RESOLUTION NO. 83-52

A RESOLUTION

CANVASSING THE RETURNS OF THE JUNE 11, 1983 BOND ELECTION; Declaring the results thereof; and containing other provisions relating to the subject.

WHEREAS, in accordance with Chapter 141, Acts of the 63rd Legislature of the State of Texas, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Revised Civil Statutes, as amended) (the "Authority Act"), the Board of the Metropolitan Transit Authority (the "Authority") duly called an election to be held on Saturday, June 11, 1983 (the "Bond Election") in and throughout the territory of the Authority for the purpose of authorizing issuance of bonds payable wholly or partially from the Authority's local sales and use tax; and

WHEREAS, notice of the Bond Election was duly given in accordance with law, and such election was held in the manner required by law, and only the qualified voters of the Authority were permitted to vote at such election; and

WHEREAS, at the Bond Election the following proposition was submitted to the qualified voters of the Authority:

SHALL THE BOARD OF THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS (THE "AUTHORITY") BE AUTHORIZED TO ISSUE BONDS IN THE AMOUNT OF TWO BILLION THREE HUNDRED FIFTY MILLION DOLLARS (2,350,000,000), IN SUCH MANNER AND WITH SUCH TERMS AND CONDITIONS AS THE BOARD MAY DETERMINE, PAYABLE WHOLLY OR PARTIALLY FROM THE AUTHORITY'S LOCAL SALES AND USE TAX,
RESOLUTION NO. 83-52

TOGETHER WITH ALL OR ANY PORTION OF THE OTHER REVENUES OF THE AUTHORITY AS THE BOARD MAY DETERMINE, FOR THE ACQUISITION, PURCHASE, CONSTRUCTION, RECONSTRUCTION, REPAIR, EQUIPPING, IMPROVEMENT OR EXTENSION OF THE AUTHORITY'S RAPID TRANSIT SYSTEM OR SYSTEMS AND ALL PROPERTIES THEREOF, WHETHER REAL, PERSONAL OR MIXED, CONSISTING OF CERTAIN BUS, RAIL AND RELATED IMPROVEMENTS, ALL AS AUTHORIZED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) CHAPTER 141, ACTS OF THE 63RD LEGISLATURE OF THE STATE OF TEXAS, REGULAR SESSION, 1973 (ARTICLE 1118x, VERNON'S TEXAS CIVIL STATUTES), TOGETHER WITH ALL AMENDMENTS AND ADDITIONS THERETO?

(the "Proposition"); and

WHEREAS, the Authority Act provides that as soon as practicable after an election, the Board shall canvass the returns of the election and declare the results; and

WHEREAS, pursuant to the Texas Election Code, as amended, the presiding judges of the central counting stations for both Harris County and Fort Bend County voting precincts have each made a written return to the Board of the Authority of the Bond Election results for their respective precincts;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS;

Section 1. Calling and Conduct of Election. The Bond Election was duly and regularly called, notice thereof was given,
and such election was conducted in the manner required by State
and Federal law and as provided in Board Resolution No. 83-42, as
supplemented and amended by Board Resolution No. 83-50. The
returns of the Bond Election were regularly made to this Board by
the election officers pursuant to the Authority Act and the Texas
Election Code, as amended.

Section 2. Canvass of Bond Election. There were cast at
the Bond Election 111,579 votes by the qualified voters of the
Authority, of which there were cast:

In Harris County Voting Precincts:
For the Proposition 41,573 votes
Against the Proposition 68,360 votes

In Fort Bend County Voting Precincts:
For the Proposition 101 votes
Against the Proposition 1245 votes

as shown in the official election returns heretofore returned and
submitted to the Board.

Section 3. Declaration of Results. The Board hereby finds
and declares that based upon the canvass of the returns described
in Section 2 of this Resolution that 64,974 votes were cast for
the Proposition and 69,605 votes were cast against the Proposi-
tion, and, therefore, a majority of the qualified voters of the
Authority voting in the Bond Election, including absentee voting,
voted against the Proposition, and the Proposition failed to
pass.
Section 4. Authority of the General Manager. The General Manager shall have the authority to take, or cause to be taken, all further actions reasonable and necessary in connection with the Bond Election in order to ensure compliance with all provisions of law. All actions taken or to be taken by the General Manager pursuant to or consistent with this Resolution are hereby ratified and confirmed, including, but not limited to, the designation of substitute voting or polling places and the designation and appointment of replacement judges.

Section 5. Authorization to Execute. The Chairman of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Resolution on behalf of the Board; and the Chairman of the Board is authorized to do all other things legal and necessary in connection with the Bond Election.

Section 6. 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 Resolution is adopted was posted on a bulletin board located at a place convenient to the public at the administrative office of the Authority for at least 72 hours preceding the scheduled time of the meeting; that a copy of such written notice was furnished to the County Clerk of Harris County, Texas, in sufficient time for posting for at least 72 hours preceding the scheduled time of the meeting on a bulletin board located at a place convenient to the public in the County Courthouse; that a copy of such written notice was posted on a bulletin board located in the Harris County Courthouse for the time required by law preceding this meeting,
all as required by Article 6252-17, Vernon's Texas Revised Civil Statutes, as amended; and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered and formally acted upon.

Section 7. Effective Date. This Resolution is effective immediately upon its passage and approval.

PASSED this June 16, 1983.
APPROVED this June 16, 1983.

ATTEST:

Geraldo G. Acosta
Secretary of the Board

Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:

Aryan F. Kiepper
General Manager

APPROVED AS TO FORM:

Jonathan Day
Legal Counsel

NJK1A/16