

CERTIFICATE OF ORDER

**THE STATE OF TEXAS
COUNTY OF FORT BEND**

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37

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We, the undersigned officers of the Board of Directors (the "Board") of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37** (the "District"), hereby certify as follows:

The Board convened in regular session, open to the public, on Wednesday, January 17, 2024, at 7:00 p.m., at Pin Oak Village Clubhouse, 1301 Misty Bend Drive, Fort Bend County, Katy, Texas 77494, and the roll was called of the members of the Board, to-wit:

Kenneth L. Comeaux	President
Greg Murray	Vice President
Stephen Berckenhoff	Secretary
Jeff Gilliland	Assistant Secretary
Larry Davis	Treasurer

All members of the Board were present, except the following: _____, thus constituting a quorum. Whereupon other business, the following was transacted at such Meeting: A written

ORDER CALLING 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 full discussion, such motion, carrying with it the adoption of such Order prevailed, carried, and became effective by the following vote:

AYES: -5- NOES: -0-

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; such Order has been duly recorded in the Board's minutes of such Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such Meeting pertaining to the adoption of such Order; 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 are duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of such Meeting, and that such Order would be introduced and considered for adoption at such meeting, and each of the officers and members consented, in advance, to the holding of such Meeting for such purpose; and such Meeting was open to the public and public notice of the time, place, and purpose of such Meeting was given, all as required by Chapter 551 of the Texas Government Code and Section 49.063 of the Texas Water Code, as amended.

SIGNED this 17th day of January, 2024.

Stephan Berdahl

Secretary, Board of Directors

Grant L. Conner

President, Board of Directors

(DISTRICT SEAL)



ORDER CALLING DIRECTORS ELECTION

THE STATE OF TEXAS §
COUNTY OF FORT BEND §
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37 §

WHEREAS, pursuant to Section 49.103, Texas Water Code, as amended, and Article 41.001 and 41.0052, Texas Election Code, as amended, Fort Bend County Municipal Utility District No. 37 (the "District") is required to hold a Directors Election on the first (1st) Saturday in May, 2024 (the "Election"); and

WHEREAS, the Board of Directors (the "Board") of the District deems it necessary and appropriate to establish the procedures whereby such Election may be held; and

WHEREAS, the Board has determined that the number of registered voters in the District is more than 1,000, which pursuant to Section 85.005(b), Texas Election Code, as amended, requires that the polls be open for early voting for a minimum of eight (8) hours each weekday, except legal state holidays; and

WHEREAS, Section 61.012 of the Texas Election Code requires that the District must provide at least one (1) accessible voting system in each polling place used in a Texas election on or after January 1, 2006; which must comply with State and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot; and

WHEREAS, Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems; and

WHEREAS, the Office of the Texas Secretary of State has certified that the EVS 6020 voting system by Election Systems & Software ("ESS") to the District, is an accessible voting system that may legally be used in Texas elections; and

WHEREAS, Section 49.111 of the Texas Water Code exempts the District from the requirement to provide an accessible voting system for an election if: (1) the most recently scheduled Directors election was canceled because the candidates were unopposed, pursuant to Section 2.053(b) of the Texas Election Code; or (2) fewer than 250 voters voted at the most recently held District Directors election; and

WHEREAS, the Board has determined that the District is eligible for the exemption provided by Section 49.111, Texas Water Code, and will publish notice in a newspaper of general circulation regarding the District's intention to hold an election without an accessible voting station and providing instructions on how a voter may submit a request for an accessible voting station to the District by March 20, 2024; and

WHEREAS, the District intends to use only paper ballots for early voting by personal appearance and for voting on Election Day, but in the event that the District receives a timely request for an accessible voting station, then the District shall comply with Section 49.111(d) of the Texas Water Code and use the EVS 6020 voting system.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37, THAT:

I.

An Election shall be held for the District between the hours of 7:00 am to 7:00 pm on the 4th day of May, 2024 for the election of two (2) Directors for the District, each of which shall serve a four (4) year term.

II.

Such Election shall be held at the Pin Oak Village Clubhouse, 1301 Misty Bend Drive, Fort Bend County, Katy, Texas 77494, a place within the District, and the boundaries of the District are hereby established as, and shall constitute one (1) election precinct for the Election.

III.

Such Election shall be held and conducted in all respects as provided by law for general elections, except as provided by Chapter 49, Texas Water Code, as amended.

IV.

All duly qualified resident voters of the District shall be allowed to vote at such Election.

V.

The Board hereby designates its Attorney, Johnson Petrov, LLP ("Attorney"), 2929 Allen Parkway, Suite 3150, Houston, Texas 77019, as authorized representative for purposes of the Election, and any and all documents required to be filed with or notices required to be given by the Secretary of the Board under the provisions of the Texas Election Code shall be deemed filed and notices shall be deemed given if filed with or given to the Board's Attorney.

VI.

Written applications for the listing of a candidate for director on the ballot, signed by the candidate, shall be received by the Attorney from Wednesday, January 17, 2024, until 5:00 p.m. on Friday, February 16, 2024. No person shall be nominated or elected a director unless such person is qualified to serve under applicable law. Write-in candidates must make a declaration of write-in candidacy with the District's appointed agent no later than 5:00 p.m. on Tuesday, February 20, 2024.

VII.

The Secretary or any Assistant Secretary of the Board shall notify the President or Vice President of the Board not earlier than 5:00 p.m., February 21, 2024, which time is past the deadline in which write-in candidates shall have to declare their intent to run for office and past the deadline for receipt of Applications for Place on Ballots, for purposes of this Election the names of any candidates for the two (2) positions on the Board of the District. If each candidate whose name is to appear on the ballot is unopposed, no proposition is to appear on the ballot, and no person has declared as a write-in candidate prior to the deadline therefore, then the Secretary or any Assistant Secretary of the Board shall certify in writing that a candidate is unopposed for election in accordance with the provisions of Section 2.052, Texas Election Code, as amended, no earlier than Wednesday, February 21, 2024, after 5:00 p.m. Upon receipt of such certification, the Board, by Order, and in accordance with the provisions of Section 2.053, Texas Election Code, as amended, may declare each unopposed candidate elected to office, in which case the Election provided for in this Order shall not be held.

VIII.

The Secretary of the Board shall give notice of the purpose of such Election, the offices to be voted on, and the early voting and election day polling places pursuant to Section 4.003(a)(2), Texas Election Code, as amended, by posting a Notice of Election with the requisite Fort Bend County translation(s) in a public place in each Election precinct that is within the boundaries of the District, not later than Saturday, April 13, 2024. In addition, pursuant to Section 4.003(b), Texas Election Code, as amended, a Notice of Election with the requisite Fort Bend County translation(s) shall be posted on the bulletin board used for posting notices of meetings of the Board of the District not later than Saturday, April 13, 2024; provided, further, that if the polling location has changed from the previous election, Notice of Election with the requisite Fort Bend County translation(s) shall also be posted at the location of the old polling place.

IX.

The ballots for such Election shall be prepared in sufficient number and in conformity with the Texas Election Code, as amended, and shall be substantially as follows:

Directors Election

Saturday, May 4, 2024

OFFICIAL BALLOT

Paper Ballot Instructions:

Mark the ballot by placing an "X" in the square beside none, one (1) or two (2) candidates of your choice.

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

The order in which the candidates' names appear on such ballot shall be determined at a drawing to be held under the supervision of the Secretary of the Board in compliance with the Texas Election Code, as amended. Any write-in votes cast in said Election shall not be counted unless the name appears on the list of write-in candidates.

X.

Voting shall be by the use of paper ballots which shall be printed in English and Spanish. The ballots used in the Election shall have printed thereon the names of the candidates for the office of Director and blank spaces for write-in votes. The voter may vote for up to two (2) persons for Director by writing the candidates name beside the position number in the blank spaces provided if there are any declared write-in candidates. The Presiding Judge shall be provided with fifty (50) official ballots, and the Early Voting Clerk shall be provided with thirty (30) early voting ballots.

XI.

In the event that the District is required by Section 49.111(d) of the Texas Water Code to use an accessible voting station, the District shall provide at least one (1) EVS 6020 voting system in each polling place in every polling location used to conduct any election ordered on or after January 1, 2006. The EVS 6020 voting system may be acquired by any legal means available to the District, including, but not limited to, lease or rental from ES&S or from any other legal source, as authorized or required by Sections 123.032 and 123.035, Texas Election Code. EVS 6020 voting system ballots shall be in English and Spanish. The ballots used in the Election shall have printed thereon the names of the candidates for the office of Director and blank spaces for write-in votes. The voter may vote for up to two (2) persons for Director by writing the candidates name beside the blank spaces provided if there are any declared write-in candidates.

EVS 6020 voting system Instructions:

Instruction Note:

Directors Election

Vote for none, one (1), or two (2) candidate(s) by placing an "X" in the square next to the name(s) of the candidate(s).

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

XII.

The officers of such Election shall be as follows:

Presiding Judge	_____
Alternate Presiding Judge	_____
Early Voting Clerk	_____

XIII.

Early voting by personal appearance shall be conducted at Pin Oak Village Clubhouse, 1301 Misty Bend Drive, Katy, Fort Bend County, Texas 77494, being the office of the Early Voting Clerk and for the purposes of this Election shall be deemed a public place within the boundaries of the District during polling hours. Applications for ballots for voting by mail may be obtained from and mailed or emailed to such clerk at Johnson Petrov, LLP, Houston, 2929 Allen Parkway, Suite 3150, Houston, Texas 77019 email: mroberts@johnsonpetrov.com, and must be received by 5:00 p.m. on Tuesday, April 23, 2024. The Early Voting Clerk shall keep the office for early voting by personal appearance open for such purposes from 8:00 a.m. to 12:00 p.m. and from 2:00 p.m. to 6:00 p.m. on each day which is not a Saturday, Sunday, or official State holiday, beginning on Monday, April 22, 2024 and continuing through Tuesday, April 30, 2024.

XIV.

Immediately after such Election, the Election officers shall make returns of the results in triplicate. One (1) copy shall be retained by the Presiding Judge, one (1) copy shall be delivered to the President of the Board, and one (1) copy shall be delivered to the Secretary of the Board.

XV.

The President or Vice President and Secretary or any Assistant Secretary of the Board are hereby authorized to evidence adoption of this Order and directed to do any and all things legal and necessary in connection with the holding and consummation of such Election and to carry out the intent hereof.

XVI.

If any provision, section, sentence, clause or phrase of this Order is held by any reason to be invalid, such invalid portions shall not affect the validity of the remaining portion of this Order.

(EXECUTION PAGE FOLLOWS)

WITNESS OUR HANDS AND THE SEAL OF THE DISTRICT this 17th day of January, 2024.



President, Board of Directors

ATTEST:



Secretary, Board of Directors

