

**CERTIFICATE FOR RESOLUTION**

**THE STATE OF TEXAS  
COUNTY OF MONTGOMERY  
NEW CANEY MUNICIPAL UTILITY DISTRICT**

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I, the undersigned Secretary of the Board of Directors (the "Board") of New Caney Municipal Utility District (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, at 6:00 p.m. on Thursday, January 18, 2024, at the regular meeting place thereof, and the roll was called of the members of the Board, to-wit:

William B. Smith	President
Jerry Vernon	Vice President
Tony A. Martinez	Secretary
Matthew J. Peterson	Treasurer
Mary Anne Vickery	Asst. Secretary/Asst. Treas.

All members of the Board were present, except for Director Peterson, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

**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 due discussion, such motion, carrying with it the adoption of said Order, prevailed and carried by the following vote:

AYES: 4                      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; such Order has been duly recorded in said 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 was 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 such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A. Government Code, Chapter 551 and Section 49.063, Texas Water Code, as amended.

SIGNED AND SEALED the 18th day of January, 2024.

*Tommy S. Madney*  
Secretary, Board of Directors



## ORDER CALLING DIRECTORS ELECTION

**THE STATE OF TEXAS  
COUNTY OF MONTGOMERY  
NEW CANEY MUNICIPAL UTILITY DISTRICT**

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**WHEREAS**, pursuant to Section 49.103, Texas Water Code, as amended, and Article 41.001, Texas Election Code, as amended, New Caney Municipal Utility District (the "District") is required to hold a Directors Election on the first (1) 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. This system 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**, the Office of the Texas Secretary of State has certified that the eSlate Voting System provided by Montgomery County is an accessible voting system that may legally be used in Texas elections; 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 Board has determined that it will conduct a joint election with Montgomery County pursuant to the Agreement for Joint Election; and

**WHEREAS**, the Election will be administered by the Montgomery County Elections Administrator pursuant to the Contract for Election Services.

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF NEW CANEY MUNICIPAL UTILITY DISTRICT, THAT:**

### I.

An election shall be held for and within the District between the hours of 7:00 a.m. to 7:00 p.m. on the 4th day of May, 2024, for the election of three (3) Directors for the District, each of which shall serve a four (4) year term.

## II.

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.

## III.

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.

## IV.

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.

## V.

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 20, 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 three (3) 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.

## VI.

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 Montgomery County translation(s) in a public place in each Election precinct that is within the boundaries of the District, not later than April 13, 2024. In addition, pursuant to Section 4.003(b), Texas Election Code, as amended, a Notice of Election with the requisite Montgomery 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 April 13, 2024; provided, further, that if the polling location has changed from the previous election, Notice of Election with the requisite Montgomery County translation(s) shall also be posted at the location of the old polling place.

VII.

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

eSlate Instructions:

To vote for the candidate of your choice in each race, rotate the SELECT wheel to highlight the three (3) candidates of your choice. When your choices are highlighted in blue, press the ENTER button.

Paper Ballot Instructions:

Mark the ballot by placing an "X" in the square beside the three (3) candidates of your choice.

( )	_____
( )	_____
( )	_____

The order in which the candidates' names appear on such ballot were determined at a drawing 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.

VIII.

The District shall be deemed one (1) election precinct. The Montgomery County Elections Department shall appoint the Presiding Judge and any required Alternate Presiding Judge or Clerks. The Election Day polling places are attached hereto as Exhibit "A".

IX.

The District shall provide at least one (1) eSlate Voting System in each polling place in every polling location used to conduct any election ordered on or after January 1, 2006. The eSlate Voting System may be acquired by any legal means available to the District, including, but not limited to, lease or rental from Montgomery County or from any other legal source, as authorized or required by Sections 123.032 and 123.035, Texas Election Code.

X.

Voting shall be by the use of eSlate Voting System and 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 three (3) persons for director by writing the candidates name in the blank spaces provided if there are any declared write-in candidates. The Presiding Judge shall be provided with 15 official paper ballots, and the Early Voting Clerk shall be provided with 15 early voting paper ballots.

XI.

Early voting by personal appearance shall be conducted at:

TBD

Applications for voting by mail must be received no later than the close of business (5 p.m.) on Tuesday, April 23, 2024. Applications should be mailed, emailed, or faxed to Early Voting Clerk, Suzie Harvey, Elections Administrator, 9159 Airport Road, Conroe, Texas 77303; P.O. Box 2646, Conroe, Texas 77305-2646, Fax; 936-788-8340; [election.ballot@mctx.org](mailto:election.ballot@mctx.org).

The Early Voting Clerk shall keep the office for early voting by personal appearance open for such purposes from 8:00 a.m. until 5:00 p.m. from Monday, April 22, 2024, until Tuesday, April 26, 2024; and from 7:00 a.m. until 7:00 p.m. on Monday, April 29, 2024 and on Tuesday, April 30, 2024.

XII.

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.

XIII.

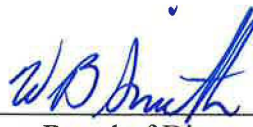
The President or Vice President and Secretary or any Assistant Secretary of the Board are hereby authorized to evidence adoption of this Order and directed to do any and all things legal and necessary in connection with the holding and consummation of such Election and to carry out the intent hereof.

XIV.

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 18th day of January, 2024.



\_\_\_\_\_  
President, Board of Directors

ATTEST:



\_\_\_\_\_  
Secretary, Board of Directors

(DISTRICT SEAL)



Exhibit "A"

TBD