

ORDINANCE NO. _____

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF FORNEY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

* * * * *

WHEREAS, the City Council (the “Council”) of the CITY OF FORNEY, TEXAS (the “City”), located in the County of Kaufman, Texas, hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amounts and for the purposes hereinafter identified (the “Election”); and

WHEREAS, the City will contract with Kaufman County (the “County”) by and through the County’s Election Administrator (the “Administrator”) to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with other political subdivisions (such other political subdivisions, collectively, the “Participants”) for whom the County is also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the County, and the Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code, or other applicable law, pursuant to which the County will conduct all aspects of the Election on the City’s behalf; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City 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 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF FORNEY, TEXAS on the 8th day of November, 2022 (“Election Day”), which is a uniform election date under the Texas Election Code, as amended, and is not less than 78 days nor more than 90 days from the date of the adoption of this ordinance (the “Ordinance”), for the purpose of submitting the following proposition to the qualified voters of the City:

PROPOSITION A

“Shall the City Council of the City of Forney, 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 \$38,700,000 for the purpose of making permanent public improvements or other public purposes, to wit: planning, designing, acquiring, constructing, improving, renovating, expanding, and equipping fire station facilities, including acquiring land and rights-of-way necessary thereto or incidental therewith, 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 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 of the City 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 said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

PROPOSITION B

“Shall the City Council of the City of Forney, 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 \$70,000,000 for the purpose of making permanent public improvements or for other public purposes, to wit: acquiring, constructing, developing, improving, expanding, renovating, and equipping parks and recreational facilities, including expansion of Community Park and construction of a new northside park and acquiring necessary land and rights-of-way therefor, 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 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 of the City 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 said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

PROPOSITION C

“Shall the City Council of the City of Forney, 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 \$51,400,000 for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, and equipping a new recreation activities center and acquiring

necessary land and rights-of-way related thereto or incidental therewith, 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 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 of the City 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 said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

PROPOSITION D

“Shall the City Council of the City of Forney, 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 \$19,400,000 for the purpose of making permanent public improvements or other public purposes, to wit: planning, designing, constructing, improving, and equipping a new facility to include a library, senior center and community center and acquiring necessary land and rights-of-way related thereto or incidental therewith, 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 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 of the City 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 said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

PROPOSITION E

“Shall the City Council of the City of Forney, 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 \$50,800,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, renovating, improving, resurfacing, reconstructing, restructuring, equipping, extending and expanding Lovers Lane, FM 548/Monitor Connector, Community Park Road and a bridge over the Union Pacific Railroad, and, to the extent of availability of funds, other streets,

thoroughfares, alleys and other public ways, including completing adjacent infrastructure projects in connection therewith, constructing and improving related curbs, gutters, and sidewalks, drainage and utility infrastructure improvements, completing necessary or incidental utility relocation and drainage in connection with the foregoing, and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and shall the City Council of the City 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 said City sufficient 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 A to this Ordinance (which is incorporated herein by reference for all purposes). At least 79 days prior to Election Day, or as soon thereafter as is reasonably practicable, the City, acting through the Mayor, the City Manager, or the designee thereof, in coordination with the Administrator, or the designee thereof, as necessary or desirable, will appoint the Presiding Judges, 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 Ordinance based upon the final locations and times agreed upon by the Administrator, the City, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident 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.

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

The County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any City voter can vote in the Election at any polling place identified in Exhibit A.

C. The main early voting location is designated in Exhibit B to this Ordinance (which is hereby 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 main early voting location 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 Administrator, as identified in Exhibit B hereto.

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 City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with State 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.

SECTION 4: The City is authorized to utilize a Central Counting Station (the “Station”) as provided by Section 127.001, *et seq.*, as amended, Texas Election Code. The Administrator, or the designee thereof, is hereby appointed as the Manager of the Station, who will establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Council hereby authorizes the Administrator, or the designee thereof, to appoint the Presiding Judge of the Station, the Tabulation Supervisor, and the Programmer for the Station and may appoint Station clerks as needed or desirable. The Administrator 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 the Station in accordance with the provisions of the Texas Election Code.

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

PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$38,700,000 OF CITY OF FORNEY, TEXAS GENERAL OBLIGATION BONDS FOR FIRE STATION FACILITIES, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

PROPOSITION B

“THE ISSUANCE OF NOT TO EXCEED \$70,000,000 OF CITY OF FORNEY, TEXAS GENERAL OBLIGATION BONDS FOR PARKS AND RECREATIONAL FACILITIES, INCLUDING EXPANSION OF COMMUNITY PARK AND A NEW NORTHSIDE PARK, AND THE IMPOSITION OF A TAX

SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

PROPOSITION C

“THE ISSUANCE OF NOT TO EXCEED \$51,400,000 OF CITY OF FORNEY, TEXAS GENERAL OBLIGATION BONDS FOR A NEW RECREATION ACTIVITIES CENTER, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

PROPOSITION D

“THE ISSUANCE OF NOT TO EXCEED \$19,400,000 OF CITY OF FORNEY, TEXAS GENERAL OBLIGATION BONDS FOR A NEW FACILITY TO INCLUDE A LIBRARY, SENIOR CENTER AND COMMUNITY CENTER, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

PROPOSITION E

“THE ISSUANCE OF NOT TO EXCEED \$50,800,000 OF CITY OF FORNEY, TEXAS GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO LOVERS LANE, FM 548/MONITOR CONNECTOR, COMMUNITY PARK ROAD AND A BRIDGE OVER THE UNION PACIFIC RAILROAD, RELATED UTILITY AND DRAINAGE IMPROVEMENTS AND THE IMPOSITION OF A TAX 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 provisions of the Texas Election Code, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. To the extent required by law, all 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 Ordinance and the voter information document, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day; (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the City’s internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the City’s internet website not less than 21 days prior to Election Day.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the City, as of the date of this Ordinance, had outstanding an aggregate principal amount of debt equal to \$27,485,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$3,722,314; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.145054 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Council's adoption of this Ordinance, the maximum interest rate for any series of bonds authorized at the Election is 5.25% (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 overall a specified number of years (not more than 40 years from their date), as preserved by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 25-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 City ad valorem tax rate 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 respective designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or their respective designee of either of such parties to make such technical modifications to this Ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same. By incorporating all essential terms necessary for a joint election agreement, this Ordinance is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the Council. To the extent needed or desirable, the Administrator is hereby appointed joint custodian of voted ballots for the purposes of Section 31.096, as amended, Texas Election Code.

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 Ordinance 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 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 ordained herein.

SECTION 12. This Ordinance 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 Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 14. 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 this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 15. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

* * * *

7/27/2022 For Discussion Only

PASSED AND APPROVED on the 16th day of August, 2022.

CITY OF FORNEY, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

7/27/2022 For Discussion Only

Exhibit A

ELECTION DAY*

Election Day: Tuesday, November 8, 2022

Election Day Polling Locations open from 7 a.m. to 7 p.m.

Presiding Judge(s) and Alternate(s): to be named by the Administrator

[As of 7/26/22 the information below is not available]

Kaufman County Voting Center (VC) # <i>(Insert Spanish translation)</i>	Polling Location (Ubicación de votación)	Address (Dirección)
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*Kaufman County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters of Kaufman County will be able to cast their Election Day ballots at any of the Vote Centers in Kaufman County identified above and on Kaufman County’s website at: <https://www.kaufmancounty.net/elections/>

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Exhibit B

EARLY VOTING

Early voting begins Monday, October 24, 2022, and ends on Friday, November 4, 2022.
Early Voting Clerk: Tandi Smith, Elections Department, 3001 S Washington Street, Kaufman, Texas 75142.

Dates	Times
October 24, 2022 – October 28, 2022	8am to 5pm
October 29, 2022	7am to 7pm
October 30, 2022	1pm to 6pm
October 31, 2022 – November 4, 2022	7am to 7pm

[As of 7/26/22 the information below is not available]

Main Early Voting Polling Place

[_____]
 [_____]
 [_____], TX [_____]

Branch Early Voting Polling Places

Early Voting By Mail

Applications for voting by mail should be received (not post marked) no later than the close of business (5:00 p.m.) on [_____] Applications should be sent to:

Early Voting Clerk
 Tandi Smith, Kaufman County Elections Department
 PO Box 1347
 Kaufman, Texas 75142
 fax: (469) 595-0395
 email: elections@kaufmancounty.net

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.