ORDER NO. 360

AN ORDER BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN COMAL COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Commissioners Court (the *County*) of COMAL COUNTY, TEXAS (the *County*) hereby finds and determines that an election should be held to determine whether the County shall be authorized to issue bonds of the County in the amount and for the purposes hereinafter identified (the *Election*); and

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

BE IT ORDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS THAT:

SECTION 1: The Election shall be held in the COUNTY OF COMAL, TEXAS on the 3rd day of November, 2015 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not more than 90 nor fewer than 71 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 County:

PROPOSITION

"Shall the Commissioners Court of Comal County, Texas be authorized to issue and sell general obligation bonds of the County in the principal amount of \$76,000,000 for the purpose of acquiring, designing, purchasing, renovating, constructing, reconstructing, improving or equipping a building or buildings, purchasing technology, and the purchase and improvement of the necessary sites therefor, that will be utilized for jail facilities, related administrative facilities, and Sheriff's Office facilities; such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with the law; and any issue or series of such bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the Commissioners Court, provided that such rate 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 Commissioners Court of the County be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreement executed in connection with the bonds?"

SECTION 2: The County election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election in the County 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 County will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this Election, together with any other necessary changes to election practices and procedures (which may include finalizing any precinct polling place) and pursuant to Section 9 hereof, the County may correct, modify, or change the Exhibits to this Order based upon these determinations made by the County.

The Presiding Judge shall appoint not less than two qualified voters of the County 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 on the days and at the times 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 County's Elections Administrator (the *Administrator*), as identified in Exhibit B.

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 resident qualified voters of the County 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 County 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. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

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SECTION 4: The County shall also utilize a Central Counting Station (the Station) as provided by Section 127.001, et seq., as amended, Texas Election Code. The Administrator, or the Administrator's designee, 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, as amended. The Court hereby appoints the Administrator or the Administrator's designee, as the Tabulation Supervisor and the Administrator or the Administrator's designee as the Programmer for the Station. Lastly, the 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 \$76,000,000 OF GENERAL OBLIGATION BONDS TO ACQUIRE, DESIGN, PURCHASE, RENOVATE, CONSTRUCT, RECONSTRUCT, IMPROVE OR EQUIP A BUILDING OR BUILDINGS, PURCHASE TECHNOLOGY, AND PURCHASE AND IMPROVE THE NECESSARY SITES THEREFOR, THAT WILL BE UTILIZED FOR JAIL FACILITIES, RELATED ADMINISTRATIVE FACILITIES, AND SHERIFF'S OFFICE FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

SECTION 6: All resident, qualified voters of the County 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 Government 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 a proper notice of the Election. This notice, including a Spanish translation thereof, shall be posted (i) at three public places within the County and at the County Courthouse not less than 21 days prior to Election Day and (ii) in a prominent location at each polling place on Election Day and during early voting and shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the County, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 full days prior to Election Day. In addition, during the 21 days prior to Election Day, the County 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, the County, as of its fiscal year beginning October 1, 2014, had outstanding an aggregate principal amount of debt equal to \$62,625,000; the aggregate amount of the interest owed on such County debt obligations, through respective maturity, totaled \$12,365,136; and the County levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.0526 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Board's adoption of this Order, the maximum interest rate for any series of bonds authorized at the Election is 4.45% (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 over a specified number of years (but not more than 40 years from their date), as prescribed by applicable Texas law, though the County estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date

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of issue. The foregoing estimated 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.

<u>SECTION 9:</u> The Court authorizes the County Judge, or the designee thereof 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 Court is 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 Order for all purposes and are adopted as a part of the judgment and findings of the Court.

SECTION 11: 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 12: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13: 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 Court hereby declares that this Order would have been enacted without such invalid provision.

SECTION 14: 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 15: This Order shall be in force and effect from and after the date of its adoption, and it is so ordered.

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PASSED AND APPROVED, this the 20th day of August, 2015.

COUNTY OF COMAL, TEXAS

Judge Judge

ATTEST:

County Clerk and Ex-Officio Clerk of the Commissioners Court of Comal County, Texas

SIONER

(SEAL OF COMMISSIONERS COURT)

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 $\underline{\text{EXHIBIT A}}$ ELECTION PRECINCT AND ELECTION DAY POLLING LOCATIONS

PRECINCT	POLLING LOCATION	ADDRESS
101	Comal County Senior Citizens Center	655 Landa, New Braunfels
102	Bulverde Spring Branch Library	131 Bulverde Crossing, Bulverde
103	Freedom Fellowship Church	410 Oak Run Point, New Braunfels
104	Tye Preston Memorial Library	16311 South Access Rd., Canyon Lake
105	Lakeside Golf Club	405 Watts Lane, Canyon Lake
106	Smithson Valley Middle School	6101 FM 311, Spring Branch
201	Peace Lutheran Church	1147 S. Walnut, New Braunfels
202	John Paul II Catholic High School	6720 FM 482, New Braunfels
203	Mission Valley Bowling Club	2311 Hwy 46, New Braunfels
204	Bulverde City Hall	30360 Cougar Bend, Bulverde
205	Jay F. Feibelman Garden Ridge Community Center	9500 Municipal Parkway, Garden Ridge
206	Johnson Ranch Elementary School	30501 Johnson Way @ FM 1863, Bulverde
301	Westside Community Center	2932 S. IH 35, New Braunfels
302	St. Paul Lutheran Church	181 S. Santa Clara Ave., New Braunfels
303	New Braunfels Library	700 E. Common, New Braunfels
304	Comal County Goodwin Annex	1297 Church Hill Dr., New Braunfels
305	New Braunfels Christian Church	734 N. Loop 337, New Braunfels
401	EdenHill Communities	631 Lakeview Blvd., New Braunfels
402	Church in the Valley	14181 FM 306 at Canyon City
403	Fischer Store School Community Center	12400 FM 32, Fischer
404	Cross Lutheran Church	2171 E. Common St., New Braunfels
405	Rebecca Creek Baptist Church	11755 Hwy 281 N., Spring Branch
406	Faith United Church of Christ	970 Loop 337, New Braunfels

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EXHIBIT B

MAIN AND TEMPORARY BRANCH EARLY VOTING POLLING PLACES, DATES, AND TIMES Early voting begins Monday, October 19, 2015 and ends on Friday, October 30, 2015

Early Voting Clerk: Bobbie Koepp

Early Voting Clerk's address: 178 E. Mill Street, Suite 101

New Braunfels, Texas 78130

Presiding Judge of the Early Voting Ballot Board: Cynthia Jaqua

Any voter entitled to vote an early ballot by personal appearance may do so at any Early Voting Site.

Location, Dates & Hours of Main Early Voting Polling Place

Comal County Elections Office 178 E. Mill Street, Suite 101 New Braunfels, Texas 78130

<u>Dates</u>	<u>Times</u>
Monday, October 19, 2015 through Friday, October 23, 2015	8:00 a.m. – 5:00 p.m.
Saturday, October 24, 2015	7:00 a.m. – 7:00 p.m.
Sunday, October 25, 2015	1:00 p.m. – 6:00 p.m.
Monday, October 26, 2015 through Friday, October 30, 2015	7:00 a.m. – 7:00 p.m.

Location, Dates, and Hours of Temporary Branch Early Voting Polling Places

CRRC Building 1909 FM 2673, Canyon Lake, Texas 78130 Bulverde/Spring Branch Library 131 Bulverde Crossing, Bulverde, Texas 78163

<u>Dates</u>	<u>Times</u>
Monday, October 19, 2015 through Friday, October 23, 2015	8:00 a.m. – 5:00 p.m.
Saturday, October 24, 2015	7:00 a.m. – 7:00 p.m.
Sunday, October 25, 2015	1:00 p.m. – 6:00 p.m.
Monday, October 26, 2015 through Friday, October 30, 2015	7:00 a.m. - 7:00 p.m.

Garden Ridge City Hall 9400 Municipal Parkway, Garden Ridge, Texas 78266

<u>Dates</u>	<u>Times</u>
Monday, October 19, 2015 through Wednesday, October 21, 2015	8:00 a.m 5:00 p.m.
Thursday, October 22, 2015	8:00 a.m. – 4:00 p.m.
Friday, October 23, 2015	8:00 a.m. – 5:00 p.m.
Saturday, October 24, 2015	7:00 a.m. – 7:00 p.m.
Sunday, October 25, 2015	1:00 p.m. – 6:00 p.m.
Monday, October 26, 2015	7:00 a.m. – 7:00 p.m.
Tuesday, October 27, 2015	7:00 a.m. – 4:00 p.m.
Wednesday, October 28, 2015 through Friday, October 30, 2015	7:00 a.m 7:00 p.m.

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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 (5:00 p.m.) on Friday, October 23, 2015.

Address for Application for Early Voting by Mail

Bobbie Koepp, Early Voting Clerk 178 E. Mill Street, Suite 101 New Braunfels, Texas 78130

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CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS	§
COUNTY OF COMAL	§ §
COMMISSIONERS COURT OF	§ 8
COMAL COUNTY, TEXAS	3

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the 20th day of August, 2015, the Commissioners Court (the *Court*) of Comal County, Texas (the *County*) convened in regular session at its regular meeting place in the City Hall of the City (the *Meeting*), the duly constituted members of the Council being as follows:

Sherman Krause	County Judge
Donna Eccleston	Commissioner, Precinct 1
Scott Haag	Commissioner, Precinct 2
Kevin Webb	Commissioner, Precinct 3
Jen Crownover	Commissioner, Precinct 4

and all of such persons were present at the Meeting, except the following: ______, thus constituting a quorum. Among other business considered at the Meeting, the attached order (the *Order*) entitled:

AN ORDER BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN COMAL COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE

was introduced for the due consideration of the Court. After presentation and discussion of the Order, a motion was made by Commissioner that the Order be passed and adopted. The motion was seconded by Commissioner and carried by the following vote:

5 voted "For" voted "Against" o abstained

all as shown in the official Minutes of the Court for the Meeting.

2. The attached Order is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Court on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Court was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Order would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Order, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the Commissioners Court, this 20^{th} day of August, 2015.

County Clerk and Ex-Officio Clerk of the Commissioners Court of Comal County, Texas

(SEA COMMISSIONERS COURT)

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