

ORDINANCE NO. 16-018-00

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY OF LEANDER, TEXAS, MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF SAID ELECTION, AND CONTAINING OTHER PROVISIONS NECESSARY AND INCIDENTAL TO THE PURPOSES HEREOF

WHEREAS, the City Council of the City of Leander, Texas, hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amount and for the purposes hereinafter identified; and

WHEREAS, the City Council (the "Council ") of the City of Leander, Texas (the "City") has heretofore found that the funding and construction of certain improvements within the City is in the public interest; and

WHEREAS, the Council has made provision for the conduct of the City bond election to be conducted jointly with other political subdivisions in the area under the authority of Texas Election Code Chapter 271; and

WHEREAS, the City, and the Williamson County Elections Administrator, have authority pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code to enter into an agreement for the Williamson County Elections Administrator, to conduct the City's elections; and

WHEREAS, the City Council hereby finds that it is in the public interest that the City special bond election be conducted as provided for by the City Council;

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

Section 1. Call of Election; Date; Eligible Electors; and Hours. A special bond election (the "Election") shall be held on Saturday, May 7, 2016, which is seventy-eight (78) or more days from the date of the adoption of this ordinance (the "Ordinance") within and throughout the territory of the City at which all resident, qualified electors of the City shall be entitled to vote. The Council hereby finds that holding the Election on such date is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m.

Section 2. Conduct of Election. The Election shall be conducted by election officers of Williamson County, in accordance with the Texas Election Code, Chapter 1251, Texas Government Code, and the Constitution and laws of the State of Texas and the United States of America. The Williamson County Elections Administrator will conduct the election for the City and include the City's registered voters in Williamson County and Travis County. The early voting and election day polling locations shall all be located within Williamson County and serve the City's registered voters for Williamson County and Travis County. Electronic voting systems, as

defined and described in Title 8 of the Texas Election Code, shall be utilized for the Election. Paper ballots will be used for early voting by mail and for provisional voting. For early voting and election day voting ES&S iVotronic DRE voting systems will be used.

Pursuant to Chapter 31 of the Texas Election Code, the Council finds that this Election will be conducted under the terms and conditions of a contract for election services between the City and Williamson County (the "County") which is attached as Exhibit "A" to this Ordinance, and hereby incorporated by reference as if fully set out in the body of this Ordinance.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Council is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, the Council hereby finds that this Election be conducted under the terms and conditions of one or more agreements to conduct joint elections which agreement(s) are also included in Exhibit "A" to this Ordinance.

Section 3. Voting Precincts; Polling Places; Election Judges, Alternates, Clerks and other Election Officials. Except as otherwise provided herein, the presently existing boundaries and territory of the election precincts of Williamson County that are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts for the Election. The precinct numbers for the City's election precincts shall be the corresponding precinct number of each precinct as designated by the Williamson County Elections Administrator. The election day polling places for the Election for each of the respective precincts in both counties will be presented to the Council for its approval in the near future.

The Council approves the appointment of persons designated by the County to serve as election workers. Such proposed presiding judges and alternate judges shall meet the eligibility requirements of Chapter 32, Subchapter C of the Texas Election Code. The rate of pay for judges and clerks of the Election shall be determined according to the election services agreement. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended (the "Election Code") and other applicable laws.

The Council approves the appointment of persons designated by the County to serve on the Early Voting Ballot Board, the Central Counting Station, and as deputy early voting clerks.

Section 4. Propositions. At the Election there shall be submitted to the resident, qualified electors of the City the following propositions (the "Propositions"):

Proposition No. 1

"SHALL the City Council of the City of Leander, Texas, be authorized to issue bonds of said City in an amount not to exceed \$22,800,000 for the purpose of paying contractual obligations to be incurred for street improvements, for Metro Drive Extension, Raider Way & East Woodview Drive, North Brushy Street (Streetscape Project), East Street Roadway Project, San Gabriel Parkway Extension Project, and

W. South Street at South West Street intersection improvements, such improvements include paving, engineering, the acquisition of rights-of-way, the relocation of utility lines, drainage, curbs, gutters, landscaping and sidewalks; such bonds to mature serially or otherwise over a period not to exceed THIRTY (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

Proposition No. 2

"SHALL the City Council of the City of Leander, Texas, be authorized to issue bonds of said City in an amount not to exceed \$26,650,000 for the purpose of paying contractual obligations to be incurred in the acquisition of property and development of city parks and the improvement of existing city parks; such bonds to mature serially or otherwise over a period not to exceed THIRTY (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

Proposition No. 3

"SHALL the City Council of the City of Leander, Texas, be authorized to issue bonds of said City in an amount not to exceed \$18,000,000 for the purpose of paying contractual obligations to be incurred for constructing and equipping a recreation center and the acquisition of a site therefor; such bonds to mature serially or otherwise over a period not to exceed THIRTY (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

Proposition No. 4

"SHALL the City Council of the City of Leander, Texas, be authorized to issue bonds of said City in an amount not to exceed \$4,185,000 for the purpose of paying contractual obligations to be incurred for constructing and equipping a senior center and the acquisition of a site therefor; such bonds to mature serially or otherwise over a period not to exceed THIRTY (30) years from their date, to be issued and sold in

one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

Section 5. Ballots. The ballots shall be suitable for use with an electronic voting system, and shall otherwise conform to the requirements of the Texas Election Code as to permit the electors to vote "FOR" or "AGAINST" the aforesaid measures which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

PROPOSITION NO. 1

- FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$22,800,000 FOR STREET IMPROVEMENTS FOR METRO DRIVE EXTENSION, RAIDER WAY & EAST WOODVIEW DRIVE, NORTH BRUSHY STREET (STREETSCAPE PROJECT), EAST STREET ROADWAY PROJECT, SAN GABRIEL PARKWAY EXTENSION, AND W. SOUTH STREET AT SOUTH WEST STREET INTERSECTION IMPROVEMENTS; AND THE LEVY OF A TAX IN PAYMENT THEREOF.
- AGAINST

PROPOSITION NO. 2

- FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$26,650,000 FOR CITY PARK PROJECTS; AND THE LEVY OF A TAX IN PAYMENT THEREOF.
- AGAINST

PROPOSITION NO. 3

- FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000 FOR A RECREATION CENTER AND THE ACQUISITION OF A SITE THEREFOR; AND THE LEVY OF A TAX IN PAYMENT THEREOF.
- AGAINST

PROPOSITION NO. 4

[] FOR

THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$4,185,000 FOR A SENIOR CENTER AND THE ACQUISITION OF A SITE THEREFOR; AND THE LEVY OF A TAX IN PAYMENT THEREOF.

[] AGAINST

Section 6. Early Voting. The City appoints Christopher J. Davis, Williamson County Elections Administrator, as the Early Voting Clerk for the Election. Any requests for ballots received at the City Office shall be forwarded to the Early Voting Clerk.

Early Voting by Mail

Ballot applications shall be addressed to the Early Voting Clerk at the following address:

Early Voting Clerk
PO Box 209
Georgetown, TX 78627

For the use of those voters who are entitled by law to vote early by mail, the Joint Early Voting Clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote "FOR" or "AGAINST" each respective Proposition on the same ballots utilized for early voting by personal appearance at the Election.

The period to apply for a ballot by mail is January 1, 2016, through April 26, 2016. The application must be received by the Early Voting Clerk by April 26, 2016 (mere postmarking by the deadline is insufficient).

Early Voting by Personal Appearance

Early voting by personal appearance shall be conducted at early voting polling places on dates and times which shall be designated by the Council at a subsequent meeting prior to the Election.

Additional Temporary Branch Early Voting Polling Places

The Temporary Branch Early Voting Polling Places and the dates and times for voting by personal appearance at the Temporary Branch Early Voting Polling Places shall be designated by the Council at a subsequent meeting prior to the Election.

Section 7. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. In accordance with the requirements of the Election Code, the election officers shall make and deliver a written return of the Election. The Council shall canvass the returns and declare the results of the Election.

Section 8. Custodian of Records. To the extent not otherwise provided for in the election services agreement, or in any joint election agreement(s), Ms. Debbie Haile, the City Secretary, is the custodian of records (“Custodian”) and will perform duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning the third (3rd) day after the approval of this Ordinance, and ending not earlier than the fortieth (40th) day after the day of the Election. In particular, the Custodian shall accept and maintain records regarding campaign expenditures that may be filed with the City.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Custodian shall post notice of the location and hours of office as required by the Texas Election Code. The Custodian shall maintain in office the documents, records and other items relating to the Election and shall be the person designated to receive documents on behalf of the City that are required by the Texas Election Code.

Section 9. Election information to be provided in Spanish. The City Secretary and all other election officers appointed by the Council responsible for the preparation of notices, instructions, ordinances, resolutions, ballots and other written material pertaining to the election shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the City Secretary and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 10. Notice of Election Publication and Posting Requirements.

Publication of Notice of Election

Notice of the Election, containing a substantial copy of this Ordinance, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in said City, the first of said publications to appear in said newspaper not more than thirty (30) days and not less than fourteen (14) full days prior to the day of the Election.

Posting of Notice of Election

Notice of the Election, containing a substantial copy of this Ordinance, in both the English and Spanish languages, shall also be posted (i) on the bulletin board used by the Council to post notices of the Council’s meetings, (ii) at three (3) other public places within the City, and (iii) on the City’s Internet website no later than the twenty-first (21st) day before the Election.

A copy of this Ordinance, in both the English and Spanish languages, shall also be posted in a prominent location at each polling place on Election Day and at each Early Voting Polling Place during early voting by personal appearance.

Section 11. Debt Service and Tax Rate Information of the City. The following information is provided in accordance with the provisions of Section 3.009(b), Texas Election Code.

- (a) The Proposition language that will appear on the ballot is set forth in Section 5 hereof.
- (b) The purpose for which the bonds are to be authorized is set forth in Sections 4 and 5 hereof.
- (c) The principal amount of the debt obligations to be authorized is \$71,635,000.
- (d) Taxes sufficient to pay the annual principal of and interest on the general obligation bonds may be imposed.
- (e) The City intends to issue the bonds authorized by the Proposition(s) over a period of years in a manner and in accordance with a schedule to be determined by the Council based upon a number of factors, including, but not limited to, the then current needs of the City, demographic changes, prevailing market conditions, assessed valuations in the City and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations vary based upon a number of factors beyond the City's control, and therefore, the City cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the Proposition(s). As such, the information contained in this paragraph is provided solely for illustrative purposes and does not establish any limitations or restrictions or create a contract with the voters. The City currently estimates that, if the Proposition(s) were approved and the bonds proposed herein were authorized and issued in accordance with the City's current estimated project plan of finance, the maximum interest rate of the bonds is not expected to exceed 5%.
- (f) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed thirty (30) years from the date of issuance of each series of bonds.
- (g) The city, as of its fiscal year beginning October 1, 2015, had outstanding an aggregate ad valorem tax-supported principal amount of debt equal to \$117,712,854.
- (h) The aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$45,411,987.
- (i) The City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.2293 per \$100 of taxable assessed valuation.
- (j) Of the aforementioned City debt, the City considers \$50,426,000 and \$20,659,140 of that principal and interest, respectively, to be self-supporting debt payable from sources other than ad valorem taxes.

If a majority of the resident, qualified electors of the City voting at the Election, including those voting early, shall vote in favor of a Proposition(s), then the issuance and sale of the bonds shall be authorized in the maximum respective amount contained therein, and the general obligation bonds shall be issued and sold at the price or prices and in such denominations determined by the Council to be in the City's best interests.

Section 12. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 13. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 14. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters found herein.

Section 15. Governing Law. This Ordinance shall be construed and enforced in accordance with the Charter, Ordinances and Resolutions of the City of Leander, Texas, the laws of the State of Texas and the United States of America.

Section 16. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 17. Notice of Meeting. The Council officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted on a bulletin board located at a place convenient to the public at the City's administrative offices for at least seventy-two (72) hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the City in connection with providing such notice, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon.

Section 18. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is

authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 19. **Effective Date.** This Ordinance is effective immediately upon its passage and approval.

[Remainder of this page is intentionally left blank.]

PASSED AND APPROVED on the 18th day of February, 2016.



Mayor
City of Leander, Texas

ATTEST:



City Secretary
City of Leander, Texas



[CITY SEAL]

[SIGNATURE PAGE]