

RESOLUTION No. 2019-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 4, 2019, FOR A BOND ELECTION, AND ESTABLISHING AN EARLY VOTING LOCATION AND POLLING PLACES FOR THIS ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, the City Council of the City of New Braunfels, Texas (the "City") deems it advisable to call the bond election hereinafter ordered; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and public notice of the time, place, and purpose of the meeting was given, all as required by the Texas Government Code, Chapter 551.

THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

1. A bond election shall be held within the City on May 4, 2019, between the hours of 7:00 A.M. and 7:00 P.M., at such polling places hereby established and designated as set forth on Exhibit "A" to this Resolution. Exhibit "A" shall be revised, if necessary, to comply with Texas law and any requirements of Comal or Guadalupe County (the "Counties"). The election will be conducted pursuant to Texas law. Election equipment from the City shall be used in the election, as appropriate. The election judges, clerks, early voting ballot board presiding judge, central counting station presiding judge and early voting clerks shall be appointed by the City in accordance with the Texas Election Code. Oral assistance in Spanish shall be made available to all persons requiring such assistance. Any person requiring oral assistance in Spanish should contact the presiding judge or the early voting clerk. The use of ES&S iVotronic Touch Screen voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Patrick Aten is appointed as programmer, and he shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the office of the City Secretary of the City of New Braunfels, City Hall.

2. Early voting shall be conducted for all voters by personal appearance and mail at the designated early voting polling place or places and during the hours set forth in Exhibit "B" hereto. Exhibit "B" shall be revised, if necessary, to comply with any necessary changes.

3. An early voting ballot board is hereby created to process early voting results, and Clinton Brandt is hereby appointed as the presiding judge of the board. The presiding judge shall appoint at least two other members of the board.

4. The early voting clerk for the election shall be Patrick Aten. The City may appoint additional early voting clerks in accordance with the Texas Election Code.

5. Applications for early voting by mail for all residents of the City shall be sent to:

City Secretary
550 Landa Street
New Braunfels, TX 78130

An application for a ballot by mail must be received no later than the close of business on April 23, 2019.

6. All resident, qualified electors of the City shall be entitled to vote at the election.

7. At the election the following PROPOSITION, setting forth the purpose for which the bonds shall be authorized, shall be submitted in accordance with law:

PROPOSITION 1

Shall the City Council of the City of New Braunfels, Texas be authorized to issue the bonds of the City, in one or more series, with the bonds of each such series or issue, respectively, to mature serially within not to exceed 40 years from their date, and to be sold at such prices and bear interest at such rates as shall be determined within the discretion of the Board of Trustees, in the aggregate principal amount of \$44,512,490 for the purpose of constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges and intersections including, utility relocation, sidewalks, traffic safety and operational improvements, the purchase of any necessary land, rights-of-way, drainage and other related costs, to include Klein Road, Goodwin Lane, Conrads Lane and a Citywide Streets Improvement Program, with the bonds to mature, bear interest, and be issued and sold in accordance with law at the time of issuance; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the City, 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?

PROPOSITION 2

Shall the City Council of the City of New Braunfels, Texas be authorized to issue the bonds of the City, in one or more series, with the bonds of each such series or issue, respectively, to mature serially within not to exceed 40 years from their date, and to be sold at such prices and bear interest at such rates as shall be determined within the discretion of the Board of Trustees, in the aggregate principal amount of \$16,547,420 for the purpose of constructing, acquiring, improving, renovating, developing and equipping, land and buildings for park and recreational purposes, parkland, scenic easement and trail acquisition, development and improvement and related infrastructure and other costs to include the Sport Field Complex, Comal Cemetery wall stabilization and improvements, and all abilities park amenities, with the bonds to mature, bear interest, and be issued and sold in accordance with law at the time of issuance; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the City, 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?

PROPOSITION 3

Shall the City Council of the City of New Braunfels, Texas be authorized to issue the bonds of the City, in one or more series, with the bonds of each such series or issue, respectively, to mature serially within not to exceed 40 years from their date, and to be sold at such prices and bear interest at such rates as shall be determined within the discretion of the Board of Trustees, in the aggregate principal amount of \$50,414,750 for the purpose of constructing, acquiring, improving, renovating and equipping City public safety facilities for police and fire protection, including the acquisition of any necessary sites and related infrastructure, demolition and other costs to include Fire Stations and a Police Department, with the bonds to mature, bear interest, and be issued and sold in accordance with law at the time of issuance; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the City, 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?

PROPOSITION 4

Shall the City Council of the City of New Braunfels, Texas be authorized to issue the bonds of the City, in one or more series, with the bonds of each such series or issue, respectively, to mature serially within not to exceed 40 years from their date, and to be sold at such prices and bear interest at such rates as shall be determined within the discretion of the Board of Trustees, in the aggregate principal amount of \$5,525,340 for the purpose of constructing, renovating, improving, and equipping existing and/or additional

City library facilities including acquisition of any necessary sites and related water, wastewater, drainage, streets, sidewalks, parking infrastructure and other related costs to include the New Braunfels Public Library – Westside Community Center Branch, with the bonds to mature, bear interest, and be issued and sold in accordance with law at the time of issuance; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the City, 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?

8. The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

PROPOSITION 1

FOR	_____	)	THE ISSUANCE OF \$44,512,490 OF TAX BONDS BY THE
		)	CITY OF NEW BRAUNFELS, TEXAS, FOR THE
		)	ACQUISITION, CONSTRUCTION AND EQUIPMENT OF
		)	STREETS TO INCLUDE KLEIN ROAD, GOODWIN LANE,
AGAINST	_____	)	CONRADS LANE AND A CITYWIDE STREETS
		)	IMPROVEMENT PROGRAM AND LEVYING THE TAX IN
		)	PAYMENT THEREOF.

PROPOSITION 2

FOR	_____	)	THE ISSUANCE OF \$16,547,420 OF TAX BONDS FOR
		)	PARK AND RECREATIONAL FACILITIES AND PROJECTS
		)	TO INCLUDE THE SPORTS FIELD COMPLEX, COMAL
		)	CEMETERY WALL STABILIZATION AND
AGAINST	_____	)	IMPROVEMENTS, AND ALL ABILITIES PARK AMENITIES
		)	AND LEVYING THE TAX IN PAYMENT THEREOF.

PROPOSITION 3

FOR	_____	)	THE ISSUANCE OF \$50,414,750 OF TAX BONDS FOR
		)	PUBLIC SAFETY FACILITIES AND PROJECTS TO
		)	INCLUDE FIRE STATIONS AND A POLICE DEPARTMENT
AGAINST	_____	)	AND LEVYING THE TAX IN PAYMENT THEREOF.

PROPOSITION 4

FOR	_____	)	THE ISSUANCE OF \$5,525,340 OF TAX BONDS FOR
		)	CITY LIBRARY FACILITIES AND PROJECTS TO INCLUDE
		)	THE NEW BRAUNFELS PUBLIC LIBRARY – WESTSIDE

AGAINST _____) COMMUNITY CENTER BRANCH AND LEVYING THE TAX
) IN PAYMENT THEREOF.

9. Solely for purposes of compliance with Section 3.009(b) of the Texas Election Code, set forth in Exhibit "C" attached hereto is the information required in a bond election resolution in accordance with Section 3.009(b) of the Texas Election Code. Exhibit "C" is hereby incorporated by reference for all purposes.

10. In accordance with Section 4.003(a)(1) of the Texas Election Code, a substantial copy of this Resolution, appearing in English and Spanish, shall serve as proper notice of said election, and the President of the Board or other representatives of the City shall cause the notice to be published two time, not earlier than the 30th day or later than the 10th day prior to the date set for the election, in a newspaper published in the City or, if none is published in the City, in a newspaper of general circulation in the City. In addition, in accordance with Section 4.003 of the Texas Election Code, a substantial copy of this Resolution, appearing in English and Spanish, shall be posted on the bulletin board used by the City to post meetings of the Board not later than the 21st day before the election. In accordance with Section 4.003(f) of the Texas Election Code, a substantial copy of this Resolution, appearing in English and Spanish, shall be posted on election day and during early voting by personal appearance in a prominent location at each polling place; in three public places in the boundaries of the City no later than the 21st day before the election; and on the City 's Internet website during the 21 days before the election if the City maintains an Internet website.

11. The provisions of this Resolution are severable; and in case any one or more of the provisions of this Resolution or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

12. The official canvass of the results of the special election shall be conducted by the City at a regular or special meeting in accordance with the Texas Election Code.

PASSED, ADOPTED, AND APPROVED this the 11th day of February, 2019

CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS

BARRON CASTEEL,
Mayor

SHANE HINES,
Councilmember District 1

JUSTIN MEADOWS,
Councilmember District 2

HARRY BOWERS,
Councilmember District 3

MATTHEW E. HOYT,
Councilmember District 4

WAYNE PETERS,
Mayor Pro Tem, Councilmember District 5

LEAH A. GARCIA,
Councilmember District 6

Attest:

PATRICK ATEN, City Secretary

EXHIBIT "A"
ANEXO "A"

ELECTION DAY POLLING PLACES
LUGARES DE VOTACIÓN DEL DÍA DE ELECCIÓN
MAY 4, 2019
4 DE MAYO DE 2019

District One, Westside Community Center, 2932 S. IH35 Frontage Road
District Two, New Braunfels First Church of the Nazarene, 210 W. Klein Road
District Three, Seele Elementary School, 540 Howard Street
District Four, Faith United Church of Christ, 970 N Loop 337
District Five, Lamar Elementary School, 240 N. Central Avenue
District Six, Walnut Springs Elementary School, 1900 S. Walnut Avenue

7:00 a.m. – 7:00 p.m.

Subject to Change
Sujeto a Cambios

EXHIBIT "B"
ANEXO "B"

EARLY VOTING SCHEDULE
(HORARIO DE LA VOTACION ADELANTADA)
MAY 4, 2019
4 DE MAYO DE 2019

Location:
Comal County Elections Office
396 N. Seguin Avenue
New Braunfels, TX 78130

Dates & Hours:
Monday, April 22, 2019 8am-5pm
Tuesday, April 23, 2019 8am-5pm
Wednesday, April 24, 2019 7am-7pm
Thursday, April 25, 2019 8am-5pm
Friday, April 26, 2019 8am-5pm
Saturday, April 27, 2019 9am-1pm
Monday, April 29, 2019 7am-7pm
Tuesday, April 30, 2019 8am-5pm

Subject to Change
Sujeto a Cambios

EXHIBIT "C"
ANEXO "C"

INFORMATION REQUIRED PURSUANT TO
SECTION 3.009(b) OF THE TEXAS ELECTION CODE¹

- (1) The proposition language that will appear on the ballot is set forth in Section 8 hereof.
- (2) The purpose for which the bonds are to be authorized is set forth in Section 7 hereof.
- (3) The principal amount of the debt obligations to be authorized is set forth in Sections 7 and 8 hereof.
- (4) As set forth in Sections 7 and 8 hereof, if the bonds are approved by the voters, the Board of Trustees will be authorized to levy annual ad valorem taxes, on all taxable property in the City, 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.
- (5) Based upon the bond market conditions at the date of adoption of this Resolution, the maximum interest rate for any series of the bonds is estimated to be 4% as calculated in accordance with applicable law. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.
- (6) As set forth in Section 7 hereof, if the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed 40 years.
- (7) The aggregate amount of the outstanding principal of the City 's debt obligations (all of which are secured by an unlimited tax levied for debt service purposes) as of the beginning of the City's 2018-19 fiscal year is \$180,520,000.
- (8) The aggregate amount of the outstanding interest of the City's debt obligations (all of which are secured by an unlimited tax levied for debt service purposes) as of the beginning of the City's 2018-19 fiscal year is \$60,249,669.67.
- (9) The ad valorem debt service tax rate for the City for the 2018-19 fiscal year is \$0.4882 per \$100 of taxable assessed valuation.

¹ This information is provided solely for purposes of compliance with Section 3.009(b) of the Texas Election Code and is for illustration purposes only. The information is not a part of the proposition to be voted on and does not create a contract with the voters.