



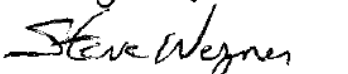

**DEBERRY WATER SUPPLY**

**ELECTION PROCEDURES FOR  
THE ANNUAL MEMBERS MEETING**

Adopted in accordance with Sections 67.0051-.0055 and 67.007 of the Texas Water Code  
by the Board of Directors, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary-Treasurer

Corporate Seal  
(if applicable)

1. **Annual Meeting Date.** The annual meeting of the members of the Corporation must be held between January 1<sup>st</sup> and May 1<sup>st</sup>.<sup>1</sup> If the Corporation's Bylaws specify a date for the annual meeting, the meeting shall be on that date (March 1st). If the Bylaws do not specify a date, the board shall determine the date which is no earlier than January 1<sup>st</sup> and not later than May 1<sup>st</sup>. The Corporation may hold other special meetings of the members for the purpose of conducting an election on an issue that requires a vote of the membership or for another purpose.
2. **Credentials Committee.** At least 180 days prior to the annual meeting the Board of Directors shall appoint a **Credentials Committee** of three individuals. This committee shall at no time have sufficient board members appointed to constitute a quorum of the Board of Directors.
  - a. The chairperson of the **Credentials Committee** will be the Secretary/Treasurer unless that individual is running for re-election; in which case the Board shall appoint any other officer not running for re-election to serve as the chairperson of the committee. If all officers are running for re-election any other director not running for re-election will be appointed as the chairperson.
  - b. In filling the other positions, the Board shall appoint two other members of the Corporation.
  - c. A **Credential Committee** member may not be an employee of the Corporation, a candidate for the director election, a family member of a candidate running for election to the board or an independent contractor engaged by the Corporation during the Corporation's regular course of business.
  - d. The **Credential Committee** shall assist the board by:
    - 1) Recommending for Board approval the ballot form, director application forms, the annual meeting packet, the meeting notice and any other related forms and notices for the annual meeting at least 95 days prior to the annual meeting;
    - 2) Recommending for Board approval a person to fill the role of **Independent Election Auditor** at least 45 days prior to the annual meeting;
    - 3) Ensuring that the election procedures are implemented;
    - 4) Generating interest among the membership to apply to serve on the board;
    - 5) Verifying candidate applications and petitions for completeness (with the assistance of the Corporation if needed); and
    - 6) Serving other functions as set forth in these procedures.
  - e. In the event of a vacancy on the **Credentials Committee**, the Board shall appoint a replacement who meets the qualifications in Section 2.c as soon as is practical.
3. **Adoption of Election Procedures.** The Board will meet at least 90 days before the annual meeting to review and adopt the ballot form, director application form, and election procedures. These election procedures apply to a member meeting where an election will be held. They are adopted in accordance with Section 67.007(b) and 67.0054(f) of the Texas Water Code. The timeline for events leading up to an election is set forth in **Attachment 1**.
4. **Applications for Director and Requests for Action Items.** At least 80 days before the date of the annual meeting that includes a director election, the Corporation will notify all members of their opportunity to submit an application to serve as a Director.<sup>2</sup> The notice shall specify the procedures for submitting an application, including instructions on who to send the completed application forms to as well as the mailing address and/or the email address for the designated individuals. The notice shall also inform members that they may request that items be placed on the agenda of the Annual Member

<sup>1</sup> See, T.W.C. Sec. 67.007

<sup>2</sup> See, T.W.C. Sec. 67.0052(b); This is the first deadline prescribed by law and it is set at 75 days, but extra time is suggested.

Meeting by contacting the Corporation's office during regular business hours or sending an email to the Corporation at \_\_\_\_\_ at least one week before the date meeting packets are sent to members as described by Section 7.

- a. The application form will require the following information (**Attachment 2**)<sup>3</sup>:
  - 1) The person's name and contact information;
  - 2) If applicable, the director's position number, district number or other distinguishing number for which the person seeks to be elected;
  - 3) Biographical information about the person;
  - 4) A statement of the person's qualifications to serve as director;
  - 5) A signed statement that the person is qualified under Texas Water Code Section 67.0051 as follows:
    - i. is at least 18 years old on the first day of the term to be filled;
    - ii. is a member of the Corporation;
    - iii. has 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; and
    - iv. has not been finally convicted of a felony or if convicted, was pardoned or otherwise released from the resulting disabilities;
  - 6) A statement that the person meets the eligibility requirements, if any, set forth in the Certificate of Formation and Bylaws of the Corporation;
  - 7) The person's written consent to serve, if elected; and
  - 8) If the system has 1,500 or more members, a petition, signed by 20 members, requesting that the person's name be placed on the ballot as a candidate for that position<sup>4</sup>.
- b. By law, Director Applications are due 45 days before the date of the annual meeting, at close of business.<sup>5</sup> Applications received after this date and time will not be accepted. Applicants are encouraged to submit applications earlier to give the **Credentials Committee** time to verify that the application is complete and provide the applicant with the opportunity to correct any defects, if necessary. The Corporation cannot guarantee an applicant the opportunity to correct a defect in the application if it is submitted less than 48 hours before this deadline.
- c. Applications shall be submitted as prescribed in the Application for Board of Directors Position.
- d. Upon receipt of each application, the **Credential Committee** shall review the application for completeness, including confirming with the Corporation that the applicant is a current member and whether the signatures on the petition represent a valid membership (if applicable). Within 48 hours of receiving the application a reviewer shall notify the applicant of any defects in the application and the applicant will be given the opportunity to cure any omitted information on the application or incorrect data on the petition.
- e. To be listed on the ballot the applicant must submit a corrected application or petition not later than 45 days before the date of the annual meeting in the same manner prescribed for in the original application and petition in this section.
- f. The Corporation or **Credential Committee** Member shall not edit the content of an application submitted by the applicant.

<sup>3</sup> See T.W.C. Sec. 67.0052

<sup>4</sup> Note: The Corporation may advise candidates to obtain a few extra signatures in case there are any disqualifications of the signatures provided. Only one representative from each membership may sign a petition supporting an application for director (for example, one individual in a married couple may sign a petition if the couple shares a single membership). An applicant may sign his or her own petition for director.

<sup>5</sup> See T.W.C. Sec. 67.0052(b).



5. **Board Meeting.** The board will meet no later than 40 days before the date of the annual meeting to:
- a. **Select an Independent Election Auditor.**
    - 1) The Board of Directors may select an **Independent Election Auditor** based on the recommendation of the Credentials Committee.
    - 2) The **Independent Election Auditor** is not required to be an experienced election judge or auditor and may serve as an unpaid volunteer.
    - 3) The **Independent Election Auditor** cannot be associated with the Corporation as an employee, director or candidate for director, a family member of a candidate or director or an independent contractor engaged by the Corporation as part of the Corporation's regular course of business, but may be a member of the Corporation.
  - b. **Finalize and approve the voting ballot** listing candidates, the annual meeting agenda and the annual meeting packet.
  - c. **Determine whether any candidate is unopposed.** If there are unopposed candidates, the board may declare the candidates elected and certify in writing by resolution (**Attachment 7**) that the candidates are unopposed<sup>6</sup>. If there is more than one director position for which unopposed candidates are declared elected and the terms are not for equal duration of service, those unopposed candidates will draw lots under the direction of the presiding director to determine who will fill each position. The resolution will specify which candidates have been declared elected for each position. An election will not be held for the unopposed candidates. The Board will direct that the resolution be posted at the Corporation's main office as soon as practical. The resolution also will be read into the record at the annual meeting.

**Note:** If an election is still necessary after any unopposed candidate has been declared elected as stated above, the ballot must also include the names of the unopposed candidate(s) who have been declared elected under the heading "Unopposed Candidates Declared Elected" along with the opposed candidates, e.g. Director Position for District 1 was unopposed, however District 2 has two candidates running for this position.
  - d. If the board fails to pass a resolution of unopposed candidates, the election shall proceed with the unopposed candidates on the ballot.

**Note:** Texas Water Code Sec. 67.0055 specifies that a person may not, by intimidation or by means of coercion, influence or attempt to influence a person to withdraw as a candidate or not to file an application for a place on the ballot so that an election may be canceled.
6. **Voting Roster.** At least 40 days prior to the annual meeting the Corporation will prepare an alphabetical list of the names and addresses of all its voting members ("Voting Roster") as required by Section 22.158 of the Business Organizations Code.
- a. The Voting Roster of members approved to vote in the annual election shall be available no later than the second business day after the date the annual meeting packets are sent to the members, and through the day of the meeting.
  - b. The Corporation shall provide a copy of Voting Roster to the **Independent Election Auditor** to verify the members which may cast a ballot in the election.
  - c. The Voting Roster will also be made available in the Corporation's office or other location deemed accessible for inspection by a member or the member's agent or attorney.
  - d. The Voting Roster will be available for inspection at the annual meeting.

<sup>6</sup> See T.W.C. Sec. 67.0055(a) & (b)

7. **Meeting Packets.** At least 30 days before the date of a member meeting where an election will be held,<sup>7</sup> the Corporation shall mail to each voting member of the Corporation the meeting packets, which will contain as applicable:
- a. the Notice of Member Meeting (**Attachment 3**);
  - b. the Official Ballot Form (**Attachment 4**);
  - c. an envelope for members to return their ballots that includes the member's return address and account number, and the address where the ballots are to be sent (either Corporation's main office or **Independent Election Auditor's** office/address) (**Attachment 5**);
  - d. biographical information about each candidate for director, including their qualifications as provided in their application (**Attachment 6**);
  - e. a detailed explanation of any issue (ballot measure) the members are being asked to vote on;
  - f. if bylaw changes are being proposed, a copy of the specific changes; and
  - g. if the Corporation's bylaws provide that an official seal must be used on ballots, the Corporation shall ensure that all ballots contain the seal.

The Corporation shall send the voting packet to the members correct billing address. If renters are billed for service, the Corporation shall send the voting packet to the members alternate address on file with the Corporation.

If the Corporation allows for renters to be members, the Corporation shall send the packet to the renter who is a member.

If the election is unopposed, the Corporation is still required to send out a meeting notice; however, the notice may be included with a utility bill.

8. **Voting.** A member is entitled to only one vote regardless of the number of memberships the member owns. A member may be a natural person; a partnership of two or more persons having a joint or common interest, including a married couple who jointly own property; or a Corporation. The system shall use a secured ballot box with a lock on it as the depository of the ballots. The Secretary/Treasurer shall keep the key to the box unless the Secretary/Treasurer is running for re-election, in which case the board shall appoint another officer. If all officers are running for re-election the board will appoint a director or the General Manager/Manager.

a. **Voting in Advance of the Annual Meeting**

- 1) The Corporation will accept ballot forms received during regular office hours at the Corporation's office or by mail not later than noon on the business day before the annual meeting or the board may designate the ballots be mailed or delivered to the Office of the **Independent Election Auditor** not later than noon on the business day before the date of the annual meeting (if applicable).<sup>8</sup>
- 2) Upon receipt of a ballot, the board-appointed staff member or the **Independent Election Auditor** will record on the Voting Roster that the member has submitted a ballot envelope, and then will place the unopened ballot envelope in the secured ballot box.
- 3) The secured box[es] will be turned over to the **Independent Election Auditor** after the 12-noon voting deadline and will remain in the custody of the **Independent Election Auditor** until the end of the Election.

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<sup>7</sup> See T.W.C. Sec. 67.0053

<sup>8</sup> See T.W.C. Sec. 67.0054(a). In the alternative, the Corporation may designate that the ballots be delivered to the office of the **Independent Election Auditor**.



b. **Voting in Person at the Annual Meeting.**

- 1) Members attending the annual meeting will check in with the **Independent Election Auditor** who will verify whether the member has already submitted a ballot.
- 2) The **Independent Election Auditor** will provide an official ballot to those members who are voting at the annual meeting. The ballots will be printed on a different color paper or contain a special marking such as a distinct watermark to distinguish them from the ballots sent in advance of the meeting.
- 3) If a member attends the annual meeting but has already submitted a ballot, the member may participate in the meeting but may not change their vote or submit another ballot.

9. **Open Meetings Act Notice.** The Corporation also will post the Agenda of the Members Meeting in accordance with the Open Meetings Act at least 72 hours in advance of any member meeting (see **attachment #3**). If the board plans to hold a board meeting on adjournment of the annual meeting, a separate notice of that meeting also must be posted.

10. **Conducting the Annual Meeting.** The presiding director will conduct the annual members meeting in accordance with the noticed meeting agenda.

11. **Quorum Requirement.** At the commencement of the annual meeting, the presiding director will make a last call for the submission of ballots. The presiding director will report the total number of members who are present, which includes those members who mailed or delivered ballots prior to the meeting, for the purpose of establishing a quorum. Upon establishing a quorum, the presiding director will announce that a quorum of the membership is present and that the meeting [and election] may proceed.<sup>9</sup>

12. **Counting the Ballots.** Upon the last call for ballots the **Independent Election Auditor** will count the number of ballots received by mail or in person delivery to the Corporation or **Independent Election Auditor** and the number of ballots cast at the meeting and report the total number to the presiding officer to establish a quorum. Once the quorum has been established the **Independent Election Auditor** may begin to open the ballot envelopes cast in advance and place those ballots with the ballots cast at the meeting. The envelopes will be kept separately in a secured location. The **Independent Election Auditor** will count all the ballots at the meeting prior to adjournment and will provide the board with a written report of the election results<sup>10</sup> (see **attachment #9**).

The **Independent Election Auditor** may enlist the assistance of members or other individuals to count ballots and to assist with other duties. Individuals assisting the **Independent Election Auditor** may not be an employee of the Corporation, a current director or candidate, a family member of a director running for election, a candidate, or an independent contractor engaged by the Corporation as part of the Corporation's regular course of business.

- If there is more than one director position to be filled and the terms are not for equal duration of service, those candidates receiving the greater number of votes will fill the positions with the longer terms.
- If two or more candidates for a director's position tie for the highest number of votes, those candidates will draw lots under the direction of the **Independent Election Auditor** to determine who is elected.
- If there is a tie vote on an issue other than a director election, the measure fails.

<sup>9</sup> See T.W.C. Sec. 67.007(a-1). A quorum for the transaction of business at a meeting of the members or shareholders is a majority of the members and shareholders present.

<sup>10</sup> See T.W.C. Sec. 67.0054(b) & (e)



13. **New Board of Directors Meeting.** The first regular board meeting of the newly elected board of directors will be held on the same day and immediately following the annual election meeting. A separate agenda will be posted for this first board meeting, as required by the Open Meetings Act, where business will include electing new officers from among the new board members. Additionally, the board may elect to appoint **Credentials Committee Members** for the next election year. The board also will designate those directors who have authority to sign checks on the behalf of the Corporation, if not otherwise designated by the Corporation's Bylaws.
14. **Election Contest.** Should any member wish to contest an election, said member must officially file suit in Panola County District Court within thirty days of the announcement of the official results of the election at issue.



**At least 180 Days**  
**Prior Sept 2024**

The Board of Directors shall appoint a Credentials Committee.

**At least 95 Days**  
**Prior**

The Credential Committee will recommend to the Board the ballot form, director applications forms, the annual meeting packet, annual meeting notice and any other related forms for the annual meeting.

**At least 90 Days**  
**Prior Dec. 11**  
**2024**

The Board of Directors will hold a meeting to vote on approving the Credential Committee recommendations of the director ballot form, director application forms, the annual meeting packet, annual meetings notice, election procedures and any other related forms for the annual meeting.

**At least 80 Days**  
**Prior**

Notice of opportunity to submit applications for director positions and requests for action items is sent to members.

**45 Days Prior**

Applications for director positions are due. Corporation will review applications and petition signatures upon receipt and notify candidates of any defects that need to be cured. Corporation cannot guarantee the opportunity to cure if application submitted less than 48 hours before this deadline.

Board meets to:

- (1) Select an Independent Election Auditor.
- (2) Determine whether any candidates are unopposed, and, if applicable, pass a resolution declaring elected all unopposed candidates and direct that resolution be posted at the Corporation's main office.
- (3) Finalize and approve the ballot, agenda, and meeting packet for the member meeting.

**At least 40 Days**  
**Prior**

Also, the Corporation shall prepare a voting roster of members, and make it available to the members in the Corporation's office.

**At least 30 Days**  
**Prior**

Members' meeting packets, including notice of meeting, agenda, statement of each candidate's qualifications, including biographical information and ballots are mailed. If the election is cancelled, the meeting notice and agenda must still be sent, but may be included with a utility bill

The Voting Roster shall be may available no later than the second business day after meeting packets are sent out to members.

3 Days  
(72 Hours) Prior  
Feb 26th

Corporation posts notice of Membership Meeting/ Director Election and of first Board of Director meeting, if applicable, in accordance with Open Meetings Act.

12 Noon,  
1 Day Prior Feb  
28th

Deadline for submittal of ballots by mail, drop box (if applicable) or delivered to business office.

Meeting/ Election  
Day-March 1st

Meeting is convened, and ballots are accepted until presiding director makes a last call for ballots. If applicable, presiding director reads into the record resolution declaring unopposed candidates elected.

Upon adjournment of director election, new Board of Directors meets.

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**APPLICATION FOR BOARD OF DIRECTORS POSITION OF THE  
DEBERRY WATER SUPPLY  
CORPORATION**

This application form must be completed and submitted to the Corporation's main office to the attention of the **Credential Committee** or to the Corporation at \_\_\_\_\_ (address) or by email at \_\_\_\_\_ by \_\_\_\_\_, 20\_\_\_\_ by close of business for the applicant's name to be placed on the ballot. If the Corporation has 1,500 or more members, this form must be accompanied by a petition signed by at least 20 members, requesting that the applicant's name be placed on the ballot as a candidate for director.

**Section 1**

**Biographical Information:**

Applicant's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Service Address (if different than mailing address):  
\_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Water Supply Corporation Member Since: \_\_\_\_\_

(if any interruptions in years of service, please list) \_\_\_\_\_

**Section 2**

<b>Director</b>	<b>Position</b>	<b>Sought:</b>
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(If system has distinguishing numbers for individual director positions such as district # or director #1, please list; if not applicable list as **Not Applicable**. Additionally, if you are seeking election to a director position that is currently vacant due to the death, resignation, or removal of a previous director, please indicate that you are running for the vacant position.)

**Experience/Qualifications (will be printed and sent to members with ballot):**

Previous Committee/Community Involvement/Director, etc. Experience:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Professional Experience:**

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**Education:**

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**Section 3**

**Personal Statement (will be printed and sent to members with ballot, 100-word limit):**

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#### Section 4

##### **Affirmation and Pledge to Serve:**

I, \_\_\_\_\_ (applicant's name) will be at least 18 years of age on the first day of the director term; am a member of the Corporation; have not been determined by a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote; and have not been finally convicted of a felony. (See Texas Water Code, Section 67.0051)

I have reviewed the Corporation's bylaws and certificate of formation and I meet the qualifications set forth therein and if elected I agree to comply with all governing documents, board policies and complete Texas Open Meetings Act Training within ninety days of my election date.

Additionally, if elected, I pledge to serve in a director position on the Corporation's Board of Directors, and will do my best to attend all meetings, regular or special, as designated by the board.

Under penalties of perjury, I declare that I have reviewed the information presented in this Application, including accompanying documents, and to the best of my knowledge and belief, the information is true, correct and complete.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

(The Corporation shall ensure all applicants have access to review  
Bylaws, Certificate of Formation and Board Policies)



**Notice of Member Meeting for  
DEBERRY Water Supply Corporation**

The Annual Member Meeting for the DEBERRY Water Supply Corporation will be held at the \_\_\_\_\_ (name of building, address, city, TX ZIP).

The meeting will start at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_ (date). The purpose of the meeting will be to update the membership on the business affairs of the Corporation and to conduct a director election unless the election is declared unopposed by a resolution of the board of directors.

The Corporation will mail to each member one official ballot regardless of the number of memberships they hold. Only the original official ballot mailed to the member or provided at the annual members meeting will be valid. If a member has lost their ballot, a replacement ballot will be issued to the member. The member must contact the Corporation at (xxx) xxx-xxxx or by e-mail at \_\_\_\_\_ to obtain an official replacement ballot.

Reproduced or copied ballots will not be accepted.

On the day of the election, members will check in with the **Independent Election Auditor** who will verify whether the member's official ballot has been received. If the member has not previously submitted a ballot, the member will be provided with a new official ballot. If the member has sent in their ballot but the Corporation has not received the ballot the member will be provided with a new official ballot. Members will receive one ballot no matter how many memberships they hold. The member's name on the ballot must match their application for service name.

SAMPLE  
Annual Members Meeting Agenda  
Water Supply Corporation

Date of the Meeting  
Location of Meeting  
Time Meeting Starts

1. Presiding director calls the meeting to order
2. Presiding director allows candidates to present their credentials (if applicable, not required)
3. Presiding director allows for the genral public to sign up to speak.
4. Presiding director makes a last call for submission of official ballots.
5. Presiding director announces the total number of members present at the meeting and the total number of ballots received prior to the meeting.
6. Presiding director will then announce that a quorum of the membership is present and that the meeting may proceed.
7. Read and approve the previous Annual Member Meeting minutes.
8. Update reports (must be specific on each item and what you will be talking about per Texas Open Meetings Act)
  - a. Report of Board President or Presiding Director
  - b. Report of Corporation Manager
  - c. Report of system finances
  - d. Engineer's report on projects
  - e. Operator's report on system's operations and concerns
  - f. Regulatory report by \_\_\_\_\_ representative
9. Election Results -- **Independent Election Auditor** submits offical report to presiding officer
  - a. **Independent Election Auditor** provides the presiding director with a written report of the election results for director positions/amendments to Bylaws; and any other proposition voted on by the members.
  - b. Presiding director announces election results or reads resolution declaring election of unopposed candidates (if applicable).
  - c. Presiding director introduces newly elected directors and if no objections, declares them as board members to assume the position of directors immediately.
10. Closing comments by presiding director.
11. Meeting is adjourned.

Member's name \_\_\_\_\_  
 Mailing address \_\_\_\_\_  
 City, state, ZIP \_\_\_\_\_  
 Member Account No. \_\_\_\_\_

## Please Use the Official Envelope to Mail/Deliver Your Ballot

### Three (3) Options to Cast Your Vote

#### 1. Mail

- Mark your selections by placing an X or √ inside the appropriate boxes.
- Detach ballot and place in the enclosed envelope.
- Mail envelope to: \_\_\_\_\_ WSC at \_\_\_\_\_

Mailed ballots must be received in the mail by \_\_\_\_\_ (date) in order to be counted.

#### 2. Deliver to Corporation's Office (note: if the Corporation does not have an official office you may allow members to use a drop box which is used for payments as long as the box is secure from tampering. Ballots shall be retrieved from box no later than 12:01 PM on the date specified below.)

Follow the instructions in #1 for mailing but deliver the forms to the Corporation's office at \_\_\_\_\_ (address) by **12:00 PM**.

#### 3. In Person at the Member Meeting

The Annual Meeting will be held on \_\_\_\_\_, 201\_\_ at \_\_\_\_\_ AM/PM  
 at \_\_\_\_\_ (address).

The mailed ballot will not be valid for voting in person at the Annual Meeting. An official ballot will be distributed to you when you register to vote at the meeting. This official ballot will be on different color paper from the mailed official ballot.

**E-mailed and Faxed Ballots will not be accepted  
 Reproduced unofficial ballots will NOT be accepted**

## DEBERRY Water Supply Corporation 2025 Official Election Ballot

Mark your selections by **placing an X or a √ inside the appropriate boxes.**

Reproduced ballots will not be accepted as an official ballot

Candidate names are listed in alphabetical order.

Director Candidate(s),		Proposed Bylaw Change:	
Only vote for _____ candidates. Casting a vote for more than the allowed candidates may void the ballot.		Amend bylaws to move the annual meeting to the third Tuesday in April	
<input type="checkbox"/> Alice Alright	<input type="checkbox"/> Ben Better	<input type="checkbox"/> For	<input type="checkbox"/> Against
<input type="checkbox"/> Charles Careful	<input type="checkbox"/> Dan Diligent		

(If all the candidates are unopposed the board may send out this ballot with the language listed below)  
 "Unopposed Candidates Declared Elected" The following candidate(s) is/are declared elected by the official board resolution pursuant to Texas Water Code Section 67.005 Alice Alright, Ben Better, Charles Careful, Dan Diligent (list position/district # if applicable)

ATTACHMENT 5: SAMPLE RETURN ENVELOPE

DO NOT INCLUDE BILL!  
Any payment in this envelope will  
not be credited until after election.

Member's name  
address  
city, TX, ZIP

Member Account No. \_\_\_\_\_

\_\_\_\_\_ Water Supply Corporation  
address  
city, Texas ZIP

POST OFFICE  
WILL NOT  
DELIVER  
WITHOUT  
POSTAGE

**Water Supply Corporation**  
**20\_\_ Board of Director Candidate Information**  
 Candidate names are listed in alphabetical order

**Board Position**

Alice Alright	Water System Member Since: 2001
Previous Committee/Community Involvement/Director, etc. Experience:  Professional Experience: Owner of Alright Insurance Company  Education: Graduated from Texas State University in 1985 with a Bachelor of Science degree  Personal Statement: With nine years in the insurance industry, I understand the importance of strong internal controls, proper oversight and full financial reporting. Combined with my other corporate experience gained from employment and consulting services, I can assist in the development of excellent policies for the employees of the Corporation.	

**Board Position**

Ben Better	Water System Member Since: 1995
Previous Committee/Community Involvement/Director, etc. Experience:  Professional Experience: Served in the United States Air Force and the Texas Air National Guard. Own and Operate Careful Construction  Education: BS Business and Management - University of Texas  Personal Statement: As one of three reform directors elected in 2009, I initiated the first budget for this water system and the first internal control function. The results of the new budget have been very impressive – we have been able to reduce costs even while the system is growing. I welcome the opportunity to continue to work towards our goal of providing low cost water while maintaining high standards of reliability and customer service.	

## Board Position

Charles Careful	Water System Member Since: 1990 – 1992 and 2000-Present
<p>Previous Committee/Community Involvement/Director, etc. Experience:</p> <p>Professional Experience: Corporate human resources, followed by 20+ years as a business entrepreneur in retail/rental.</p> <p>Education: Bachelor of Business Administration Texas A &amp; M University</p> <p>Personal Statement: The water system should be run for the benefit of the members delivering the best service at the lowest feasible price while being operated as transparently as possible. I will bring straight-forward common-sense business practices to obtain this goal.</p>	

**RESOLUTION DECLARING UNOPPOSED CANDIDATES OF  
DEBERRY WATER SUPPLY CORPORATION ELECTION**

WHEREAS, DEBERRY Water Supply Corporation posted notice of the opportunity for candidates to submit applications to run for \_\_\_\_\_ (*insert number of*) positions on its Board of Directors pursuant to Texas Water Code Section 67.0052(b); and

WHEREAS, only \_\_\_\_\_ (*insert number of*) people submitted applications for these open positions, thus creating an unopposed election for each position pursuant to Texas Water Code Section 67.0055;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF \_\_\_\_\_ WATER SUPPLY CORPORATION DECLARES ELECTED TO THESE POSITIONS:

*(insert names of unopposed candidates)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Board of Directors so orders that this resolution be posted at the Corporation's main office and read into the record at the Corporation's annual meeting, pursuant to Texas Water Code Section 67.0055.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
President, Board of Directors  
DEBERRY Water Supply Corporation

\_\_\_\_\_  
Secretary, Board of Directors  
DEBERRY Water Supply Corporation

**§ 67.0052. BALLOT APPLICATION.**

- (a) To be listed on the ballot as a candidate for a director's position, a person must file an application with the Corporation that includes:
  - (1) the director's position sought, including any position number or other distinguishing number;
  - (2) if the Corporation has 1,500 or more members or shareholders, a petition signed by 20 members or shareholders requesting that the person's name be placed on the ballot as a candidate for that position;
  - (3) the person's written consent to serve, if elected;
  - (4) biographical information about the person; and
  - (5) a statement of the person's qualifications, including a statement that the person has the qualifications prescribed by Section 67.0051.
- (b) The application must be filed with the Corporation not later than the 45th day before the date of the annual meeting. The Corporation shall notify the members or shareholders of the application deadline not later than the 30th day before the deadline.
- (c) The Corporation shall make available director candidate application forms at the Corporation's main office and shall provide application forms by mail or electronically on request.
- (d) This section applies only to a Corporation that provides retail water or sewer service.

**§ 67.0053. BALLOT.**

- (a) Not later than the 30th day before the date of an annual meeting, the Corporation shall mail to each member or shareholder of record:
  - (1) written notice of the meeting;
  - (2) the election ballot; and
  - (3) a statement of each candidate's qualifications, including biographical information as provided in each candidate's application.
- (b) The election ballot must include:
  - (1) the number of directors to be elected; and
  - (2) the names of the candidates for each position.
- (c) This section:
  - (1) applies only to a Corporation that provides retail water or sewer service; and
  - (2) does not apply to an election in relation to a candidate for a director's position for which the board has adopted a resolution under Section 67.0055.



#### **§ 67.0054. ELECTION PROCEDURES.**

- (a) A member or shareholder may vote:
  - (1) in person at the annual meeting;
  - (2) by mailing a completed ballot to the office of the **Independent Election Auditor** selected under Section 67.007(d) or to the Corporation's main office, which ballot must be received by the Corporation not later than noon on the business day before the date of the annual meeting; or
  - (3) by delivering a completed ballot to the office of the **Independent Election Auditor** or to the Corporation's main office not later than noon on the business day before the date of the annual meeting.
- (b) The **Independent Election Auditor** shall receive and count the ballots before the annual meeting is adjourned.
- (c) For each director's position, the candidate who receives the highest number of votes or who is the subject of a resolution described by Section 67.0055 is elected.
- (d) If two or more candidates for the same position tie for the highest number of votes for that position, those candidates shall draw lots to determine who is elected.
- (e) The **Independent Election Auditor** shall provide the board with a written report of the election results.
- (f) The board may adopt necessary rules or bylaws to implement this section, including rules or bylaws to ensure the fairness, integrity, and openness of the voting process.
- (g) This section applies only to a Corporation that provides retail water or sewer service.

#### **Sec. 67.0055. ELECTION OF UNOPPOSED CANDIDATE.**

- (a) This section applies only to an election for a director's position on a board of a Corporation that provides retail water or sewer service in which a candidate who is to appear on the ballot for the position is unopposed.
- (b) The board by resolution may declare a candidate elected to a director's position if the board certifies in writing that the candidate is unopposed for the position. A copy of the resolution shall be posted at the Corporation's main office.
- (c) If a declaration is made under Subsection (b), the election for that position is not held.
- (d) If the election for the unopposed candidate would have been held with an annual meeting of the members or shareholders of the Corporation, the text of the declaration described by Subsection (b) shall be read into the record at the annual meeting.
- (e) The ballots used at a separate election that is held at the same time as an election for an unopposed candidate would have been held shall include after measures or contested races the position and name of a candidate declared elected under this section, under the heading "Unopposed Candidates Declared Elected."

(f) A person may not, by intimidation or by means of coercion, influence or attempt to influence a person to withdraw as a candidate or not to file an application for a place on the ballot so that an election may be canceled.

(g) The board may adopt necessary rules or bylaws to implement this section, including rules or bylaws to ensure the fairness, integrity, and openness of the process.

#### § 67.007. ANNUAL OR SPECIAL MEETING OF RETAIL CORPORATION.

(a) The annual meeting of the members or shareholders of the Corporation must be held between January 1 and May 1 at a time specified by the bylaws or the board.

(a-1) A quorum for the transaction of business at a meeting of the members or shareholders is a majority of the members and shareholders present. In determining whether a quorum is present, all members and shareholders who mailed or delivered ballots to the **Independent Election Auditor** or the Corporation on a matter submitted to a vote at the meeting are counted as present.

(b) The board shall adopt written procedures for conducting an annual or special meeting of the members or shareholders in accordance with this section and Sections 67.0052, 67.0053, and 67.0054. The procedures shall include the following:

(1) notification to eligible members or shareholders of the proposed agenda, location, and date of the meeting;

(2) director election procedures, including candidate application procedures;

(3) approval of the ballot form to be used; and

(4) validation of eligible voters, ballots, and election results.

(c) The board shall adopt an official ballot form to be used in conducting the business of the Corporation at any annual or special meeting. No other ballot form will be valid. Ballots from members or shareholders are confidential and are exempted from disclosure by the Corporation until after the date of the relevant election.

(d) The board shall select an **Independent Election Auditor** not later than the 30th day before the scheduled date of the annual meeting. The **Independent Election Auditor** is not required to be an experienced election judge or auditor and may serve as an unpaid volunteer. At the time of selection and while serving in the capacity of an **Independent Election Auditor**, the **Independent Election Auditor** may not be associated with the Corporation as:

(1) an employee;

(2) a director or candidate for director; or

(3) an independent contractor engaged by the Corporation as part of the Corporation's regular course of business.

(e) This section applies only to a Corporation that provides retail water or sewer service.

**Independent Election Auditor Official Report for  
DEBERRY Water Supply Corporation Election**

\_\_\_\_\_, 20\_\_\_\_

I, the undersigned **Independent Election Auditor**, do hereby certify that all ballots received were counted with the assistance of:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Total number of ballots cast in person \_\_\_\_\_

Total number of ballots cast prior to election \_\_\_\_\_

Total number of ballots cast \_\_\_\_\_

Total number of ballots not counted due to defects \_\_\_\_\_

**Director Election vote totals (start with the highest count)**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**Bylaw vote totals**

For \_\_\_\_\_

Against \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Independent Election Auditor

\_\_\_\_\_  
Signature of Independent Election Auditor

\_\_\_\_\_  
Date