COUNTY 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 and are incorporated herein.

Section 2. Subject to the provisions of the Texas Election Code, the County will administer the election to be held on November 8, 2022, at the hours of and at the polling locations designated by the County in the County election precincts that contain territory of the proposed District. The Waller County Elections Administrator, Christy A. Eason (the "Administrator"), shall conduct the election on behalf of the County and the proposed District, at which there shall be submitted the questions of the creation of the District and the imposition of a sales and use tax.

Section 3. The following proposition shall be submitted to the resident electors of the District:

PROPOSITION

SHALL WALLER COUNTY ASSISTANCE DISTRICT NO. 4 BE CREATED AND A SALES AND USE TAX BE IMPOSED WITHIN THE AVAILABLE PORTIONS OF THE BOUNDARIES OF THE DISTRICT AT THE RATE OF ONE PERCENT (1%) FOR THE PURPOSE OF FINANCING THE OPERATIONS OF THE DISTRICT?

Section 4. Voting in the elections for the proposition shall be by the use of paper ballots or electronic voting system ballot, pursuant to the Texas Election Code. Ballots shall be available in both English and Spanish and shall conform to the requirements of the Texas Election Code. The ballots used in the elections shall contain the following:

OFFICIAL BALLOT

- | | |
|-------------|---------------------------------------|
| () FOR |) AUTHORIZING THE CREATION OF THE |
| |) WALLER COUNTY ASSISTANCE DISTRICT |
| () AGAINST |) NO. 4 AND THE IMPOSITION OF A SALES |
| | AND USE TAX AT THE RATE OF ONE |
| | PERCENT (1%) FOR THE PURPOSE OF |
| | FINANCING THE OPERATIONS OF THE |
| | DISTRICT. |

Each voter shall vote either “FOR” or “AGAINST” by marking the ballot in the manner provided by the Administrator.

Section 5. Oral assistance in Spanish shall be made available to all persons requiring such assistance. Any person requiring oral assistance in Spanish should contact the presiding judge or early voting clerk.

Section 6. The boundaries of the District as depicted on **Exhibit A** attached hereto are hereby established by the Court. The Administrator shall appoint the presiding judges and clerks for the election. The Administrator may appoint, as he or she deems necessary, clerks to assist in the conduct of the election. If the regularly appointed presiding judge is unable to serve at the election, the alternate presiding judge shall serve as the presiding judge for the election. If the election is conducted by the regularly appointed presiding judge, he/she may appoint the alternate presiding judge as one of the clerks to serve at the election.

Section 7. The hours and locations at which early voting by personal appearance shall be the hours and locations of the early voting locations designated by the County for its November 8, 2022, election. The clerk for early voting shall be the Administrator, and the place at which early voting by personal appearance shall be conducted is to be determined by the County. The Administrator shall appoint the early voting clerk for early voting. The early voting clerk’s mailing address to which ballot applications and ballots to be voted by mail may be sent is 816 Wilkins Street, Hempstead, Texas 77445 or by email to vote@wallercounty.us.

Section 8. The early voting ballot board shall be appointed by the Administrator.

Section 9. The election shall be held and conducted and returns shall be made to the Commissioners Court in accordance with the Texas Election Code except as may be modified by the Act.

Section 10. All qualified resident electors of the proposed District shall be entitled to vote in the election.

Section 11. The County is the custodian of the election records and shall maintain election records in accordance with the Texas Election Code.

Section 12. The rate of pay for judges and clerks of the election shall be determined by the Administrator.

Section 13. In accordance with Section 4.003, Texas Election Code, the County is hereby directed to cause notice of this election to be published and/or posted in English and Spanish.

Section 14. In the event the election results favorably for the proposition submitted, the Waller County Assistance District No. 4 shall be created, the boundaries of the District shall be defined, and the District may impose a sales and use tax to finance any and all powers, functions, and operations of the District at a rate of one percent (1%).

Section 15. The Commissioners Court and the officers and employees of the County are authorized and directed to take any action necessary to carry out the provisions of this order.

Section 16. It is hereby found that the meeting at which this Order has been considered and adopted is open to the public, as required by law, and that written notice of the time, place, and subject matter of said meeting, and of the proposed adoption of this Order, was given as required by Chapter 551, Texas Government Code. The Commissioners Court further ratifies and confirms said written notice and the contents and posting thereof.

PASSED AND APPROVED this _____, 2022.

Carbett "Trey" J. Duhon III, County Judge

ATTEST:

Debbie Hollan, County Clerk

(SEAL)

EXHIBIT A
MAP OF WALLER COUNTY ASSISTANCE DISTRICT NO. 4

