ORDER 20241003-4
HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT
Hays County, Texas

CANCELLING GENERAL ELECTION and DECLARING UNOPPOSED CANDIDATES

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT ORDER DECLARING UNOPPOSED CANDIDATES FOR DIRECTOR PRECINCTS ONE (1) AND FIVE (5) ELECTED; CANCELLING NOVEMBER 5, 2024 GENERAL ELECTION IN SINGLE MEMBER DISTRICT PRECINCTS ONE (1) AND FIVE (5); REPEALING CONFLICTING ORDERS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE CANCELLATION

WHEREAS, the Board of Directors (Board) of the Hays Trinity Groundwater Conservation District (District or HTGCD) on May 2, 2024, adopted an order calling a general election to be held on November 5, 2024 (the Election), for the purpose of electing directors from Precinct numbers one (1) and five (5);

WHEREAS, Texas Election Code Sections 144.005 and 144.006 establish deadlines for filing applications for a place on the ballot and for receiving declarations of write-in candidacy for the Election which have now expired; and

WHEREAS, Keaton Hoelscher, the District's duly designated Elections Officer (Agent), in the Election has certified in writing to the Board that David Smith is the sole candidate for election to the Director position of Precinct 1 in the General Election and Marcus Gary is the sole candidate for election to the Director position of Precinct 5 in the General Election; and

WHEREAS, the Board hereby finds and determines that the candidates whose names are to appear on the ballot in said election for Director are unopposed, there are no declared write-in candidates, and no propositions are to appear on the ballot for said Election; and

WHEREAS, Texas Election Code, Chapter 2, Subchapter C, authorizes the Board, upon receipt of certification that candidates for an election are unopposed, to declare the unopposed candidates to be elected and, further authorizes the Board to cancel that part of the General Election,

NOW, THEREFORE, IT IS ACCORDINGLY FOUND, DECLARED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT THAT:

SECTION 1. The facts and matters set forth in the preamble of this Order are hereby found to be true and correct.

SECTION 2. In accordance with Texas Election Code Section 2.053(a), the following unopposed candidates in the General Election in Precincts one (1) and five (5) are hereby declared duly elected to the respective office shown and shall be issued a certificate of election following the date on which the Election for Directors was to have been held:

- Director, Precinct 1: David Smith
- Director, Precinct 5: Marcus Gary

SECTION 3. Pursuant to Texas Election Code Section 2.053(b), the General Election ordered by the Board for November 5, 2024, shall not be held and is hereby canceled, and the District's Agent is hereby directed to cause a copy of this Order to be posted on Election Day at all polling places that would have been used in such Election. The District's Agent is hereby authorized to take any further actions authorized by or necessary under the Texas Election Code or other law to cancel the November 5, 2024 General Election for the District.

SECTION 4. Should any section, paragraph, sentence, clause, phrase, or word of this Order be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Order shall not be affected thereby, and to this end the provisions of this Order are declared to be severable.

SECTION 5. It is hereby found and determined that the meeting at which this Order was passed was open to the public as required by Section 551.001 *et seq*., Texas Government Code, and that advance public notice of the time, place, and purpose of said meeting was given.

SECTION 6. This Order shall take effect immediately upon its passage.

PASSED AND APPROVED THIS 3rd DAY OF OCTOBER 2024.

HAYS TRINITY
GROUNDWATER
CONSERVATION DISTRICT

Bruce A Moulton

Bruce Moulton, President, Board of Directors

ATTEST:

David P Smith

David Smith, Secretary/Treasurer, Board of Directors