

AN ORDER CALLING A BOND ELECTION TO BE HELD BY THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the Board of Trustees (the *Board*) of the NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT (the *District*), located in Comal and Guadalupe Counties, Texas hereby finds and determines that an election should be held to determine whether the District shall be authorized to issue bonds of the District in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the District will enter into a joint election agreement with Comal County, Texas (the *County*), acting by and through its elections administrator (the *Elections Administrator*), to conduct the Election on the District's behalf; and

WHEREAS, the Election will be conducted by the County and held jointly with other political subdivisions for which the County is also conducting their elections (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of an election agreement and/or a joint election or similar agreement between or among (as applicable) the District, the County, and/or any Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code; and

WHEREAS, the Board hereby finds and determines that it is in the best interests of the District to enter into a joint election agreement with the County and any Participants to conduct the Election in accordance with the laws of the State of Texas (the *State*) and applicable federal laws; and

WHEREAS, the Board hereby finds and determines that the necessity to construct various capital improvements within the District necessitates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Board hereby finds and determines that the actions hereinbefore described are in the best interests of the qualified voters of the District; now, therefore,

BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: The Election shall be held in the NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT on the 3rd day of November, 2015 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is seventy-one (71) or more days from the date of the adoption of this order (the *Order*), for the purpose of submitting the following proposition to the qualified voters of the District:

PROPOSITION

“Shall the Board of Trustees of the New Braunfels Independent School District be authorized to issue and sell bonds of the District in the principal amount of not to exceed \$62,800,000 for the purposes of acquiring, designing, renovating, constructing, and equipping school facilities and the purchase of necessary sites for school facilities, such bonds to mature serially or otherwise (not more than forty (40) years from their date) in

accordance with law; any issue or series of such bonds to bear interest per annum at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of the Board of Trustees, provided that such rate or rates of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of such bonds; and shall the Board of Trustees of the District be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?"

SECTION 2: The District election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election in the District election precincts are identified in Exhibit A to this Order (which is incorporated herein by reference for all purposes). At least 72 days prior to the scheduled Election Day, the President, Board of Trustees and the Superintendent of Schools, or the respective designees thereof, will identify and formally approve the appointment of the Presiding Judge, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Order based upon the final locations and times agreed upon by the District, in coordination with the Elections Administrator, and the Participants, to the extent necessary or permitted by applicable law.

The Presiding Judge shall appoint not less than two (2) resident qualified voters of the District to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

On Election Day, the polls shall be open as designated on Exhibit A.

The main early voting location is designated in Exhibit B to this Order (which is incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This office or place shall remain open to permit early voting each day with the exception of Saturdays, Sundays, and official State holidays as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the District, in coordination with the Elections Administrator, Exhibit B hereto shall be supplemented to include the pertinent information, and notice thereof shall be provided in accordance with Section 7 of this Order.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two (2) resident qualified voters of the District to serve as members of the Early Voting Ballot Board.

SECTION 3: Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the District shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots may be used for early voting by mail.

SECTION 4: The District shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., as amended, Texas Election Code. The Elections Administrator, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Board hereby appoints the Elections Administrator, or the designee thereof, as the Tabulation Supervisor and the Elections Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

SECTION 5: The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION

“THE ISSUANCE OF UP TO \$62,800,000 OF NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT SCHOOL BUILDING BONDS FOR THE PURPOSES OF ACQUIRING, DESIGNING, RENOVATING, CONSTRUCTING, AND EQUIPPING SCHOOL FACILITIES AND THE PURCHASE OF NECESSARY SITES FOR SCHOOL FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

SECTION 6: All resident, qualified voters of the District shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Education Code, as amended, and as may be required by law. To the extent required by law, all election materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7: A substantial copy of this Order shall serve as proper notice of the Election. This notice, including a Spanish translation thereof, shall be published at least one time in a newspaper of general circulation in the District, with such publication occurring not more than thirty (30) days and not less than ten (10) days before Election Day. Additionally, this notice, including a Spanish translation thereof, shall be posted (i) on the bulletin board used for posting notices of Board meetings not later than twenty-one (21) days prior to Election Day, (ii) in three public places within the District’s boundaries not later than twenty-one (21) days prior to Election Day, and (iii) in a prominent location at each polling place on Election Day and during early voting. In addition, during the twenty-one (21) days prior to Election Day, the District shall, in a prominent manner, maintain such notice on its Internet website.

SECTION 8: As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, added by the 83rd Texas Legislature, the District, as of its fiscal year beginning

July 1, 2015, had outstanding an aggregate principal amount of debt equal to \$126,307,529; the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled \$62,816,214; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.3258 per \$100 of taxable assessed valuation. The District estimates an ad valorem debt service tax rate of \$0.3408 per \$100 of taxable assessed valuation if the bonds that are the subject of the Election are approved and are issued (taking into account the outstanding District bonds and bonds that are the subject of this Election, but not future bond authorizations of the District). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more than forty (40) years from their date), as prescribed by applicable Texas law, though the District estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated tax rate and amortization period are only estimates, provided for Texas statutory compliance, and do not serve as a cap on any District ad valorem tax rate or the amortization period for bonds that are the subject of this Election.

SECTION 9: The Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either of such parties, to negotiate and enter into one or more joint election agreements or other election services contract with the County, by and through the Elections Administrator and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the applicable provisions of the Texas Election Code, as amended. In addition, the Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either such parties to make such technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

SECTION 10: It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 12: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 13: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 14: If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 15: This Order shall be in force and effect from and after its final passage, and it is so ordered.

* * *

PASSED AND APPROVED, this the July 27, 2015.

NEW BRAUNFELS INDEPENDENT SCHOOL
DISTRICT

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

(DISTRICT SEAL)

EXHIBIT A
NOVEMBER 3, 2015
POLLING LOCATIONS

Election Day: Tuesday, November 3, 2015
Election Day Polling Locations open from 7 a.m. to 7 p.m.

[TO COME]

Exhibit B

MAIN EARLY VOTING POLLING PLACE, DATES AND TIMES

Early voting begins Monday, October 21, 2013 and ends on Friday, November 1, 2013

Early Voting Clerk: Cynthia Jaqua

Early Voting Clerk's address: 178 E. Mill Street, Suite 101, New Braunfels, Texas 78130

Presiding Judge of the Early Voting Ballot Board: [TO COME]

Location, Dates & Hours of Main Early Voting Polling Place

[TO COME]

<u>Dates</u>	<u>Times</u>

EARLY VOTING BY MAIL:

Applications for voting by mail should be mailed to be received no earlier than Friday, September 4, 2015 and no later than the close of business 4:30 p.m. on Friday, October 23, 2015.

Applications should be mailed to:

Cynthia Jaqua
Elections Coordinator for Comal County, Texas
178 E. Mill Street, Suite 101
New Braunfels, Texas 78130