

## ORDER CALLING PORT OF HOUSTON AUTHORITY BOND AND NOTE ELECTION

### *Recitals*

On June 29, 1999, a certified copy of a resolution (the "Resolution") adopted by the Port Commissioners of the Port of Houston Authority of Harris County, Texas (the "Authority"), a Texas navigation district, was presented to the Commissioners Court of Harris County (the "Commissioners Court").

In the Resolution, the Authority petitions the Commissioners Court to order an election in the Authority for the purpose of determining whether the Authority shall be authorized to issue an aggregate of bonds and notes in the amount of \$387,000,000 to acquire, purchase, construct, enlarge, extend, repair or develop facilities or aids incident to or useful or necessary in the operation or development of the Authority's ports and waterways or in aid of navigation and commerce thereon, including, without limitation, channels and turning basins, wharves, docks, warehouses, grain elevators, bunkering facilities, railroads, floating plants and facilities, lightering and towing facilities, bulk handling facilities and appurtenances thereto (including related transportation facilities and environmental enhancements) to provide economic development, and whether ad valorem taxes, without limit as to rate or amount, shall be levied on all taxable property within the Authority at a rate sufficient to pay the interest on such bonds and notes and to provide a sinking fund to pay such bonds and notes at maturity.

The Resolution, including the certified copy thereof, is in due form of law and was duly presented to this Court.

The Commissioners Court has determined that locating the early voting polling place in the building that houses the business office of the County Clerk is impracticable and that the Hogan-Allnoch Bldg., 1319 Texas, Houston, Texas is located in a convenient location for the main early voting polling place and is as near as practical to the business office of the County Clerk.

### *ORDER*

BE IT ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

**Section 1. *Recitals.*** All of the facts recited in the preamble of this order are hereby found and declared to be true and correct.

**Section 2. *Call of Election; Proposition.*** An election shall be held in and throughout the Authority, on November 2, 1999, on the following proposition:

### PROPOSITION

SHALL THE PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS BE AUTHORIZED TO ISSUE AN AGGREGATE OF BONDS AND NOTES (AS AUTHORIZED BY CHAPTER 1371, TEXAS GOVERNMENT CODE, AS AMENDED), IN THE AMOUNT OF THREE HUNDRED EIGHTY-SEVEN MILLION DOLLARS (\$387,000,000), WHICH BONDS AND NOTES MAY BEAR INTEREST AT ANY RATE OR RATES, BUT NOT EXCEEDING THE MAXIMUM INTEREST RATE PERMITTED BY CHAPTER 1204, TEXAS GOVERNMENT CODE, AS AMENDED, AND SHALL MATURE NOT TO EXCEED FORTY (40) YEARS FROM THEIR RESPECTIVE DATE OR DATES, BOTH THE INTEREST RATE OR RATES AND THE MATURITIES TO BE FIXED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS, SUCH BONDS AND NOTES TO BE ISSUED FROM TIME TO TIME IN SUCH AMOUNTS AS MAY BE DETERMINED BY THE PORT AUTHORITY, FOR THE PURPOSE OF OBTAINING

FUNDS FOR THE ACQUISITION, PURCHASE, CONSTRUCTION, ENLARGEMENT, EXTENSION, REPAIR OR DEVELOPMENT OF FACILITIES OR AIDS INCIDENT TO OR USEFUL OR NECESSARY IN THE OPERATION OR DEVELOPMENT OF THE PORT AUTHORITY'S PORTS AND WATERWAYS OR IN AID OF NAVIGATION AND COMMERCE THEREON, INCLUDING, WITHOUT LIMITATION, CHANNELS AND TURNING BASINS, WHARVES, DOCKS, WAREHOUSES, GRAIN ELEVATORS, BUNKERING FACILITIES, RAILROADS, FLOATING PLANTS AND FACILITIES, LIGHTERING FACILITIES AND TOWING FACILITIES, BULK HANDLING FACILITIES AND APPURTENANCES THERETO (INCLUDING RELATED TRANSPORTATION FACILITIES AND ENVIRONMENTAL ENHANCEMENTS) TO PROVIDE ECONOMIC DEVELOPMENT, AND SHALL THERE BE LEVIED AND COLLECTED ON ALL TAXABLE PROPERTY WITHIN THE PORT AUTHORITY WHILE THESE BONDS OR NOTES OR ANY OF THEM ARE OUTSTANDING AN ANNUAL AD VALOREM TAX, WITHOUT LIMIT AS TO RATE OR AMOUNT, ON EACH ONE HUNDRED DOLLARS (\$100) VALUATION OF TAXABLE PROPERTY WITHIN THE PORT AUTHORITY AT A RATE SUFFICIENT TO PAY THE CURRENT INTEREST ON THESE BONDS AND NOTES AND TO PROVIDE A SINKING FUND TO PAY THE PRINCIPAL OF THESE BONDS AND NOTES AT MATURITY, SUCH BONDS AND NOTES TO BE ISSUED AND SUCH TAXES TO BE LEVIED AND COLLECTED UNDER THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS?

**Section 3. Hours of Voting.** The time during which the polls will be open for voting in said election shall be from 7:00 a.m. to 7:00 p.m. on November 2, 1999.

**Section 4. Polling Places; Precinct Judges and Clerks.** The election shall be held at the polling places in the election precincts established and designated by the Commissioners Court in the attached Exhibit A. The Commissioners Court has appointed or will appoint presiding judges and alternate presiding judges to conduct this election in each election precinct or consolidated precinct in which a polling place is located. The presiding judge shall appoint the number of clerks, within the prescribed number of clerks authorized by the Commissioners Court, that the election judge considers necessary for the proper conduct of the election.

**Section 5. Ballots; Electronic Voting.** The ballots shall conform to the requirements of the Texas Election Code, as amended, and shall have printed thereon the following:

**OFFICIAL BALLOT  
BALOTA OFICIAL**

**PROPOSITION**

<p>THE ISSUANCE OF \$387,000,000 PORT OF HOUSTON AUTHORITY BONDS AND NOTES FOR PORT IMPROVEMENTS (INCLUDING RELATED TRANSPORTATION FACILITIES AND ENVIRONMENTAL ENHANCEMENTS) TO PROVIDE ECONOMIC DEVELOPMENT AND THE LEVYING OF THE TAX IN PAYMENT THEREOF.</p>	<p>FOR POR</p>
<p>LA EMISIÓN DE BONOS Y NOTAS DE LA AUTORIDAD PORTUARIA DE HOUSTON EN LA CANTIDAD DE \$387.000.000 PARA MEJORAR EL PUERTO (INCLUYENDO FACILIDADES RELACIONADAS AL TRANSPORTE Y OBRAS PARA MITIGAR DAÑOS AL MEDIO AMBIENTE) PARA PROVEER DESARROLLO ECONÓMICO Y LA IMPOSICIÓN DEL IMPUESTO PARA PAGAR AQUELLO.</p>	<p>AGAINST CONTRA</p>

Voting on said proposition shall be by electronic voting system. Each voter desiring to vote in favor of the proposition shall make a punch hole in the space provided beside the statement indicating "For" such proposition, and each voter desiring to vote against such proposition shall make a punch hole in the space provided beside the statement indicating "Against" such proposition, in accordance with the Election Code, as amended.

Early voting shall be conducted by Beverly Kaufman, the County Clerk of Harris County, Texas. The main early voting polling place is designated as the Hogan-Allnoch Bldg., 1319 Texas, Houston, Texas. Early voting shall be conducted from Saturday, October 16, 1999, through Friday, October 29, 1999, and shall be conducted on the weekdays of the early voting period and during the hours that the County Clerk's office is regularly open for business, that is from 8:00 a.m. to 4:30 p.m., except that on Thursday, October 28<sup>th</sup>, and Friday, October 29<sup>th</sup>, early voting shall be conducted from 7:00 a.m. until 7:00 p.m. In addition, early voting will be conducted on Saturday, October 16<sup>th</sup>, Sunday, October 17<sup>th</sup>, Saturday, October 23<sup>rd</sup>, and Sunday, October 24<sup>th</sup> from 1:00 p.m. until 6:00 p.m. The mailing address to which ballot applications and ballots voted by mail may be sent is as follows: County Clerk of Harris County, P. O. Box 1525, Houston, Texas 77251-1525. The ballot applications must be received by the County Clerk by October 26, 1999 at 4:30 p.m.

In addition to the early voting at the main early voting polling place, the County Clerk shall conduct early voting by personal appearance at one or more temporary branch polling places in each state representative district in Harris County, Texas, pursuant to Tex. Elec. Code Ann. §85.062, as amended. The number of each state representative district and the addresses of their respective temporary branch polling places are as follows:

<b>State Representative District No.</b>	<b>Address of Temporary Branch Polling Place</b>
126	Cypress Creek Branch Public Library 6815 Cypresswood, Spring
127	Remington Park (Assisted Living Community Center) 901 W. Baker Rd., Baytown
128	North Channel Branch Library 15741 Wallisville Rd.
129	Harris County Courthouse Annex #25 7330 Spencer Highway, Pasadena
130	Westside Service Center 16635 Clay Rd.
131	Morris Frank Branch Library 6440 W. Belfort
132	Fiesta Mart, Inc. 8130 Kirby Dr.
133	Tracy Gee Community Center 3599 Westcenter Drive
134	Bayland Park Community Center 6400 Bissonnet
135	Bear Creek Park, Community Center Bear Creek Dr. at Patterson Road
136	Harris County Courthouse Annex #35 1721 Pech Rd., 2 <sup>nd</sup> Floor
137	Metropolitan Multi-Service Center 1475 West Gray
138	Harris County Courthouse Annex #31 7300 North Shepherd Dr.
139	Acres Homes Multi-Service Center 6719 W. Montgomery Rd., 2 <sup>nd</sup> Floor

140	James Driver Park 10918½ Bentley
141	Octavia Fields Branch Library Annex 111 West Higgins, Humble
142	Kashmere Gardens Branch Library 5411 Pardee at Lockwood
143	Galena Park Branch Library 1500 Keene St., Galena Park
144	Harris County Courthouse Annex #10 16603 Buccaneer, Clear Lake
145	Harris County Community College--Eastside Campus 6815 Rustic
146	Sunnyside Multi-Service Center 4605 Wilmington
147	Palm Center (Entrance to Constable's Office) 5300 Griggs
148	Moody Park Recreation Center 3725 Fulton
149	Alief Regional Branch Library 7979 S. Kirkwood
150	Tomball Central Fire Station 1240 Rudel Rd., Tomball

**Section 6. *Early Ballot Board.*** The Early Ballot Board (the "Board") is hereby created pursuant to Texas Election Code Annotated §87.001, as amended, to process the early voting results. Jairus Beck is hereby appointed as presiding judge of said Board. The presiding judge shall appoint at least two other members of this Board.

**Section 7. *Eligible Voters.*** All duly qualified resident voters of the Authority shall be entitled to vote on the proposition.

**Section 8. *Publication of Notices in English.*** Notice of this election shall be given by posting a copy of a Notice of Election containing a substantial copy of this order in five (5) public places in Harris County, one (1) of which shall be at the Courthouse door and four (4) of which shall be posted within the limits of said Authority, not less than thirty (30) days prior to the holding of said election, and by the publication of said notice in an English language newspaper of general circulation published in Harris County and within the limits of said Authority. The Notice of Election shall be published at least once, not earlier than the 30th day nor later than the 10th day before election day. In addition, not later than the 21st day before election day, a copy of said notice shall be posted on the bulletin board used for posting notices of the meetings of the Commissioners Court. The County Clerk is hereby authorized and directed to cause said notices of election to be posted and published as hereinabove described.

**Section 9. *Publication of Notices in Spanish.*** The Notice of Election shall be translated into the Spanish language and such Spanish translation shall be posted with each notice posted pursuant to Section 8 of this order, and the Spanish translation shall be published in Spanish at the times provided in Section 8 of this order in a newspaper of general circulation in Harris County, Texas.

**Section 10. *Conduct of Election.*** Said election shall be held in accordance with the Texas Election Code, as amended, and the provisions of the Constitution of the State of Texas and the United States of America.

**Section 11. *Canvassing of Returns; Declaring Results.*** The Commissioners Court shall canvass the returns and declare the results of the election. If a majority of the resident, qualified electors of the Authority voting at the election, including those voting early, shall vote in favor of the proposition, then the issuance of bonds and notes, and the levy of the tax in payment thereof, as described in the proposition, will be authorized.

PASSED AND APPROVED this 10th day of August, 1999.

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Commissioner, Precinct No. 1

\_\_\_\_\_  
Commissioner, Precinct No. 2

\_\_\_\_\_  
Commissioner, Precinct No. 3

\_\_\_\_\_  
Commissioner, Precinct No. 4

ATTEST:

BEVERLY B. KAUFMAN, County Clerk and  
Ex Officio Clerk of Commissioners Court of  
Harris County, Texas

By \_\_\_\_\_  
Deputy  
(COM. CT. SEAL)

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

I, the undersigned, County Clerk and Ex Officio Clerk of Commissioners Court of Harris County, Texas, do hereby certify that the attached and foregoing is a true and correct copy of an ORDER CALLING PORT OF HOUSTON AUTHORITY BOND AND NOTE ELECTION, adopted by the Commissioners Court at a meeting, open to the public, held on August 10, 1999, together with an excerpt from the minutes of the meeting showing the adoption thereof, as same appears of record in the official minutes of the Commissioners Court on file in my office.

I further certify that written notice of the date, hour, place and subject of the meeting of the Commissioners Court of Harris County, Texas, at which the foregoing order was adopted, was posted on a bulletin board located at a place convenient to the public in the County Courthouse, and readily accessible to the general public at all times for at least seventy-two (72) hours preceding the scheduled time of the meeting, pursuant to Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE COURT, this the 10th day of August, 1999.

BEVERLY B. KAUFMAN, County Clerk and Ex Officio Clerk of Commissioners Court of Harris County, Texas

By \_\_\_\_\_  
Deputy

(COM. CT. SEAL)

**NOTICE OF PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS BOND AND NOTE ELECTION**

TO THE DULY QUALIFIED VOTERS OF THE PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS: Notice is hereby given that an election will be held in and throughout the Port of Houston Authority of Harris County, Texas, on November 2, 1999, pursuant to and in keeping with the following order adopted by the Commissioners Court of said County, to-wit:

THE STATE OF TEXAS       §  
COUNTY OF HARRIS       §

The Commissioners Court of Harris County, Texas, convened in regular session of the Court in the Harris County Commissioners Courtroom, 9th Floor, Harris County Administration Building, 1001 Preston, Houston, Texas, at 1:45 p.m. on August 10, 1999, with the following members present, to wit:

Robert Eckels	County Judge
El Franco Lee	Commissioner, Precinct No. 1
James Fonteno	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4
Beverly B. Kaufman	County Clerk

and the following member(s) absent, to-wit: \_\_\_\_\_, constituting a quorum, when among other business, the following was transacted:

**ORDER CALLING PORT OF HOUSTON AUTHORITY BOND AND NOTE ELECTION**

Commissioner \_\_\_\_\_ introduced an Order and made a Motion that the same be adopted. Commissioner \_\_\_\_\_ seconded the Motion for adoption of the Order. The Motion carrying with it the adoption of the Order prevailed by the following vote:

AYES:  
NOES:

The County Judge thereupon announced that the Order had been duly and lawfully adopted. The Order adopted reads as follows: