



**SECHRIST · DUCKERS**  
L L P

6300 WEST LOOP SOUTH, SUITE 415  
BELLAIRE, TEXAS 77401

**TERRIE L. SECHRIST, P.C.**  
Telephone: (713) 395-4200, ext. 102  
Telefax: (713) 395-4201  
[tsechrist@s-dlawfirm.com](mailto:tsechrist@s-dlawfirm.com)

**LAW OFFICE OF SARAH A. DUCKERS, P.C.**  
Telephone: (713) 395-4200, ext. 101  
Telefax: (713) 395-4201  
[sduckers@aol.com](mailto:sduckers@aol.com)

October 4, 2022

**VIA EMAIL: [john.oldham@fortbendcountytexas.gov](mailto:john.oldham@fortbendcountytexas.gov)**

Mr. John Oldham  
Fort Bend County Elections Administrator  
4520 Reading Road, Suite A-400  
Rosenberg, Texas 77471

Re: Burney Road Municipal Utility District (the "District") –  
Order Declaring Candidates Elected

Dear Mr. Oldham:

Please be advised that the captioned District has cancelled its Directors Election originally scheduled for November 8, 2022. Enclosed is a copy of the District's Order Declaring Candidates Elected and Canceling the 2022 Directors Election (the "Order") in English and in Spanish.

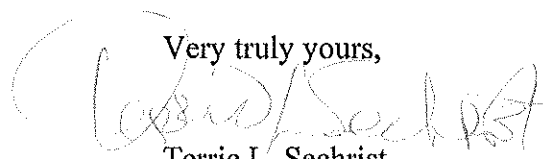
Pursuant to Section 2.053(b) of the Texas Election Code and Section 49.103(h) of the Texas Water Code, a municipal utility district that has cancelled its election must post the Order at the early voting places before the commencement of early voting (Monday, October 24, 2022), and at the polling places that would have been used for the election had the election been held.

It is our understanding that District voters are permitted to cast ballots at any early voting location or election day polling location in Fort Bend County. Therefore, please have the enclosed Order posted at all early voting and election day polling places designated for the District's November 8, Directors Election from **7:00 a.m. on Monday, October 24 until 7:00 p.m. on Tuesday, November 8, 2022.**

Please verify receipt of this letter by email acknowledgment to [tsechrist@s-dlawfirm.com](mailto:tsechrist@s-dlawfirm.com) and the posting of the Order by completing the enclosed Certificate of Posting and returning it to the undersigned via email to [tsechrist@s-dlawfirm.com](mailto:tsechrist@s-dlawfirm.com).

Mr. John Oldham  
Fort Bend County Elections Administrator  
October 4, 2022  
Page 2

Thank you for your assistance. Should you have any questions, please feel free to contact the undersigned at (713) 395-4204.

Very truly yours,  
  
Terrie L. Sechrist

\\sd-sbs\shared\SECHRIST\BurneyRoadMUD\Directors Election 2022\Corr\PostingLtr(OrderDeclaringCandidatesElected).doc  
Enclosures

**CERTIFICATE OF POSTING**

A copy of the Order Declaring Candidates Elected and Canceling the 2022 Directors Election (the "Order"), adopted by the Board of Directors of Burney Road Municipal Utility District, was posted at all Fort Bend County early voting polling places for the November 8, 2022, election (the "Election") on the \_\_\_\_\_ day of October, 2022, and the Order remained posted at the early voting polling places through 7:00 p.m. on November 8, 2022. The Order also was posted at all Fort Bend County polling places designated for the Election from 7:00 a.m. to 7:00 p.m.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**BURNEY ROAD MUNICIPAL UTILITY DISTRICT**

**CERTIFICATE FOR ORDER**

I, the undersigned officer of the Board of Directors (the "Board") of Burney Road Municipal Utility District (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, on October 3, 2022, at a meeting place thereof, and the roll was called of the members of the Board, to-wit:

Mark Johnson	President
Lydia Rosenthal	Vice President
Cynthia Van Deursen	Secretary
J. Stuart Nixon	Deputy Secretary
Douglas Otto	Director

All of the members of the Board were present, except Director(s) \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting: A written

**ORDER DECLARING CANDIDATES ELECTED AND CANCELING  
THE 2022 DIRECTORS ELECTION**

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted, and, after due discussion, such motion, carrying with it the adoption of such Order, prevailed and carried by the following vote:

AYES: 5 NOES: 0

2. A true, full and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the Order has been duly recorded in the Board's minutes of such meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Order would be introduced and considered for adoption at the meeting; and the meeting was open to the public, as required by law; and public notice of the time, place and purpose of the meeting was given, all as required by V.T.C.A. Government Code, Chapter 551 and Section 49.063, Texas Water Code, as amended.

SIGNED AND SEALED this 3<sup>rd</sup> day of October, 2022.



  
Secretary, Board of Directors

**BURNEY ROAD MUNICIPAL UTILITY DISTRICT**

**ORDER DECLARING CANDIDATES ELECTED AND CANCELING  
THE 2022 DIRECTORS ELECTION**

WHEREAS, by order duly adopted by the Board of Directors (the "Board") of Burney Road Municipal Utility District (the "District") on August 22, 2022, a general election was called for the election of three (3) Directors for the District, and for no other purpose, with such election to be held on November 8, 2022; and

WHEREAS, pursuant to the authority of Subchapter C, Chapter 2, Texas Election Code, as amended (the "Election Code"), the Secretary of the Board has duly and timely delivered to the Board a certification to the effect that (i) only one (1) candidate's name is to be placed on the ballot for each position in such election, and (ii) no candidate's name is to be placed on a list of write-in candidates for any of such positions under applicable law; and

WHEREAS, the Board, acting pursuant to the authority of Section 2.053 of the Election Code and Sections 49.103(h) and 49.112 of the Texas Water Code, deems it necessary and proper to declare each of such unopposed candidates to be elected as Directors of the District. Now, therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF BURNEY ROAD MUNICIPAL UTILITY DISTRICT THAT:

Section 1: Mark Johnson is hereby declared to have been duly elected as Director of the District, and shall serve for a four-year term from and after November 8, 2022, upon qualification and furnishing of the required form of oath and bond, until his successor is duly elected or appointed and qualified.

Section 2: Douglas Otto is hereby declared to have been duly elected as Director of the District, and shall serve for a four-year term from and after November 8, 2022, upon qualification and furnishing of the required form of oath and bond, until his successor is duly elected or appointed and qualified.

Section 3: Cynthia Van Deursen is hereby declared to have been duly elected as Director of the District, and shall serve for a four-year term from and after November 8, 2022, upon qualification and furnishing of the required form of oath and bond, until her successor is duly elected or appointed and qualified.

Section 4: The general election for Directors of the District previously called for November 8, 2022, shall not be held, and all orders, resolutions and proceedings related thereto are hereby repealed, revoked and rescinded.

Section 5: A certified copy of this Order shall be posted on November 8, 2022, at each polling place previously designated for such election prior to the commencement of early voting.

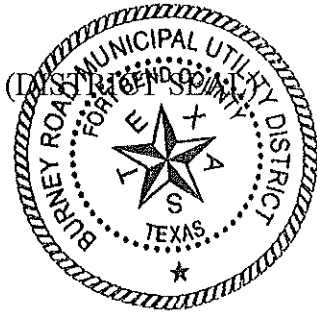
Section 6: Each of such persons thus elected as Directors for the District shall be issued a certificate of election in the same manner as provided by law for a candidate elected at an election.

PASSED and ADOPTED this 3<sup>rd</sup> day of October, 2022.

By: Mark Johnson  
President, Board of Directors

ATTEST:

Cynthia Van Deeman  
Secretary, Board of Directors



## BURNEY ROAD MUNICIPAL UTILITY DISTRICT

### ORDEN DE DECLARACIÓN DE CANDIDATOS ELECTOS Y CANCELACIÓN LA ELECCIÓN DE DIRECTORES DE 2022

CONSIDERANDO QUE, por orden debidamente adoptada por la Junta Directiva (la "Junta") del Burney Road Municipal Utility District (el "Distrito") el 22 de agosto de 2022, se convocó a una elección general para la elección de tres (3) Directores para el Distrito, y para ningún otro propósito, con dicha elección que se llevará a cabo el 8 de noviembre de 2022; y

CONSIDERANDO QUE, de conformidad con la autoridad del Subcapítulo C, Capítulo 2, Código Electoral de Texas, según enmendado (el "Código Electoral"), el Secretario de la Junta ha entregado debida y oportunamente a la Junta una certificación en el sentido de que (i) solo se colocará el nombre de un (1) candidato en la boleta para cada posición en dicha elección, y (ii) el nombre de ningún candidato debe ser colocado en una lista de candidatos por escrito para ninguno de esos puestos bajo la ley aplicable; y

CONSIDERANDO QUE, la Junta, actuando de conformidad con la autoridad de la Sección 2.053 del Código Electoral y las Secciones 49.103(h) y 49.112 del Código de Aguas de Texas, considera necesario y apropiado declarar a cada uno de dichos candidatos sin oposición para ser elegidos como Directores del Distrito. Ahora, por lo tanto,

YA SEA ORDENADO POR LA JUNTA DIRECTIVA DEL BURNEY ROAD MUNICIPAL UTILITY DISTRICT QUE:

Sección 1: Por la presente se declara que Mark Johnson ha sido debidamente elegido como Director del Distrito, y servirá por un período de cuatro años a partir del 8 de noviembre de 2022, previa calificación y provisión de la forma requerida de juramento y fianza, hasta que su sucesor sea debidamente elegido o nombrado y calificado.

Sección 2: Por la presente se declara que Douglas Otto ha sido debidamente elegido como Director del Distrito, y servirá por un período de cuatro años a partir del 8 de noviembre 2022, previa calificación y suministro de la forma requerida de juramento y fianza, hasta que su sucesor sea debidamente elegido o nombrado y calificado.

Sección 3: Por la presente se declara que Cynthia Van Deursen ha sido debidamente elegida como Directora del Distrito, y servirá por un período de cuatro años a partir del 8 de noviembre de 2022, previa calificación y suministro de la forma requerida de juramento y fianza, hasta que su sucesor sea debidamente elegido o nombrado y calificado.

Sección 4: La elección general para Directores del Distrito previamente convocada para el 8 de noviembre de 2022, no se llevará a cabo, y todas las órdenes, resoluciones y procedimientos relacionados con las mismas quedan derogados, revocados y rescindidos.


Sección 5: Una copia certificada de esta Orden se publicará el 8 de noviembre de 2022 en cada lugar de votación previamente designado para dicha elección antes del comienzo de la votación anticipada.

Sección 6: A cada una de esas personas así elegidas como Directores del Distrito se les expedirá un certificado de elección de la misma manera que lo dispuesto por la ley para un candidato elegido en una elección.

APROBADO y ADOPTADO el día 3 de octubre, 2022.

  
\_\_\_\_\_  
Presidente, Junta Directiva

ATESTIGUA:

  
\_\_\_\_\_  
Secretario, Junta Directiva

