

CANVASSING PROCEEDING UNDER §67.004

**PRESIDING OFFICER AT CANVASS:**

- I. Call to order
- a. The Board of Emergency Services Commissioners of Medina County Emergency Services District No. 5 will now consider Agenda Item No. 4-05-17-23, under Authority of the Texas Election Code for the purpose of Canvassing the results of the District's May 6, 2023 Special Election on the adoption of a local sales and use tax in Medina County Emergency Services District No. 5 at a rate not to exceed one and one-quarter percent in any location in the district.
  - b. Let the record reflect that the time is 6:07 p.m. and that the following members of the Board of Emergency Services Commissioners are present: Linda Rodriguez, Cathy Gonzalez, Elizabeth Cornejo,  
[Note: only Two members of the Board of Emergency Services Commissioners need to be present to constitute a quorum for this item, but I recommend that all present participate and all be present, particularly for the Telecommunications Exemption Order].
  - c. At this time I present the canvassed election returns provided by the County Elections Administrator to the Board of Emergency Services Commissioners pursuant Chapter 67, Texas Election Code.

**PRESIDENT (OR ME IF I AM PRESENT):**

- II. Presentation of returns.
- a. Under the requirements of the Texas Election Code, I am presenting the Commissioners with the election returns provided to the District by the officials from the County Elections Administrator. These returns contain the results of the District's May 6, 2023 Special Election which was conducted jointly with other elections in the County.
  - b. ~~[IF APPLICABLE] A representative of the County Elections Administrator is here with us today to answer any questions you may have about the returns or the conduct of that election (this will probably not happen).~~
  - c. I have placed before the dais, the precinct returns provided to the District by the County. I have also provided a summary report of the election returns for each of the attending members today that you have before you.
  - d. The results of the election are as follows:  
There were 108 votes for the adoption of a local sales and use tax in Medina County Emergency Services District No. 5 at a rate not to exceed one and one-quarter percent in any location in the District, and 68 votes against. There were 0 over votes and 2 under votes.
  - e. I have for your consideration a proposed canvassing order, Order No. 05-17-23-D4 which constitutes the official tabulation of the total votes received for and against the proposition.

- f. The members of the Board present at today's canvassing meeting may examine the precinct returns, ask questions of the representatives (*if any*) present on any aspect of the conduct of the election.
- g. The members may waive an examination of the precinct returns if they so desire.
- h. The members of the Board present May then move adoption of the proposed canvassing order and thus complete the canvass of the election.

**PRESIDING OFFICER:**

III. Canvass of election.

- a. At this time, do any of the members present at today's canvass wish to examine any of the election returns provided by the County? **[Note: In other districts' elections members have on occasion examined some of the envelopes provided by the election administrator but such action is not mandatory and does not affect the validity of the canvass]**
- b. **[IF PRESENT]** Are there any questions from the Commissioners for the County representative, our attorney, or the president?
- c. Do I have a motion to waive the examination of each precinct return?

MOVANT:

- d. I move that we waive examination of each precinct return.

SECOND:

- e. I second the motion.

PRESIDING OFFICER:

- f. It has been moved and seconded that we waive examination of each individual precinct return. All those in favor signify by saying "AYE." Any opposed? Motion carries.
- g. Do I have a motion to canvass the results of the May 6, 2023 Special Election?

MOVANT:

- h. I move that the Board, as the canvassing authority for this election, canvass the results of the May 6, 2023 Special Election of Medina County Emergency Services District No. 5 by adopting the proposed order, declaring that the election was properly conducted, and that the voters have approved the adoption of a local sales and use tax in Medina County Emergency Services District No. 5 at a rate not to exceed one and one-quarter percent in any location in the district.

SECOND:

- i. I second the motion.

PRESIDING OFFICER:

- j. A motion to canvass the election results of the May 6, 2023 Special Election has been made and seconded. Is there any discussion?
- k. All those in favor signify by saying "AYE"
- l. Any opposed?
- m. The Canvass is adopted by Order No. 05-~~17~~-23-~~04~~ and the President and other relevant officers are hereby authorized to complete the proposed order and provide it to the necessary authorities, including the Texas Comptroller of Public Accounts, the Medina County Tax Assessor-Collector, and the Medina County Central Appraisal District.

IV. Proceed with Regular Meeting Agenda or Adjourn, as appropriate.

Note: Any question from the public should be referred to the ESD's attorney.



**RECORD OF PROCEEDINGS**  
**AND**  
**CERTIFICATE OF SECRETARY**

STATE OF TEXAS           §  
  §  
COUNT OF MEDINA       §

The undersigned officer of the Board of Emergency Services Commissioners of Medina County Emergency Services District No. 5 hereby certifies as follows:

1. The Board of Emergency Services Commissioners (“Board”) of Medina County Emergency Services District No. 5 (“District”) convened in a Special Meeting on the 17 day of May 2023, at the regularly designated meeting place (“Meeting”), and the roll was called of the duly-constituted officers and members of the Board, to wit:

Manuel Rodriguez – President *A*  
Maria Sanchez – Vice President *A*  
*P* Elizabeth K. Cargile – Secretary  
*P* Linda Rodriguez – Treasurer  
*P* Cathy Gonzalez – Assistant Treasurer

and all of said individuals were present, except *Manuel Rodriguez* *Maria Sanchez*, thus constituting a quorum for the purposes of the canvass of the May 6, 2023 Special Election of the District on the issue of the implementation of a sales and use tax in the District. Whereupon, the following was transacted at the Meeting: an

ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF MEDINA COUNTY EMERGENCY SERVICES DISTRICT NO. 5 SALES AND USE TAX ELECTION OF MAY 6, 2023


was introduced for the consideration of the Board. It was then duly moved and seconded that the Order Canvassing the Returns and Declaring the Results of Medina County Emergency Services District No. 5, May 6, 2023 Sales and Use Tax Election (“Order”) be adopted, and, after due discussion, the motion prevailed and carried unanimously.

2. A true, full, and correct copy of the Order adopted at the Meeting described in the above paragraph is attached hereto for all purposes; the Order has been duly recorded in the Board’s minutes of the meeting; the individuals in the above and foregoing paragraph are the duly appointed, qualified and acting officers of the District and Board as indicated herein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting and that the Order would be introduced and considered for adoption at the Meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and

public notice of the time, place and subject of the meeting was given as required by Chapter 551, Government Code.

ISSUED, SIGNED, AND ATTESTED this the 17 day of May 2023.

MEDINA COUNTY EMERGENCY  
SERVICES DISTRICT NO. 5

By:   
Linda ~~Manuel~~ Rodriguez,  
President *pro temp*  
Board of Emergency  
Services Commissioners

ATTEST:

By:   
Elizabeth K. Cargile, Secretary

ORDER NO. 05-17-23-24

ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF  
MEDINA COUNTY EMERGENCY SERVICES DISTRICT NO. 5 MAY 6, 2023  
SALES AND USE TAX ELECTION

WHEREAS, on May 6, 2023, an election was held in Medina County Emergency Services District No. 5 ("District") to submit a proposition on the levy and collection of a local sales and use tax in the District; and,

WHEREAS, the votes cast at the election have been counted and recorded on the official election returns, and said returns have been certified and filed with the Board of Emergency Services Commissioners ("Board") by the appropriate election officials; and

WHEREAS, the returns show the following number of votes cast at the election:

For the adoption of a sales  
and use tax in the District at the  
rate of one and one-quarter percent 108 votes

Against the adoption of a sales  
and use tax in the District at the  
rate of one and one-quarter percent 68 votes

WHEREAS, the election was called and held in all respects under the strict conformity with the Constitutions and laws of the State of Texas and the United States of America:

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF EMERGENCY SERVICES COMMISSIONERS OF MEDINA COUNTY EMERGENCY SERVICES DISTRICT NO. 5:

Section 1. The Board held a duly called and properly noticed election on May 6, 2023 ("Election") on the proposition of "adoption of a local sales and use tax in Medina County Emergency Services District No. 5 at a rate not to exceed one and one-quarter percent in any location in the district," and that such election was called and notice given in accordance with all applicable law, the election was held in conformity with all applicable law, and the returns of the election have been made by the proper officials in conformity with applicable law.

Section 2. The election has resulted in the adoption of a local sales and use tax in Medina County Emergency Services District No. 5 at the rate of one and one-quarter percent.

Section 3. The total number of votes cast in said Election for and against the proposition totaled 176, with 2 undervotes and 0 overvotes.




Section 4. The proposition was approved by 108 votes.

Section 5. The District has complied with all applicable law in conducting a vote on the proposition, including, but not limited to, Chapter 775, Texas Health & Safety Code, and Chapter 323, Texas Tax Code, and this Order is issued pursuant thereto.


Section 6. The Board finds the meeting at which this Order has been considered and adopted is open to the public as required, and written notice of the time, place and subject matter of the meeting, and of the proposed adoption of this Order, was given as required by Chapter 551, Texas Government Code. The Board confirms the written notice and the contents and posting thereof.

PASSED AND APPROVED this the 17 day of May 2023.

MEDINA COUNTY EMERGENCY  
SERVICES DISTRICT NO. 5

By:   
Linda Manuel Rodriguez,  
President *pro-temp*

ATTEST:

  
Elizabeth K. Cargile, Secretary

**MEDINA COUNTY EMERGENCY SERVICES DISTRICT NO. 5**

**ORDER NO. 05-17-23-05**

**STATE OF TEXAS** §

**COUNTY OF MEDINA** §

**ORDER REPEALING THE APPLICATION OF THE EXEMPTION FROM SALES AND USE TAX FOR TELECOMMUNICATIONS SERVICES**

WHEREAS, Medina County Emergency Services District No. 5 (“District”) is a political subdivision of the State of Texas operating under Chapter 775, Texas Health & Safety Code; and,

WHEREAS, the District adopted a sales and use tax pursuant to Section 775.0751, Texas Health & Safety Code by way of an election held in the District on the issue of the adoption of a sales and use tax at the rate not to exceed one and one-quarter percent at any location in the District; and,

WHEREAS, Chapter 323, Texas Tax Code, applies to the application, collection, and administration of the tax imposed under Section 775.0751; and,

WHEREAS, Section 323.208, Texas Tax Code, authorizes the District to, by a majority vote of its Board of Emergency Services Commissioners, repeal the application of the exemption provided under said section for telecommunications services sold within the District; and,

WHEREAS, on the \_\_ day of May 2023, the Board of Emergency Services Commissioners met in open meeting, pursuant to all applicable law, and voted by a majority vote to repeal said exemption:

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF EMERGENCY SERVICES COMMISSIONERS OF MEDINA COUNTY EMERGENCY SERVICES DISTRICT NO. 5:

Section 1.

The above recitals are found to be true and correct and are hereby adopted by the District as findings of fact and conclusions of law.

Section 2.

At its duly called and legally conducted meeting held on the 17 day of May 2023, the Board of Emergency Services Commissioners voted, with 3 commissioners voting “Aye,” 0 commissioners voting “Nay,” and 2 commissioners absent, to repeal the application of the exemption provided by Section 323.208(a) for telecommunications services sold within the District in conformance with the provisions of Section 323.208 and other applicable law.

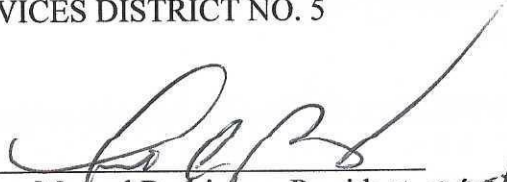


Section 3.

The exemption provided by Section 323.208(a) is hereby repealed and such action authorizing said repeal has been entered in the minutes of the District. The President <sup>pro temp</sup> of the District and the attorney for the District are authorized to send to the Texas Comptroller of Public Accounts by United States certified or registered mail a copy of the order adopted under said section, and such repeal of the application of the exemption shall take effect within the District as provided for therein, and any other actions necessary to effect this Order.

PASSED AND APPROVED this the 7 day of May 2023.

MEDINA COUNTY EMERGENCY  
SERVICES DISTRICT NO. 5

By:   
Linda Manuel Rodriguez, President *pro temp*

ATTEST:

  
Secretary