

ORDER CALLING A SPECIAL ELECTION TO BE HELD TO ANNEX THE TERRITORY OF THE LOCKHART INDEPENDENT SCHOOL DISTRICT, FOR JUNIOR COLLEGE PURPOSES, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE HOLDING OF SUCH ELECTION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the petition entitled “**PETITION CALLING FOR AN ELECTION ON ENLARGING AND EXTENDING THE BOUNDARIES OF THE AUSTIN COMMUNITY COLLEGE DISTRICT TO INCLUDE THE TERRITORY COMPRISING THE LOCKHART INDEPENDENT SCHOOL DISTRICT**” has been presented to the Board of Trustees of the Austin Community College District; and

WHEREAS, the petition contains an accurate description of the territory proposed for annexation, and is signed by at least five percent (5%) of registered voters in the territory proposed for annexation as required under Section 130.065(a)(1) and (2), Texas Education Code; and

WHEREAS, the Board of Trustees of the Austin Community College District (“Board”) has the authority under Section 130.065, Texas Education Code, to call a special election for annexation of territory in the Lockhart Independent School District; and

WHEREAS, the territory of the Lockhart Independent School District in Caldwell County proposed to be annexed to, and included within, the Austin Community College District is within the service area of Austin Community College District, and is therefore properly includable therein under the authority of Section 130.065, Texas Education Code; and

WHEREAS, the Board has held a public hearing within the District and published a service plan for the District annexation pursuant to Texas Education Code § 130.065(b) and (c); and

WHEREAS, the Board has determined that it is necessary to call and conduct an election to obtain voter authorization of this annexation; and

WHEREAS, the Board also has the authority pursuant to Chapter 271, Texas Election Code and Chapter 791 of the Texas Government Code, to enter into election agreements with districts also holding elections on the same date; and

WHEREAS, the Board also has the authority pursuant to Chapter 31, Texas Election Code, to enter into a contract for election services with Caldwell County; and

IT IS, THEREFORE, ORDERED BY THE BOARD OF TRUSTEES OF THE AUSTIN COMMUNITY COLLEGE DISTRICT THAT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. A Special Election (the “Election”) shall be held on Tuesday, November 5, 2024, which is seventy-eight (78) or more days from the date of the adoption of this order (the “Order”) within the territory comprising the Lockhart Independent School District (“LISD”), at which all resident, qualified electors of the LISD territory to be annexed shall be entitled to vote, to approve or disapprove the annexation of same territory into the Austin Community College District. The Board finds that holding the Election on such a date, which is a uniform date, is in the public interest. The hours during which the polling places to be open on election day shall be from 7 a.m. to 7 p.m.

Section 2. Proposition and Ballots. At the Election there shall be submitted to the resident, qualified electors of the LISD territory the proposition in accordance with law. The ballots shall conform to the requirement of the Texas Election Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid measure which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

FOR “APPROVING THE ANNEXATION BY THE AUSTIN COMMUNITY COLLEGE DISTRICT OF THE FOLLOWING TERRITORY: THE TERRITORY IN THE LOCKHART INDEPENDENT SCHOOL DISTRICT, AND AUTHORIZING THE IMPOSITION OF AN AD VALOREM TAX FOR JUNIOR COLLEGE PURPOSES, WHICH IS CURRENTLY SET AT A RATE OF \$0.0986, PER \$100 VALUATION OF TAXABLE PROPERTY.”

AGAINST

Section 3. Conduct of Election, Election Services Agreements and Appointment of Election Officers. The Election shall be conducted by election officers in accordance with the Texas Education Code, Texas Election Code, and the laws of the State of Texas and the United States of America. The ES&S electronic voting system, which complies with Title 8 of the Texas Election Code, shall be utilized for the Election.

The Board appoints Sarah “Cassie” Fitzgerald as the District’s Election Administrator to perform the duties set forth in the Texas Election Code and Texas Education Code for conducting the November 5, 2024 Special Annexation Election. Pursuant to Chapters 31 and 271 of the Texas Election Code, the Board is authorized to enter into an election services agreement and a joint election agreement with Caldwell County and any other entities as applicable. The Board hereby finds that this Election shall be conducted under these agreements, and such agreements will be presented to the Board of Trustees for its approval.

Section 4. Voting Precincts; Polling Places; Election Judges, Alternates, Clerks and other Election Officials. Except as otherwise provided herein, the presently existing boundaries and

territory of LISD are hereby designated as the voting precincts of ACC for the Election. The precinct numbers for ACC's election precincts shall be the corresponding Caldwell County Election Precinct Number of each precinct that is wholly or partially within the LISD territory. The Board finds the use of vote centers, if applicable, under the Countywide Polling Place Program as described in Section 43.007, Texas Election Code, will result in a more convenient voting opportunity for the voters and a more efficient and cost-effective administration of the election, and use of vote centers by each County, where applicable, are hereby approved. The early voting polling places, as well as the times and dates for early voting and election day polling places, voting precincts or combined precinct, or vote centers if any, will be presented to the Board of Trustees for its approval in the near future.

Section 271.003 of the Texas Election Code provides that voters of a particular election precinct or a political subdivision may be served in a joint election by a common polling place located outside the boundary of the election precinct or political subdivision, if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election. To the extent any polling place utilized for the conduct of the Election is located outside the boundaries of an election precinct, the Board specifically finds that the polling place selected by the District is convenient and will adequately serve the voters of the District.

The Board hereby designates the Presiding Judges, Alternate Presiding Judges, early voting clerks and other election officials (the "Election Officials") recommended by the County Elections Administrator for the respective election precincts or vote centers in Caldwell County. The Presiding Judge at each precinct shall have authority to retain and deputize clerks for the conduct of the election in accordance with the directives established by the County Elections Administrator for this Election. The rate of pay for the Election Officials shall be specified by the County Elections Administrator for officials serving in Caldwell County. The rate of pay for judges and clerks of the election shall be determined according to the election services agreements with Caldwell County. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended, and other applicable laws. A public school of instruction for all election officers shall be held. The Presiding Judges of the Caldwell County early voting ballot board shall count and return early voting ballots in accordance with the Election Code.

Section 5. Early Voting. The Board appoints Sarah "Cassie" Fitzgerald as the District's Early Voting Clerk. The Early Voting Clerk shall collect all applications for ballot by mail received at the ACC offices, if any, and forward those applications to the correct County election official.

Early Voting by Mail

The Joint Early Voting Clerk for Caldwell County shall collect all applications for ballots received during the period allowed by the Texas Election Code. The contact information for the Joint Early Voting Clerk is as follows:

Devante Cox
Elections Administrator
Scott Annex Building
1403 Blackjack Street, Suite A, Lockhart, TX 78644
Phone: 512-668-4347

Fax: 512-398-1821

Email: caldwellec@co.caldwell.tx.us

Website: <https://www.co.caldwell.tx.us/page/caldwell.ElectionsOffice>

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 with instructions to mark the ballot indicating his or her vote on the same ballots utilized for early voting by personal appearance at the Election.

The period to apply for a ballot by mail ends on October 25, 2024. The application must be received by the Joint Early Voting Clerk for Caldwell County by October 25, 2024 (mere postmarking by the deadline is insufficient).

Early Voting by Personal Appearance

Early voting by personal appearance shall be conducted beginning on October 21, 2024 and ending on November 1, 2024.

Section 6. Canvassing of Returns; Declaring Results. The Custodian shall make a written return of the Election results to the Board in accordance with the Texas Election Code. The Board shall canvass the returns and declare the results of the Elections.

Section 7. Election Information to be Provided in Spanish. The Custodian of Records appointed by the Board shall be responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election and shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Custodian is hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 8. Appointment of Custodian of Records and Agent. To the extent not otherwise provided for in the Election Agreements, the Board appoints Sarah “Cassie” Fitzgerald, ACC’s Election Administrator, as the Custodian of Records (the “Custodian”) and agent to the Board Secretary (the “Agent”) to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning three (3) days after the effective date of this Order and ending not earlier than the fortieth (40th) day after the day of the election. In particular, the Custodian shall accept and maintain records regarding campaign expenditures that may be filed with ACC.

The Agent and Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period required by law. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office the documents, records, and other items relating to the election and shall be the person designated to receive documents on behalf of ACC that are required by the Texas Election Code.

The Joint Custodian of Records (the “Joint Custodian”) when the joint election agreements are adopted, pursuant to Sections 66.058 and 271.010 of the Texas Election Code, shall preserve all voted ballots securely in a locked room in the locked ballot boxes for the period for preservation required by the Texas Election Code.

Section 9. Notice of Election. Notice of the Election, stating in substance the contents of this Order, shall be published one time in the English language and the Spanish language, in a newspaper published within ACC’s territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the Board’s meetings, and on the District’s website no later than the 21st day before the Election, or if the 21st day before the Election falls on a weekend or holiday, the notice must be posted on the first business day thereafter.

Section 10. Training of Election Officials. Pursuant to the Texas Election Code, a public school of instruction for all election officers shall be held.

Section 11. Notice of Meeting. The Board 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 offices for at least seventy-two (72) hours preceding the scheduled time of the meeting; that notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the District in connection with providing such notice, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; 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 12. Authority of the Board President. The Board President shall have the authority to take, or cause to be taken, all actions reasonable and necessary to ensure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, whose actions are hereby ratified and confirmed.

Section 13. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 14. Inconsistent Provisions. All 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 provisions of this Order shall be and remain controlling as to the matters ordered herein.

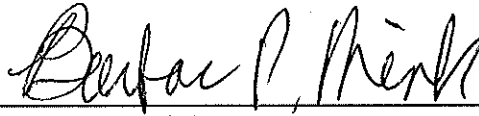
Section 15. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 16. 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 17. Authorization to Execute. The President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the President of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 18. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED August 5, 2024.



Dr. Barbara Mink
Chair of the Board of Trustees

ATTEST:



Dr. Manuel Gonzalez
Secretary of the Board of Trustees

[SEAL]

