

ORDER CALLING FOR A JOINT ELECTION WITH COUNTY

STATE OF TEXAS	§
	§
COUNTY OF MATAGORDA	§
	§
PORT OF BAY CITY AUTHORITY	§

WHEREAS, Port of Bay City Authority of Matagorda County, Texas (the “District” or “Commission”) is a Navigation District operating under the Constitution and laws of the State of Texas; and

WHEREAS, the term of two Commissioners will expire December 31, 2021, namely Position One (1) and Position Five (5); and

WHEREAS, the District, pursuant to the Texas Water Code annotated and the Texas Election Code, has the authority to call an election for said Commissioners on November 2, 2021; and

WHEREAS, said District has requested to hold the Port Commissioner’s election jointly with the general election with Matagorda County as provided by the Texas Water Code and the Texas Election Code.

IT IS THEREFORE ORDERED, BY THE PORT OF BAY CITY AUTHORITY, THAT:

Section 1. Call of Election, Date and Hours

An at-large election (the Election) for two Commissioners for Position One (1) and Five (5) shall be held on Tuesday, November 2, 2021, which is seventy (70) or more days from the date of the adoption of this order (the Order), within and throughout the territory of the District. The hours during which the polling places are to be open during the Election shall be from 7:00 o’clock a.m. to 7:00 o’clock p.m.

Section 2. Territory of the District, Eligible Electors, and a Plurality of Votes

The territory of the District is defined as that part of Matagorda County that lies east of the Colorado River and north of a boundary that is three miles south of Blessing, Texas, that runs from the Colorado River west to the county line of Matagorda County, Texas. The District also includes all of the territory in Matagorda County, Texas which lies east of the Colorado River. All qualified electors (registered voters) residing within the territory of the District shall be entitled to vote in this election. Voters will need appropriate proof of residency and voter registration in Matagorda County and proof of identity at the polls. Each voter shall be entitled to cast one vote for one of the candidates in each of said positions on the ballot. The candidate receiving the most votes (a Plurality) shall be elected as Commissioner in each of said positions.

Section 3. Qualifications of Candidates, and Deadline for Filing

Individuals who desire to be a candidate must meet the following qualifications: (1) be a resident of the District, (2) be freehold taxpayer of the District, (3) be a qualified elector (registered voter) of the County, (4) must never have been convicted in any court of law of any felony act, without being pardoned or otherwise released from the resulting disabilities; (5) be a United States citizen; (6) be 18 years of age or older; and (7) have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated, or partially mentally incapacitated without the right to vote.

To be eligible to be a candidate for Position Number One (1), a person otherwise qualified to be a candidate must be a resident of Matagorda County Commissioners Precinct Number One (1) as it existed on August 28, 1967, which is the area more fully defined on a map in the Port of Bay City Authority office located at 1305 Seventh Street, Bay City, Texas.

Desiring candidates must file a written declaration of candidacy during the period ending at 5:00 p.m. on Monday, August 16, 2021, which is the 78th day before Election Day. Written applications for write-in candidates will be accepted until 5:00 p.m. on or before August 21, 2021. A candidate may file for only one position per election.

All declarations and filings must be affirmed before a qualified notary public. All filings must be presented in person to the Port Secretary or her agent at 1305 Seventh Street, Bay City, Texas, which is the Port of Bay City Authority office.

Section 4. Ballot Positions and Ballot Printing

Candidate positions on the official ballot will be determined, by lot, in the Port Administration office at 11:00 a.m. on Tuesday, August 24, 2021, which is the 70th day before Election Day. Immediately thereafter, the Port Secretary of the District or the Secretary's agent shall certify in writing for placement on the ballot the name and address of each candidate for the offices of Commissioner in each position. The certification shall be delivered to the County Election Officer not later than the 65th day before Election Day. The County Election Officer shall prepare a single ballot containing all the offices to be voted on at a common polling place. The offices of Commissioner shall appear on the ballot after the other matters to be voted on.

Section 5. Term of Office

Pursuant to Texas Water Code Annotated and a special law dealing with the Port of Bay City Authority, the District has established the term of office for an elected Commissioner to be six years. The precinct election returns for the joint election shall be canvassed by the County Commissioners' Court. The County Judge shall promptly deliver the results of the Commissioners' Election to the Commissioner. The Commissioner shall issue a certificate of election to the successful candidate for Position 1 and Position 5 within seven (7) days of receiving the results of the Commissioners Election from the County Judge. The newly elected

Commissioners will assume office on January 1, 2022, thereafter and will serve for a Six (6) year term until the year December 31, 2027.

Section 6. Voting Precincts, and Polling Places, and Election Officers

The County Election Officer shall establish the Election Precincts for the Commissioners' Election. The Election Precinct shall be coterminous with County Election Precincts to the extent permitted by District boundaries.

The County Commissioners Court shall designate common polling places in the appropriate County Election Precincts for use in the joint election. The voters of the District may be served by a polling place located outside the boundary of the District if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election.

An Election Officer, including a member of the absentee ballot board, appointed to serve in a general election for other matters shall serve in the same office in the Port Commissioners Election. A person who is eligible to serve as an election officer in the General Election for other matters is eligible to serve in the same office in the Port Commissioners' Election. The County Election Officer and Election Officers shall be compensated in accordance with the provisions of the Texas Election Code, the Texas Water Code and other applicable laws. The District shall reimburse Matagorda County, Texas, for its proportional share of the total cost associated with the conduct of the election.

Section 7. Conduct of Election

The Election shall be conducted utilizing approved ballots by election officers, including the Presiding Election Judges and Alternate Presiding Election Judges or clerks, in accordance with the Texas Water Code, the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America.

Section 8. Election Information Languages

The Notices and Orders will be printed in the English and Spanish languages. The Instructions, Ballots and other written material pertaining to the Elections will be printed in English and such other languages as the County Election Officer deems necessary and proper.

Section 9. Appointment of Agent

The Commissioners and Secretary of the Board have appointed Sharron Perez, the Port Secretary, as the Secretary's agent (Agent). She will perform the duties of the Secretary related to the conduct and maintenance of records of the Election, as required under the Texas Election Code and the Texas Water Code during the period beginning three days after the effective date of this Order and ending not earlier than six months after the date of the election. Sharron Perez is authorized to designate employees or other individuals in the District to perform any or all of the various responsibilities of the Board's Agent.

The Agent shall maintain an office open for election duties for at least four (4) hours each day, during regular office hours, on regular business days during the period designated in this section. The Agent shall maintain the documents, records, and other items relating to the election and shall be the Agent designated to receive documents on behalf of the District that are required by the Texas Election Code.

The Agent or the Attorney for the District shall post a notice of the location and hours that the office is open as required by the Texas Election Code.

As required by the Texas Water Code, the County Election Officer is the absentee Voting Clerk for the Commissioners' Election. The County Election Officer is also the general custodian of Election Records for the Commissioners' Election. As used in this Order, the term County Election Officer means the Matagorda County Election Administrator or County clerk, if no such position exists.

Section 10. Early Voting and Voting by Mail

Early voting by personal appearance shall be conducted at the Main Early Voting Polling Place from 8:00 a.m. until 5:00 p.m., each week day, except for dates the Texas Election Code exempts, and official State Holidays during the period as provided by the Texas Election Code.

The Main Early Voting Polling Place is designated as:

County Clerk's Office
Matagorda County Courthouse
1700 Seventh Street, Room 202
Bay City, Texas 77414.

Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk at the designated address. For the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk shall provide each voter with a Ballot, including the instructions to mark the ballot to indicate the voter's choice for each Commissioner.

The Early Voting Clerk for the District and the Clerk's official mailing address for the Election is designated as follows:

Stephanie Wurtz
Matagorda County Clerk
1700 Seventh Street, Room 202
Bay City, Texas 77414

The Early Voting Clerk shall have the authority to designate Deputy Early Voting Clerk as may be necessary to staff the main Early Voting Polling Place established under this Order.

The Board of Commissioners hereby appoints Stephanie Wurtz as the Presiding Judge of the Early Voting Ballot Board to count and return early voting ballots to the Commissioners' Agent in accordance with the Election Code. The Presiding Judge shall appoint two or more Election Clerks, and such Judge and Clerks shall constitute the Early Voting Ballot Board, and shall perform the duties set forth for such Board in the Election Code.

Section 11. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results

In accordance with the requirements of the Texas Election Code and the Texas Water Code, the Presiding Election Judges for the respective precincts shall perform their duties as set out in the Election Code and the ballots are to be delivered to the County Clerk for counting as soon as the polls close. The Joint Election shall be canvassed by the County Commissioners' Court. The County Judge shall promptly deliver the results of the Commissioners' Election to the Port's Office, as soon as practical after the tabulation of the votes. The Commission shall issue a Certificate of Election to a candidate elected to each Office of Commissioner within seven (7) days of receiving the results of the Commissioners' Election from the County Judge.

Section 12. Notice of Election

Notice of the Election shall be signed by the Chairman and Secretary of the Commission and shall contain a copy of the Election Order. The notice shall be published once a week for Four (4) consecutive weeks, in a newspaper published within the District's territory. The first publication shall be made not later than the 32nd day nor earlier than the 46th day before Election Day. Notice of the Election shall also be posted on the bulletin board used by the District to post notices of the Board's meetings, no later than the 65th day before the election.

Section 13. Inconsistent Provision

All other orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict and the provision of this Order shall be and remain in controlling as to the matters ordered herein.

Section 14. Governing Law

This order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 15. Severability

If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

Section 16. Notice of Meeting

The District officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on a bulletin board located at a place convenient to the public at the District's administrative office for at least seventy-two (72) hours preceding the scheduled time of the meeting; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon.

Section 17. The County Election Officer referred herein means the County Clerk of Matagorda County, Texas

Section 18. Authorization to Execute

The Chairman of the Commission is authorized to execute and the Secretary of the Board is authorized to attest this order on behalf of the Board; and the Agent of the Board is authorized to do all things legal and necessary in connection with the holding and consummation of the Election.

Section 19. Effective Date

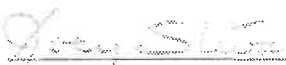
This Order is effective immediately upon its passage and approval. A copy of this Order shall be mailed to the County Election Officer not later than the 60th day before Election Day.

PASSED AND APPROVED ON THIS DAY, the 8 day of July, 2021, by the Board of Commissioners of the PORT OF BAY CITY AUTHORITY.



MIKE GRIFFITH, Chairman

ATTEST:



JOEY SLIVA, Secretary