

**ORDER FOR ELECTION TO BE HELD MAY 6, 2023 ON THE PROPOSITION OF AUTHORIZING A TWO PERCENT (2%) SALES TAX IN FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 2 PURSUANT TO HEALTH & SAFETY CODE §775.0751 AND §775.0752**

**WHEREAS**, FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 2 (the "District") operates pursuant to Texas Constitution, Article III, § 48-e, and Chapter 775, Health & Safety Code; and

**WHEREAS**, the District is a Fort Bend County District and is therefore governed by an appointed Board of Emergency Services Commissioners under Chapter 775, Health & Safety Code; and

**WHEREAS**, §775.0345, Health & Safety Code, requires that such Election be held in conformity with § 41.001, of the Texas Election Code, providing for Uniform Election Dates; and

**WHEREAS**, §775.0751, Health & Safety Code, provides that the District may adopt a sales and use tax at an election held as provided by §775.0752; and

**WHEREAS**, the District may impose the tax at a rate from one-eighth of one percent to two percent in increments of one-eighth of one percent; and

**WHEREAS**, the District may not adopt a tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the District and other political subdivisions of this state having territory in the District would exceed two percent (2%) at any location in the District; and

**WHEREAS**, the District specifically excludes from the application of any increase in its sales and use tax rate any areas where the combined rate does currently or would as a result of the election and application of the District's entire two percent (2%) exceed a total local sales and use tax of two percent (2%); and

**WHEREAS**, the District Board of ESD Commissioners finds that it would be in the best interests of the District and the residents and commercial interests situated in the District to afford the eligible voters within the District the opportunity to determine whether the District should impose a local sales and use tax at a rate of two percent (2%), **excluding any areas** where there currently exists a two percent (2%) local sales and use tax; and

**WHEREAS**, Health & Safety Code, §775.0752 and Tax Code, §323.403, requires that such Election be held on the next uniform election day not less than 30 days after the day on which the order calling the election was passed,

**WHEREAS**, the next uniform date for an election called under such circumstances is May 6, 2023,

**NOW, THEREFORE, IT IS HEREBY ORDERED** that an Election be held in Fort Bend County Emergency Services District No. 2 on Saturday, May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m., on the following proposition:

“The adoption of a local sales and use tax in FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 2 at a rate not to exceed two percent (2%) in any location in the district.”

**IT IS FURTHER ORDERED** that:

1. The ballot for the Sales Tax Election shall provide for voting "for" or "against" the above stated proposition. A majority of the votes cast either "for" or "against" the proposition shall determine whether the proposition is adopted. A vote "for" shall mean a vote in favor of the proposition and a vote "against" shall mean a vote against the proposition.

2. The election will be held jointly with Fort Bend County and other entities participating in the Joint Election held by Fort Bend County.

3. The election will be conducted by the Fort Bend County Elections Office under the terms of the Joint Election Agreement and Contract for Election Services (“the Agreement”) promulgated by the Fort Bend County Elections Office. To the full extent allowed by law, the District delegates to the Fort Bend County Elections Administrator all election duties described in the Agreement.

4. The Election shall be held within the Election Precincts and at the Polling Places designated by the Elections Administrator (also called “Contracting Officer”) pursuant to the Fort Bend County Election Order for the Fort Bend County elections scheduled for May 6, 2023, subject to any such changes as may be made under the authority of such Order. The designation is adopted and approved by the Board of ESD Commissioners.

5. Only persons qualified to vote within the geographic boundaries of Fort Bend County Emergency Services District No. 2, shall be allowed to vote in the Fort Bend County Emergency Services District No. 2 Election and each voter shall vote at the Polling Place designated by Order of Fort Bend County Emergency Services District No. 2.

6. The voting in the District's Election Precincts shall utilize an Electronic Voting System procured and certified by the Fort Bend County Elections Office. Fort Bend County's certified electronic voting equipment is to be used in the May 6, 2023 Joint Election, as described in the Joint Election Agreement and/or Election Services Agreement.

7. **John Oldham**, Fort Bend County Election Administrator is hereby designated as the Early Voting Clerk for the Election. Early voting shall be conducted from April 24, 2023 (the date which represents the earliest date on which early voting may begin) through May 2, 2023 (the date which represents the last day on which early voting may be performed). As ordered by the District Board of Emergency Services Commissioners, early voting will be conducted on the days and hours and at the locations designated by the Elections Administrator pursuant to the Order of Fort Bend County for the Fort Bend County elections.

8. For the use of those voters in the District who are entitled by law to vote early by mail, the Early Voting Clerk above named shall receive applications for early voting ballots to be voted by mail in accordance with the Texas Election Code. For the use of those voters who are entitled by law to vote an early voting ballot by mail, the District shall provide each voter with a paper ballot and instructions to make a mark on the paper ballot.

9. As described in the Election Services Agreement, the District Board orders that ballot applications and ballots voted by mail shall be sent to the Early Voting Clerk at Fort Bend County Clerk's Office, Attn: Elections Division, 301 Jackson Street, Richmond, Texas 77469 or as otherwise designated by the Fort Bend County Early Voting Clerk. The ballot applications must be received by April 25, 2023, at 5:00 p.m. If any Application for Ballot By Mail is submitted by email or fax or if a Federal Post Card Application is submitted by fax, to be effective, the application must also be submitted by mail and be received not later than the fourth (4th) business day after it is received by email or fax. All requests for early voting ballots to be voted by mail that are received by the District shall be forwarded in person or by email or fax to the Contracting Officer on the day of receipt. Original applications that are received by mail and forwarded by email or fax must also be mailed to the Contracting Officer for all processing.

10. The following concurrent and subsequent Orders, among other Orders, may be made by the District to facilitate the Election: Order Approving and Appointing an Agent; Order Establishing And Designating Election Precincts And Polling Places; Order Appointing Presiding Election Judge(s); Order Appointing Early Voting Ballot Board; Order Appointing An Early Voting Clerk; Order Establishing And Designating A Polling Place.

11. In accordance with all applicable Federal and State law, there shall be provided Spanish translation of the ballot as well as other applicable election materials.

12. This Order constitutes the Election Order of Fort Bend County Emergency Services District No. 2 Election to conduct an election on the proposition "The adoption of a local sales and use tax in FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 2 at a rate not to exceed two percent (2%) in any location in the district." The Notice of the Election shall be prepared in accordance with the law and shall be given by publication of the Notice of Election along with the Order designating the Voting Precincts and Polling Places for the Election. Such publication shall be made one time in a daily newspaper of general circulation within the geographic boundaries of the District, said publication to be made not earlier than the 30th day nor later than the 10th day before the Election Date. Further, a copy of such Notice shall, not later than the 21st day before the Election Date, be posted on the bulletin board or other place conspicuous to the public used for posting Notices of the meetings of the District Board of ESD Commissioners and a copy shall be filed with the County Clerk of Fort Bend County, Texas. After publication, the District Board of ESD Commissioners shall retain a copy of the published Notice that contains the name of the newspaper in which it was published and the date of publication.

ADOPTED at Open Meeting this the 8<sup>th</sup> day of February 2023, by a vote of 5 to 0.



**FORT BEND COUNTY EMERGENCY  
SERVICES DISTRICT NO. 2**

By: Robert Miller  
Robert Miller  
President

ATTEST:

By: Wes Noonan  
Wes Noonan  
Secretary