

ORDER FOR ELECTION TO BE HELD MAY 4, 2024 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, Texas 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, Texas 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, Texas Health & Safety Code, provides that the District may adopt a sales and use tax at an election held as provided by §775.0752 of the Texas Health & Safety Code; 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, Texas Health & Safety Code, §775.0752 and Texas 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 4, 2024,

NOW, THEREFORE, IT IS HEREBY ORDERED that an Election be held in Fort Bend County Emergency Services District No. 2 on Saturday, May 4, 2024, 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. Election shall be by a plurality vote.

4. The Election shall be held within one (1) District Election Precinct and at the Polling Place designated by Order of the District Board of Emergency Services Commissioners, subject to any changes as may be made under the authority of such Order:

Fort Bend County Precincts

Location

1004, 1014, 1038, 1122, 1130,
1133, 1142, 1143, 1144, 1145,
1146, 1148, 1156, 1159

Willowfork Fire Department Station 2
26950 Cinco Ranch Blvd.
Katy, Texas 77494

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 the Verity Voting System (Hart version 2.5) as certified by Texas Secretary of State, April 1, 2020.

7. **Keri Reitenour**, is hereby designated as the Early Voting Clerk for this Election. Early voting shall be conducted on weekdays from April 22, 2024 (the date which represents the earliest date on which early voting may begin) through April 30, 2024 (the date which represents the last day on which early voting may be performed). The location of main early voting is designated as follows:

**9:00 a.m. – 6:00 p.m., Willowfork Fire Department Station 2
26950 Cinco Ranch Blvd., Katy, Texas 77494**

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. Ballot applications and ballots voted by mail shall be sent to the Early Voting Clerk at **Willowfork Fire Department Station 2, 26950 Cinco Ranch Blvd., Katy, Texas 77494**. There shall be no provision for telephonic facsimile transmission of ballot applications. The ballot applications must be received by April 23, 2024, at 5:00 p.m.

11. 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 Judges; Order Appointing Early Voting Ballot Board; Order Appointing an Early Voting Clerk.

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

13. 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 14th day of February 2024, 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