

## RESOLUTION NO. 2023-02-01

**A RESOLUTION OF THE WISE COUNTY WATER SUPPLY DISTRICT CALLING FOR A GENERAL ELECTION TO BE HELD IN THE WISE COUNTY WATER SUPPLY DISTRICT ON MAY 6, 2023 FOR THE CONSIDERATION OF A PROPOSITION REGARDING ASSUMPTION OF OUTSTANDING TAX-SUPPORTED BONDS; ELECTION TO BE JOINTLY HELD WITH THE CITY OF DECATUR AND DECATUR ISD FOR GENERAL ELECTIONS; AUTHORIZING THE BOARD PRESIDENT TO EXECUTE A JOINT ELECTION AGREEMENT WITH WISE COUNTY ELECTIONS TO CONDUCT THE ELECTION MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; SETTING FORTH POLLING DATES, TIMES AND LOCATIONS FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PUBLICATION OF NOTICES AS REQUIRED BY LAW, RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

**WHEREAS**, the Board of Directors (the "Board") of the Wise County Water Supply District (the "District") has determined that a general election is required regarding two annexations to the District; and

**WHEREAS**, the Board held a public hearing on February 16, 2022; regarding:

*HEAR PUBLIC COMMENTS REGARDING PROPOSED ANNEXATION INTO THE BOUNDARIES OF THE DISTRICT OF ALL THOSE CERTAIN PROPERTIES AS HAVE PREVIOUSLY BEEN ANNEXED BY THE CITY OF DECATUR, TEXAS BY ITS ANNEXING ORDINANCE NUMBERS 2022-01-03 AND 2022-01-06; and it was open to the public; and*

**WHEREAS**, at this meeting: the Board adopted a resolution to approve the addition of lands annexed by the City of Decatur, Texas, to the District;

**WHEREAS**, the Texas Election Code establishes May 6, 2023, as the uniform election date for the District's Election; and

**WHEREAS**, it is the Water District's intent that the election be administered by the Wise County Elections Office (the "Elections Office") in accordance with the provisions of the Texas Election Code and the Texas Water Code, and utilizing a shared ballot with the City of Decatur for a general Election and with Decatur Independent School District for a general election (collectively the "Joint Election"); and

**WHEREAS**, it is the intent of the District to accept Wise County Election Administration's use of the direct recording electronic voting system, which has been certified by the Secretary of State in accordance with the Texas Election Code and approved by the United States Department of Justice for the conduct of the Joint Election. Section 61.012 of the Code requires that the District must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. The District shall use, in Early Voting and Election Day voting, a voter assist terminal as approved by the Secretary of State, and shall contract with the Wise County Elections Administrations, respectfully, for the use of said voter assist equipment that Wise County uses for their elections; and

**WHEREAS**, the meeting at which this Resolution was considered was open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

**NOW THEREFORE, BE IT RESOLVED BY THE WISE COUNTY WATER SUPPLY DISTRICT, TEXAS:**

**SECTION 1. INCORPORATION OF PREMISES.** All of the above premises are true and correct and are hereby incorporated into the body of this Resolution as if fully set forth herein.

**SECTION 2. ORDER/ ELECTION DATE.** A Joint Election is hereby ordered to be held on May 6, 2023 ("Election Day"), for the purpose of submitting the following measure:

**Proposition A**

**"That the entire Wise County Water Supply District, as presently enlarged, shall assume all of the tax-supported bonds now outstanding; and that the said Wise County Water Supply District is authorized to levy an ad valorem tax upon all of the taxable property within the District, as presently enlarged, for the payment thereof. "**

*Ballots shall be prepared in accordance with V.T.C.A., Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot.*

**SECTION 3. ELECTION DAY POLLING LOCATION.** Such Election shall be held at Wise County Court Office Building, 308 W. Main, Decatur, Texas, between the hours of 7:00 a.m. and 7:00 p.m. on Election Day.

**SECTION 4. EARLY VOTING DATES/VOTING POLLING LOCATION.** Early Voting by personal appearance will be conducted on the following dates and times: each weekday between the hours of 8:00 a.m. and 5:00 p.m. beginning April 24, 2023 and ending April 28, 2023; Monday, May 1, 2023 from 7 a.m. to 7 p.m.; Tuesday, May 2, 2023 from 7 a.m. to 7 p.m.; at: Wise County Court Office Building, 308 W. Main Street, Decatur, Texas.

**SECTION 5. PUBLICATION.** The City Secretary is hereby directed to cause notice of said election to be published at least once in a newspaper of general circulation in the District, not earlier than the 30th day nor later than the 10th day, before Election Day; and shall be posted on the bulletin board used for posting notices of the Board meetings not later than the 21st day before Election Day.

**SECTION 6. MAIL BALLOTS.** Applications requesting a ballot by mail shall be mailed to: Sabra Srader, Election Administrator, at 200 S. Trinity or P.O. Box 1597, Decatur, Texas 76234. Applications for Early Voting ballot by mail must be received at the foregoing address no later than the close of business on April 25, 2023.

**SECTION 7. JOINT ELECTION CONTRACT.** The Board President is hereby authorized to execute Election Contracts with Wise County Elections Office, the City of Decatur and Decatur Independent School District for the conduct of the Joint Election to be held on May 6, 2023 (the "Election Contracts"), and to approve any amendments to the Election Contracts. Upon execution, a copy of the Election Contracts shall be attached to this Resolution as Exhibit "A", and the terms of the Election Contracts shall be incorporated into this Resolution.

**SECTION 8. ELECTION MATERIALS.** The election materials specified in the Code shall be printed in both English and Spanish for use at the polling places for voting on Election Day and for Early Voting for the election and provisions shall be made for oral assistance to Spanish-speaking voters.

**SECTION 9. CANVASS OF ELECTION.** Pursuant to Section 67.003(c) of the Code, The Water District will canvass the Election not earlier than May 9, 2023 and not later than May 17, 2023. Notice of the time and place of canvass shall be posted in the same manner as required by the Open Meetings Act for other City Council meetings in accordance with Chapter 551 of the Texas Local Government Code.

**SECTION 10. ELECTION RESPONSIBILITY.** The Water District shall contract with the Wise County Elections Office to perform all duties normally performed by the City Secretary in regular elections with respect to early voting, election day voting, and preparing the official ballots.

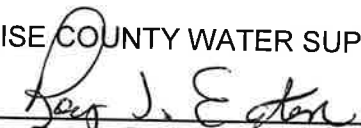
**SECTION 11: QUALIFIED VOTERS.** All resident qualified electors of the District shall be permitted to vote at said election. This election shall be held and conducted in accordance with the Texas Election Code, except as modified by the provisions of the Chapter 268, Acts of the 53rd Legislature, Regular Session, 1953, as amended, and as may be required by law, all election materials and proceedings shall be printed in both English and Spanish.

**SECTION 12: PUBLIC NOTICE.** A substantial copy of this resolution shall serve as proper notice of said election. Said notice shall be (i) published at least one time not more than thirty (30) days or less than ten (10) days before the day of the election in a newspaper of general circulation in the District and (ii) posted not later than the 21st day before the election and remain posted continuously through election day on the bulletin board used for the posting of notices of meetings of the Board.

**SECTION 13. SEVERABILITY.** It is hereby declared to be the intent of the Wise County Water Supply District that the phrases, clauses, sentences, paragraphs, and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph, or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

PASSED AND APPROVED, this 15th day of February 2023.

WISE COUNTY WATER SUPPLY DISTRICT

  
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Roy Eaton, President, Board of Directors

ATTEST:

  
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Gary Coanougher, Secretary, Board of Directors