

**Krista Bartsch
Bastrop County Clerk**

ORDER NO. _____

AN ORDER OF THE BASTROP COUNTY COMMISSIONERS COURT: (1) GRANTING THE PETITION FILED WITH THE BASTROP COUNTY CLERK ON JUNE 7, 2024 FOR THE CREATION OF THE BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; (2) ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO CONFIRM THE CREATION OF SAID DISTRICT AND AUTHORIZATION OF THE LEVY OF A TAX NOT TO EXCEED THE RATE ALLOWED BY SECTION 48-e, OF ARTICLE III, TEXAS CONSTITUTION; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.

WHEREAS, Bastrop County, Texas (“County”) is a county of the State of Texas, having been duly created and organized under the constitution and laws of Texas, and further, the Bastrop County Commissioners Court (“Commissioners Court”) is the governing body of the County; and

WHEREAS, pursuant to Article V, Section 18 of the Texas Constitution, Chapter 775 of the Texas Health and Safety Code, applicable provisions of the Texas Election Code, and other authority (collectively referred to as “the aforesaid authority”), the County, by and through its Commissioners Court, is charged with the responsibility of determining whether that certain active petition (“Petition”) filed on June 7, 2024 with the Bastrop County Clerk for the creation of the proposed BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3 (“District”) in Bastrop County, Texas, the contents of which petition are incorporated by reference, should he (1) granted and an election thereafter ordered and conducted to confirm the District’s creation and to authorize the imposition of a tax not to exceed the rate allowed by Section 48-e of Article III of the Texas Constitution, or in the alternative (2) denied as authorized by law; and

WHEREAS, the Petition states that the District’s boundaries are to be coextensive with the boundaries of Bastrop County, Texas, thereby necessarily attempting to include in the District’s territory located in Bastrop County, Texas certain municipal territory (or land) which is within the (1) municipal incorporated limits (or city limits and including annexations) and extraterritorial jurisdiction of the City of Bastrop, Texas, the City of Smithville, Texas, the City of Elgin, Texas, and the City of Mustang Ridge, Texas, and (2) the extraterritorial jurisdiction land of the City of Austin, Texas and the City of Webberville, Texas located in Bastrop County, Texas; and

WHEREAS, the governing bodies of the Cities of Bastrop, Texas, Smithville, Texas, and Mustang Ridge, Texas have provided to the County written resolutions pursuant to the aforesaid authority to confirm their consent for the creation of the District; and

WHEREAS, the governing bodies of the following municipalities, with jurisdictional land located in Bastrop County, Texas and proposed to be inside the District’s territory, currently

have failed to give their consent to the creation of the District: (1) the City of Elgin, Texas (regarding its municipal or city limits land [including annexations] and ETJ land located in Bastrop County, Texas); (2) the City of Austin, Texas (regarding only its ETJ land located in Bastrop County, Texas); and (3) the City of Webberville, Texas (regarding only its ETJ land located in Bastrop County, Texas); and

WHEREAS, it is the intent of the Commissioners Court by this order to grant the Petition as authorized by law and as hereafter described, fix the District's boundaries, and to order and give notice as required by law that a special election shall be held on November 5, 2024 to confirm the creation of the BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3 and authorization of the levy of a tax not to exceed the rate allowed by Section 48-e, Article III, Texas Constitution which provides for the levy of a tax not to exceed ten cents (\$0.10) on each \$100.00 valuation of ad valorem property situated in the District.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Bastrop County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

- (1) Unless otherwise designated in this order, the past, present, or future tense shall each include the other, the masculine or feminine gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.
- (2) All statements made in the caption and preliminary recitals of this order, and all attached documents, are incorporated by reference for all purposes.
- (3) The Commissioners Court hereby declares, confirms, and ratifies the occurrence of the following matters and events pursuant to the aforesaid authority: (a) the initial receipt prior to June 7, 2024 by the Bastrop County Judge of the Petition requesting the creation of the proposed BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3 ("District"); (b) the preliminary review conducted by the Bastrop County Judge regarding the proper form of the Petition; (c) the authorization granted by the Bastrop County Judge for the filing of the Petition with the Bastrop County Clerk; (d) the filing of the Petition with the Bastrop County Clerk on June 7, 2024; (e) the holding of a public hearing this date regarding the Petition in compliance with the aforesaid authority, and at which hearing (i) each person who had an interest in the creation of the District was allowed to attend the hearing and present grounds for or against creation of the District, and (ii) any interested person was allowed to appear before the Commissioners Court in person or by attorney to support or oppose the creation of the District and offer any pertinent

testimony, and (f) said public hearing having been properly predicated by the County having given all preliminary public notice required by law.

(4) The Commissioners Court hereby orders that the Petition filed with the Bastrop County Clerk on June 7, 2024 for the creation of the proposed BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3 in Bastrop County, Texas is in compliance with and is hereby granted pursuant to the aforesaid authority, including without limitation Sections 775.011-.098 of the Texas Health and Safety Code, and the Commissioners Court further orders the following regarding the creation and confirmation of the District:

(a) The Commissioners Court, on the issuance date of this order and pursuant to the applicable provisions of Chapter 775 of the Texas Health and Safety Code, hereby fixes the now active territorial boundaries of the BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3 ("District"), and states that said boundaries are coextensive with the boundaries of Bastrop County, Texas -- save, except, and excluding from the boundaries of the District, however, the following territory located in Bastrop County, Texas more particularly described by the approved mapping attached hereto as **Exhibit 1**: (1) all of the territory included in the municipal limits (including any annexation territory) and extraterritorial jurisdiction of the City of Elgin, Texas which is located in Bastrop County, Texas; (2) all of the territory included in the extraterritorial jurisdiction of the City of Austin, Texas which is located in Bastrop County, Texas; and (3) all of the territory included in the extraterritorial jurisdiction of the City of Webberville, Texas which is located in Bastrop County, Texas.

(b) A special election is hereby ordered to be held on November 5, 2024 for the following purposes, as described in the approved election order attached as **Exhibit 2**, and the approved election notice attached as **Exhibit 3**: to confirm the creation of the BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3 and authorization of the levy of a tax not to exceed the rate allowed by Section 48-e, Article III, Texas Constitution which provides for the levy of a tax not to exceed ten cents (\$0.10) on each \$100.00 valuation of ad valorem property situated in the District.

- (c) After the public hearing described above, the Commissioners Court hereby finds and orders that: (i) the creation of the District is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the proposed District; (ii) the creation of the District remains feasible and will continue to promote the public safety, welfare, health, and convenience of persons residing in the District (thus still meeting the requirements of Section 775.017(a) of the Texas Health and Safety Code) even though the territory of the City of Elgin, Texas (described above in subparagraph a) is excluded from the District; (iii) the creation of the District remains feasible and will continue to promote the public safety, welfare, health, and convenience of persons residing in the District (thus still meeting the requirements of Section 775.017(a) of the Texas Health and Safety Code) even though the territory of the City of Austin, Texas (described above in subparagraph a) is excluded from the District; and (iv) the creation of the District remains feasible and will continue to promote the public safety, welfare, health, and convenience of persons residing in the District (thus still meeting the requirements of Section 775.017(a) of the Texas Health and Safety Code) even though the territory of the City of Webberville, Texas (described above in subparagraph a) is excluded from the District.
- (d) This order shall take effect immediately from and after its passage, and all preliminary matters and conditions precedent to predicate the action of the Commissioners Court described in this order have been timely initiated and completed.
- (e) This order was enacted and approved at a public meeting of the Commissioners Court held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on this the 12th day of August, 2024.

**THE COMMISSIONERS COURT OF
BASTROP COUNTY, TEXAS**

Gregory Klaus
County Judge
Bastrop County, Texas

Whoin A. Hansen
County Commissioner, Precinct 1
Bastrop County, Texas

Clas B. Bissett
County Commissioner, Precinct 2
Bastrop County, Texas

Mark M. M. M.
County Commissioner, Precinct 3
Bastrop County, Texas

David D. Blaw
County Commissioner, Precinct 4
Bastrop County, Texas

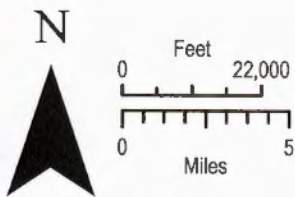
ATTEST!
Krista Baubach
County Clerk or Deputy County Clerk
Bastrop County, Texas

EXHIBIT 1
(District Territory Mapping)



MAP LEGEND

 Bastrop County ESD No. 3



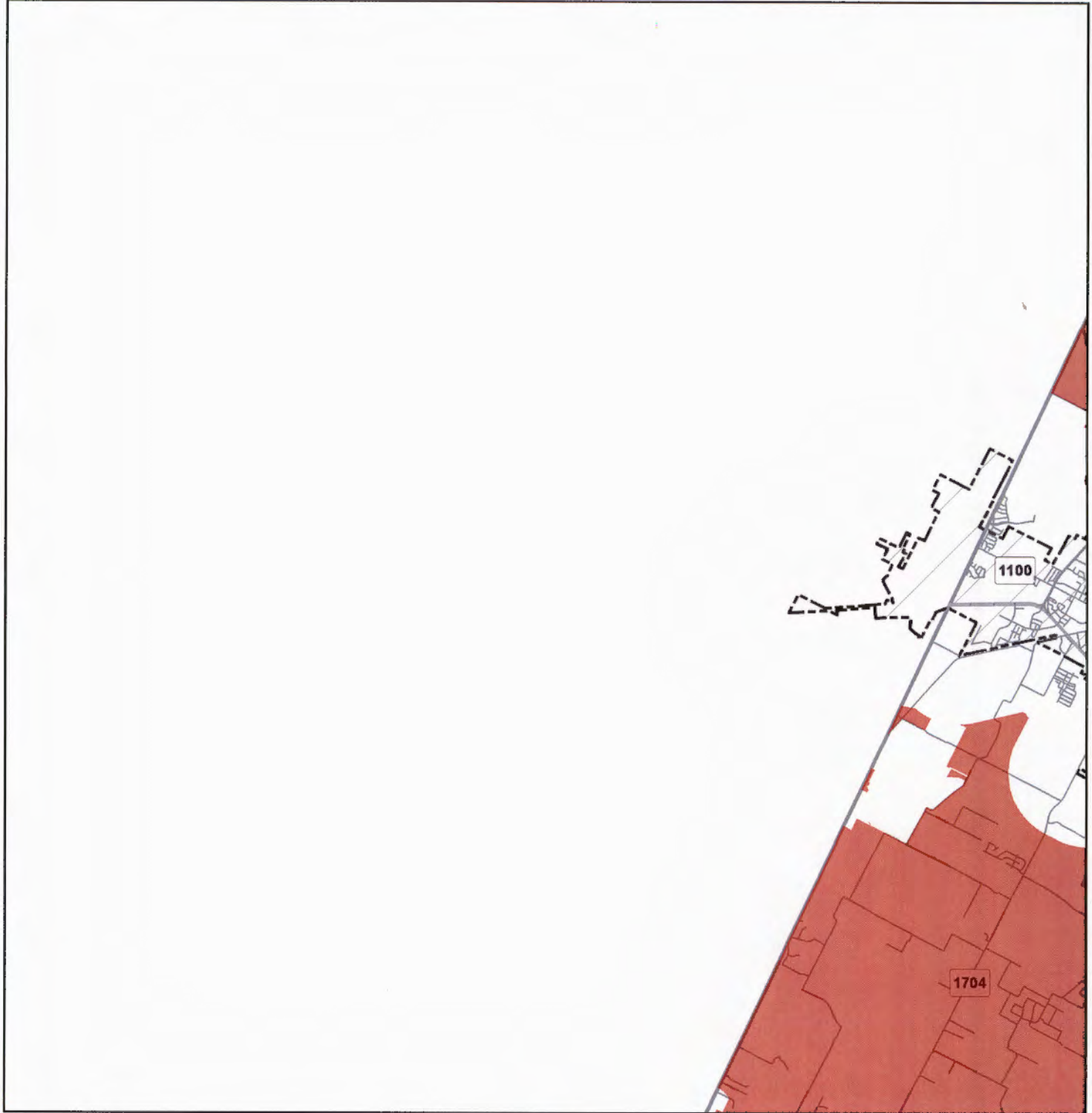
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MAP LEGEND

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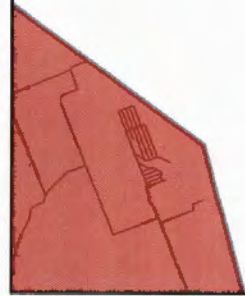
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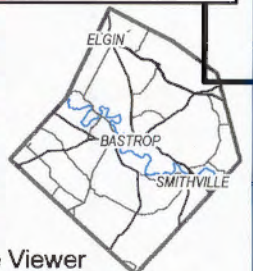
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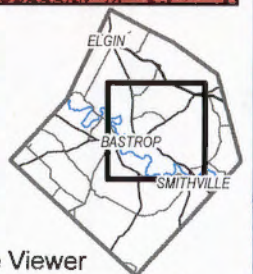
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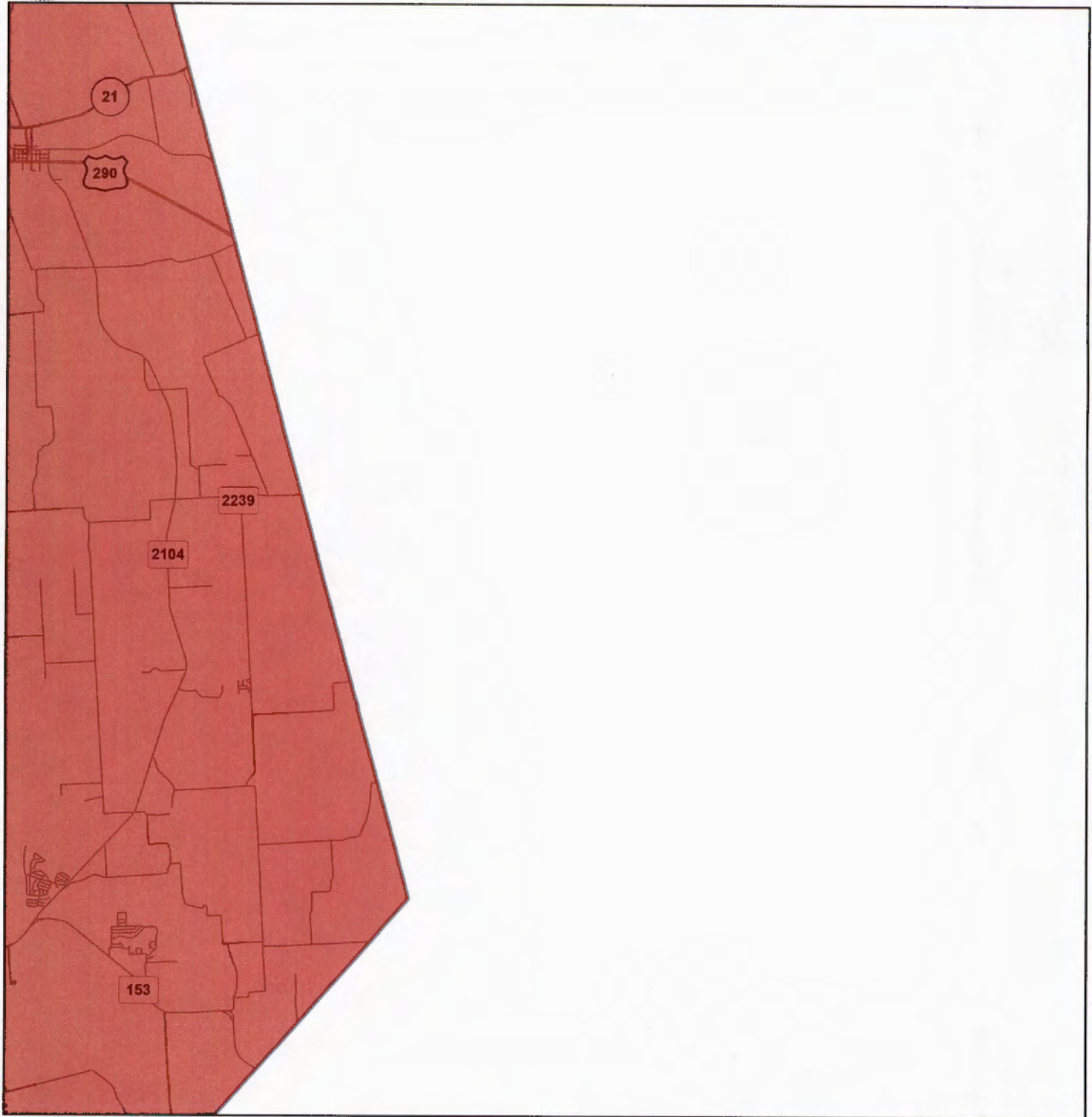
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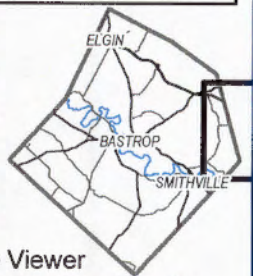
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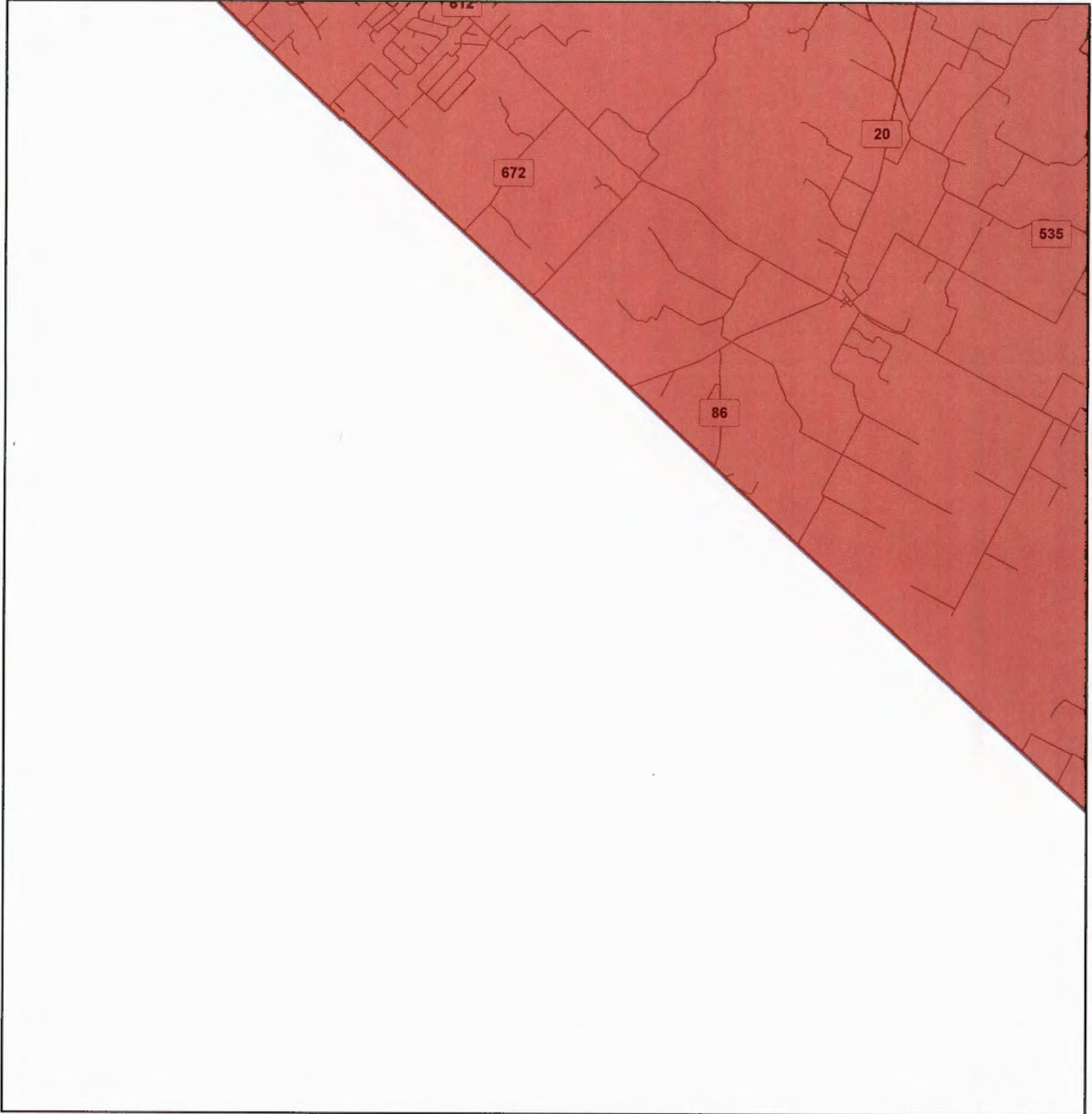
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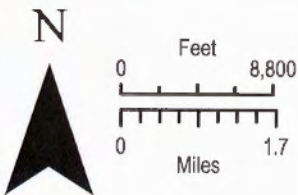
Bastrop County, TX

Bastrop County Emergency Service District No. 3 8
Territorial Boundaries

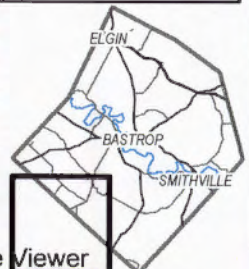


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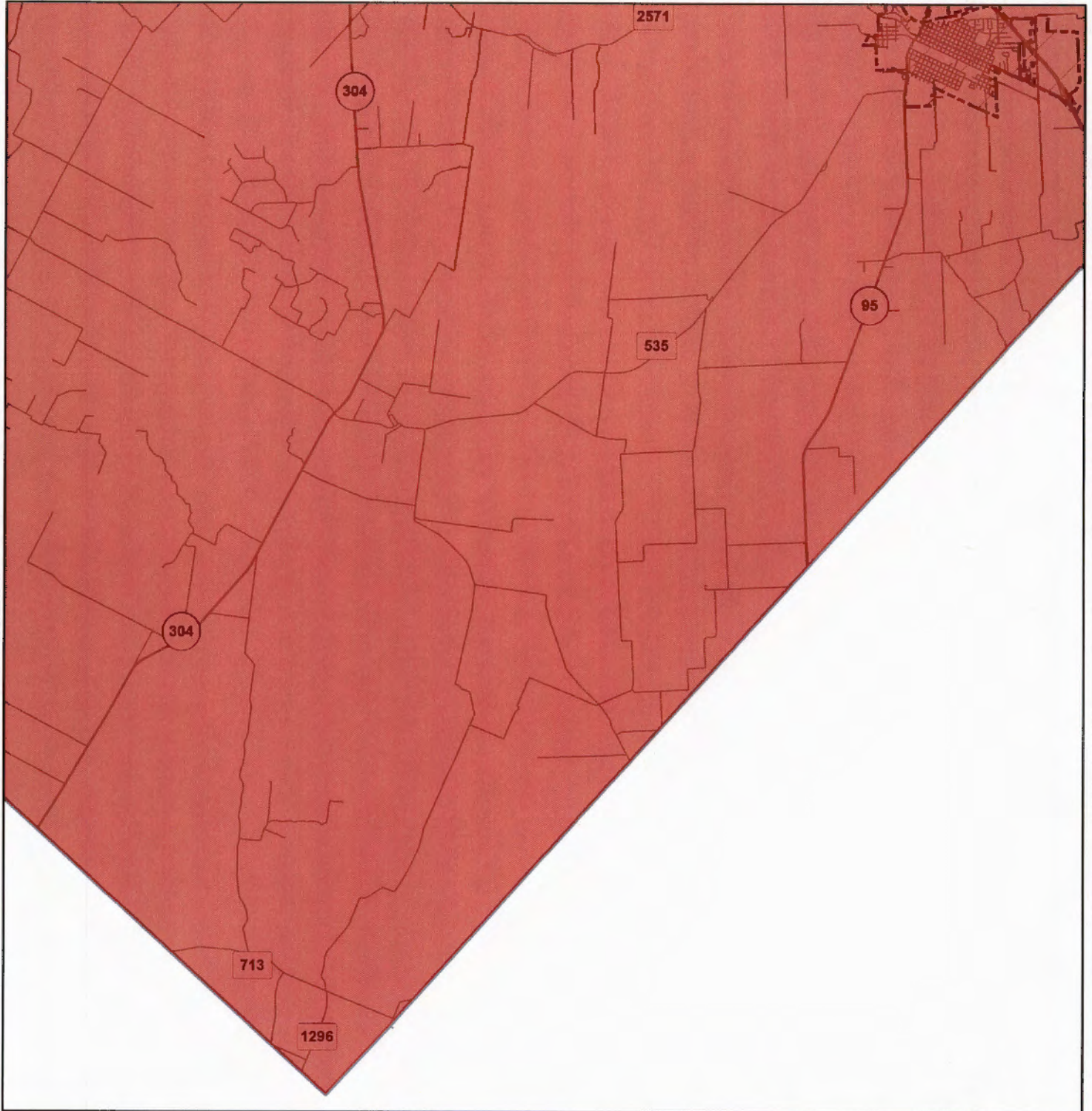


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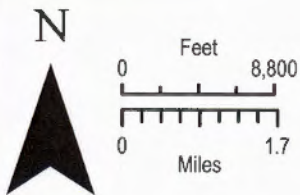
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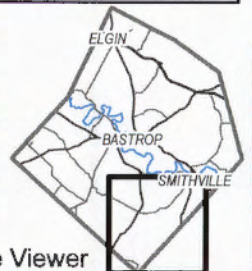
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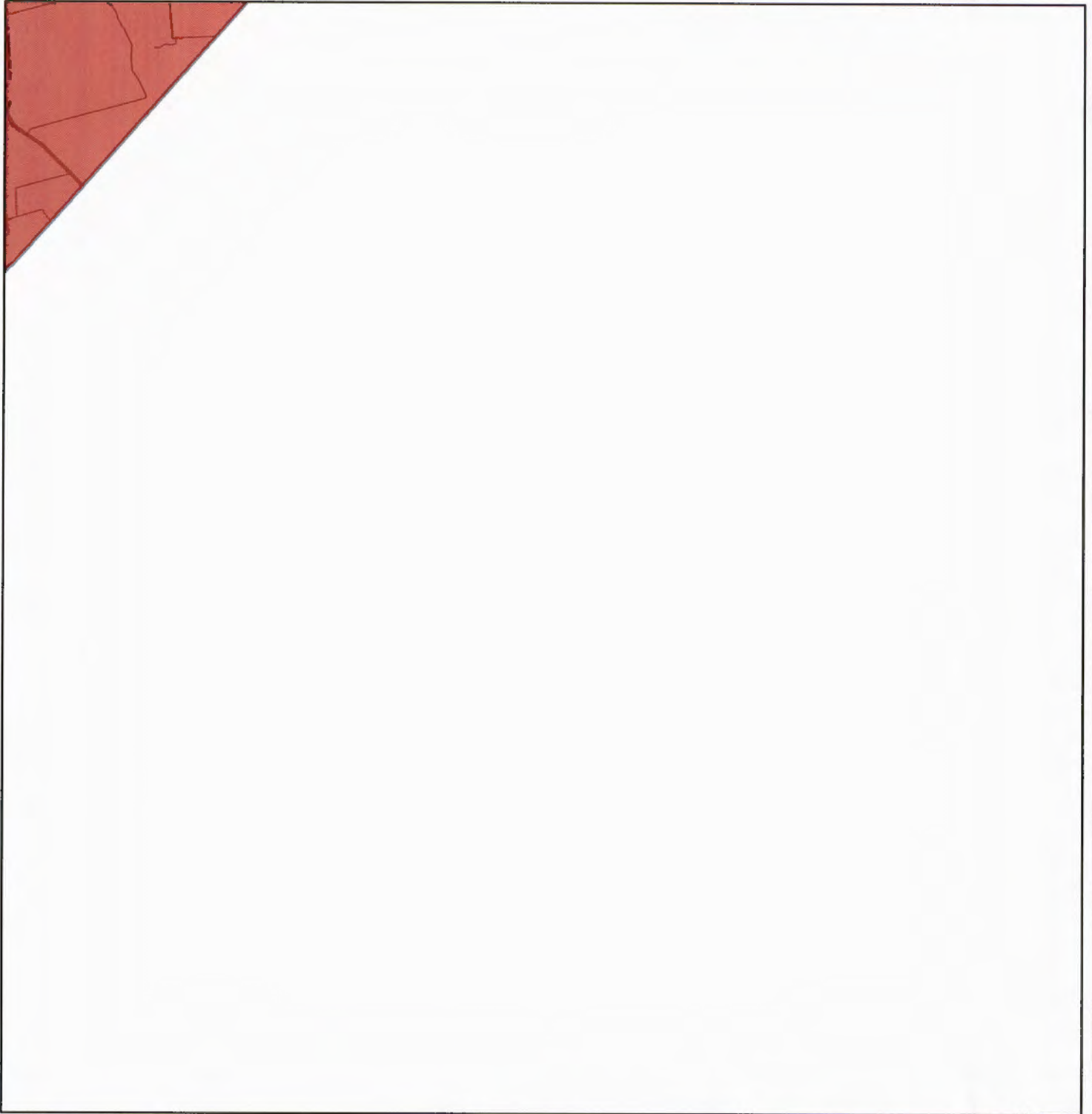


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Bastrop County, TX

Bastrop County Emergency Service District No. 3 10
Territorial Boundaries



MAP LEGEND

 Bastrop County ESD No. 3



Date: 8/12/2024



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