

RESOLUTION NO. 140-2023

A RESOLUTION CALLING A BOND ELECTION TO BE HELD IN THE CITY OF ABILENE, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION

WHEREAS, the City Council (the *Council*) of the CITY OF ABILENE, TEXAS (the *City*), located in Taylor and Jones Counties, Texas (individually, the *County*, collectively, the *Counties*), hereby finds and determines that an election should be held to determine whether the City shall be authorized to issue general obligation bonds of the City in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the City will contract with the elections administrator of Taylor County and the county clerk of Jones County (individually, the *Election Official*; collectively, the *Election Officials*) to conduct all aspects of the Election; and

WHEREAS, the Election will be conducted by each County and held jointly with other political subdivisions for which each County is also conducting their elections (such other political subdivisions, collectively, the *Participants*), as provided pursuant to an election services agreement and/or a joint election or similar agreement entered into according to the Texas Election Code, as amended (the *Code*); and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City dictates 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 Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF ABILENE, TEXAS on November 7, 2023 (*Election Day*), which is a uniform election date under the Code and is not less than 78 days nor more than 90 days from the date of the adoption of this ordinance (the *Resolution*), for the purpose of submitting the following measures to the qualified voters of the City:

CITY OF ABILENE MEASURE A

Shall the City Council of the City of Abilene, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$15,000,000 for the purpose of designing, acquiring, constructing, purchasing, renovating, improving, upgrading, updating, enlarging, and equipping the City Zoo, acquiring lands and rights-of-way necessary thereto,

and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, 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 said bonds; 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, within the limits provided by law, to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

CITY OF ABILENE MEASURE B

Shall the City Council of the City of Abilene, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$28,000,000 for the purpose of designing, acquiring, constructing, renovating, improving, and equipping recreation centers within the City, acquiring lands and rights-of-way necessary thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, 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 said bonds; 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, within the limits provided by law, to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

CITY OF ABILENE MEASURE C

Shall the City Council of the City of Abilene, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$9,000,000 for the purpose of designing, acquiring, constructing, renovating, improving, and equipping hike and bike trails within the City, acquiring lands and rights-of-way necessary thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, 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 said bonds; 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, within the limits provided by law, to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

SECTION 2. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in Exhibit B to this Resolution (which is incorporated herein by reference for all purposes). In compliance with the Code, the Election Officials will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election. The Mayor, the City Manager, or their designees can correct, modify, or change the Exhibits to this Resolution based upon the final locations and times agreed upon by the City, the Election Officials, and the Participants, if any and as applicable, to the extent permitted by applicable law. To the extent required by the Code or other applicable law, the appointment of election officials at polling locations must include a person fluent in the Spanish language.

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

C. The main early voting location for each County is designated in Exhibit A to this Resolution (which is incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit A for their respective County is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. Each Early Voting Clerk shall appoint the Deputy Early Voting Clerks for their respective Counties. This main early voting locations and any branches for each County shall remain open to permit early voting on the days and at the times as stated in Exhibit A.

D. Each Election Official is authorized to establish an Early Voting Ballot Board for their respective counties and to designate the Presiding Judge of such Early Voting Ballot Board. The Presiding Judges of the Early Voting Ballot Board shall appoint two or more additional members to constitute their respective Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

SECTION 3. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance, and when required by the Code, at least one accessible voting system per polling place will be provided. Certain early voting may be conducted by mail according to the Code.

SECTION 4. The Council authorizes each Election Official to utilize a Central Counting Station (the *Stations*) as provided by the Code. The Election Officials, or designees thereof, are hereby appointed as the Manager of their respective Stations who will establish a written plan for the orderly operation of the Stations according to the Code. The Council authorizes the Election Officials, or the designees thereof, to appoint the Presiding Judges, the Tabulation Supervisors, and the Programmers of their respective Stations and may appoint Station clerks as needed or desirable. The Election Officials will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for their respective Stations according to the Code.

SECTION 5. The official ballot shall be prepared according to the Code so as to permit voters to vote "FOR" or "AGAINST" the aforesaid measures which shall appear on the ballot substantially as follows:

CITY OF ABILENE PROPOSITION A

THE ISSUANCE OF \$15,000,000 IN GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO THE CITY ZOO AND THE LEVY OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.

CITY OF ABILENE PROPOSITION B

THE ISSUANCE OF \$28,000,000 IN GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO CITY RECREATION CENTERS AND THE LEVY OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.

CITY OF ABILENE PROPOSITION C

THE ISSUANCE OF \$9,000,000 IN GENERAL OBLIGATION BONDS FOR CITY HIKE AND BIKE TRAILS AND THE LEVY OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.

SECTION 6. All resident qualified voters of the City 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 Texas Election and Government Codes, as amended, and as may be required by other law. To the extent required by law, materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Resolution and the voter information attached as one or more exhibits, including a Spanish translation thereof, shall be posted (a) not less than 21 days prior to Election Day (1) on the bulletin board at City Hall used for posting notices of Council meetings, (2) in three additional public places within the City's boundaries, (3) in a prominent location on the City's internet website, and (b) in a prominent location at each polling place on Election Day and during early voting. A sample ballot shall be posted on the City's internet website not less than 21 days prior to Election Day.

SECTION 8. As of the date of this Resolution and as further reflected in one or more voter information documents attached to this Resolution, the City had outstanding an aggregate principal amount of debt equal to \$126,265,000 (including maintenance tax debt, if any); the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$44,546,538; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.1633 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Council's adoption of this Resolution, the maximum interest rate for any series of bonds authorized at the Election is 4.5% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise not more than 40 years, from their date, as prescribed by applicable Texas law. The foregoing maximum net effective interest rate and amortization period are only estimates,

provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Council authorizes the Mayor, the City Manager, or their designees to negotiate and enter into one or more joint election agreements, election service contracts, and/or similar contracts or agreements with the Counties, acting by and through the Election Officials, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the Code. In addition, the Council authorizes the Mayor, the City Manager, or their respective designees to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein.

SECTION 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 11. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 12. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

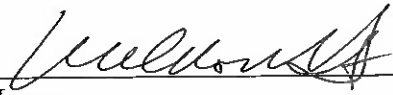
SECTION 14. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares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

SECTION 15. This Resolution shall be effective immediately upon adoption.

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PASSED AND ADOPTED on August 10, 2023.

CITY OF ABILENE, TEXAS



Mayor

ATTEST:




City Secretary



(CITY SEAL)

APPROVED AS TO FORM:



City Attorney

[Signature Page to Resolution Calling a Bond Election]

PROPOSED

COUNTY WIDE VOTE CENTER LOCATIONS UBICACIONES DE LOS CENTROS DE VOTACIÓN EN TODO EL CONDADO

Taylor County Condado de Taylor

Joint Constitutional Amendment and Special Elections - November 7, 2023
Enmienda Constitucional Conjunta y Elecciones Especiales – 7 de noviembre de 2023
7:00 a.m. – 7:00 p.m.

Taylor County voters can vote at **ANY** one of the following locations on Election Day
Los votantes del condado de Taylor pueden votar en CUALQUIERA de los siguientes lugares el día de las elecciones

| Vote Center (Centro de Votación) | Physical Address (Dirección física) | Location (Ubicación) |
|---|---|--------------------------------------|
| Abilene City Hall | 555 Walnut Street, Abilene, TX 79601 | East Entrance, Main Lobby |
| Beltway Park Church North Campus | 2850 Highway 351, Abilene, TX 79601 | Rm #111 – Multi Purpose R |
| Buffalo Gap Church of Christ | 741 Litel Street, Buffalo Gap, TX 79508 | Fellowship Hall |
| Cesar Chavez Recreation Center | 2250 Ambler Ave., Abilene, TX 79603 | Gym |
| Church of Christ–S. 11 th & Willis | 3333 S. 11 th Street, Abilene, TX 79605 | West Building, multi-purpose room |
| First Baptist Church – Merkel | 307 Locust Street, Merkel, TX 79536 | Family Life Center |
| Hillcrest Church of Christ | 650 E. Ambler Ave., Abilene, TX 79601 | Gym |
| Lawn Baptist Church | 518 Avenue D, Lawn, TX 79530 | Family Life Center |
| New Beginnings United Pentecostal Church | 5535 Buffalo Gap Rd., Abilene, TX 79606 | Main Foyer |
| Oldham Lane Church of Christ | 5049 Oldham Lane, Abilene, TX 79602 | Special Events Room |
| River of Life Church | 539 Hwy 83/84, Abilene, TX 79606 | Main Foyer |
| Southern Hills Church of Christ | 3666 Buffalo Gap Road, Abilene, TX 79605 | Main Foyer |
| Taylor County Plaza | 400 Oak Street, Abilene, TX 79602 | Suite 101-A |
| Thomas Elementary School | 1240 Lakeside Drive, Abilene, TX 79602 | Gym |
| Tuscola Community Center | 1202 Turner Lane, Tuscola, TX 79562 | |
| View Baptist Church | 250 Boynton Road, Abilene, TX 79606 | Fellowship Hall, W side of building |
| Westminster Presbyterian Church | 4515 South 14 th Street, Abilene, TX 79605 | Gym |
| Woodlawn Church of Christ | 922 Woodlawn Drive, Abilene, TX 79603 | Multi-Purpose Room |
| Zion Lutheran Church | 2801 Antilley Road, Abilene, TX 79606 | East Entrance, Large Fellowship Hall |

PROPOSED

EARLY VOTING SCHEDULE CALENDARIO DE VOTACIÓN ANTICIPADA

October 23, 2023 – November 3, 2023
23 de octubre de 2023 - 3 de noviembre de 2023

Joint Constitutional Amendment and Special Elections *Enmienda Constitucional Conjunta y Elecciones Especiales*

November 7, 2023
7 de noviembre de 2023

October 23rd – October 27th (Monday – Friday)
23 de octubre - 27 de octubre (Lunes - Viernes)

| | |
|---|------------------------|
| <u>Taylor County Plaza – 400 Oak Street, Suite 101A</u> | 8:00 a.m. – 5:00 p.m. |
| <u>Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX (Movie theatre corridor)</u> | 10:00 a.m. – 6:00 p.m. |
| <u>Abilene City Hall – 555 Walnut Street, Abilene, TX (East entrance, main foyer)</u> | 8:00 a.m. – 5:00 p.m. |
| <u>Wylie Performing Arts Center – 6251 Buffalo Gap Road, Abilene, TX (Main foyer)</u> | 10:00 a.m. – 6:00 p.m. |

October 28th (Saturday)
28 de octubre (Sabado)

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| <u>Taylor County Plaza – 400 Oak Street, Suite 101A</u> | 8:00 a.m. – 5:00 p.m. |
| <u>Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX (Movie theatre corridor)</u> | 10:00 a.m. – 6:00 p.m. |

October 29th (Sunday)
29 de octubre (Domingo)

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|--|-----------------------|
| <u>Taylor County Plaza – 400 Oak Street, Suite 101A</u> | 1:00 a.m. – 6:00 p.m. |
| <u>Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX (Movie theatre corridor)</u> | 1:00 a.m. – 6:00 p.m. |

October 30th – November 3rd (Monday-Friday)
30 de octubre – 3 de noviembre (Lunes – Viernes)

| | |
|---|------------------------|
| <u>Taylor County Plaza – 400 Oak Street, Suite 101A</u> | 8:00 a.m. – 5:00 p.m. |
| <u>Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX (Movie theatre corridor)</u> | 10:00 a.m. – 6:00 p.m. |
| <u>Abilene City Hall – 555 Walnut Street, Abilene, TX (East entrance, main foyer)</u> | 8:00 a.m. – 5:00 p.m. |
| <u>Wylie Performing Arts Center – 6251 Buffalo Gap Road, Abilene, TX (Main foyer)</u> | 10:00 a.m. – 6:00 p.m. |

October 10, 2023 Last day to register to vote for the November 7, 2023 Joint Constitutional Amendment and Special Elections.

10 de octubre de 2023 Último día para registrarse para votar en la Enmienda Constitucional Conjunta y las Elecciones Especiales del 7 de noviembre de 2023.

October 27, 2023 Last day to receive an application for a ballot by mail for the November 7, 2023 Joint Constitutional Amendment and Special Elections

27 de octubre de 2023 Último día para recibir una solicitud de bolete por correo para la Enmienda Constitucional Conjunta y las Elecciones Especiales del 7 de noviembre de 2023.