

ORDER CALLING A BOND ELECTION IN THE BROOKS COUNTY
INDEPENDENT SCHOOL DISTRICT AND APPROVING OTHER MATTERS
INCIDENT AND RELATED THERETO

STATE OF TEXAS	§
	§
COUNTY OF BROOKS	§
	§
BROOKS COUNTY	§
INDEPENDENT SCHOOL DISTRICT	§

WHEREAS, the Board of Trustees (the "Board") of the Brooks County Independent School District (the "District") deems it necessary to call the election hereinafter identified;

WHEREAS, the Board hereby finds and determines that the necessity to construct various safety and security improvements within the District necessitates that it is in the public interest to call and hold a bond election (the "Election") at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified;

WHEREAS, the Board wishes to contract for election services with the Brooks County Elections Administrator (the "Administrator"), as permitted by the Texas Election Code;

THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. The Election shall be held in the District on the 6th day of May, 2023 (the "Election Day"), which is seventy-eight (78) or more days from the adoption of this order (the "Order") in which all resident, qualified electors of the District shall be entitled to vote, and the Board hereby finds that holding the Election on such date is in the public interest. On the day of the Election, the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 2. The District shall enter into one or more contracts (collectively, the "Election Contract") with the Administrator to perform election services for the Election as provided by the Texas Election Code. The President of the Board, the Superintendent, and their respective designees, are authorized to enter into, execute and deliver the Election Contract, in accordance with applicable provisions of the Election Code. The terms and provisions of the Election Contract are hereby incorporated into this Order. To the extent of any conflict between this Order and the Election Contract, the terms of the Election Contract shall prevail, and the President of the Board, the Superintendent, and their respective designees, are authorized to make such corrections, changes, revisions and modifications to this Order, including the attachments hereto, as are deemed necessary or appropriate to conform to the Election Contract, to comply with applicable state and federal law and to carry out the intent of the Board of Trustees, as evidence by this Order.

Section 3. The Election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election are hereby ratified for holding the Election as identified in Attachment "A" to this Order, and this attachment is

incorporated by reference for all purposes. The Board hereby appoints election officers, consisting of a Presiding Judge and Alternate Presiding Judge, to be those election officers selected by the Administrator for the proper conduct of the Election.

In the event that the Administrator, or his designee, shall determine from time to time that (a) a polling place hereafter designated shall become unavailable or unsuitable for such use, or it would be in the District's best interests to relocate such polling place, or (b) a presiding judge or alternate presiding judge hereafter designated shall become unqualified or unavailable, the Administrator, or his designee, is hereby authorized to designate and appoint in writing a substitute polling place, presiding judge or alternate presiding judge, and the Superintendent, or his designee, is hereby authorized to correct or modify the attachments to this Election Order, giving such notice as is required by the Election Code and as deemed sufficient.

The Presiding Judges shall appoint not less than two (2) resident qualified voters of the District to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code 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 during the Election. 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.

Section 4. The Main Early Voting Location for this Election shall be as identified in Attachment "A." The Administrator (whose mailing address is 203 Calixto Mora Avenue, P.O. Box 714, Falfurrias, Texas 78355), is hereby appointed as the Early Voting Clerk to conduct such early voting in this Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. Early Voting shall commence on Monday, April 24, 2023 and continue through Tuesday, May 2, 2023, on the days, times and locations identified in Attachment "A" attached hereto, all as provided by the provisions of the Texas Election Code.

Early Voting by mail shall be conducted, in addition to any other manner permitted by law, by making application for ballots with the Early Voting Clerk: Brooks County Elections Division, 203 Calixto Mora Avenue P.O. Box 714, Falfurrias, Texas 78355, which is hereby designated as the address at which Early Voting by mail may be initiated.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two (2) resident qualified voters of the District to serve as members of the Early Voting Ballot Board.

Section 5. At this Election the following PROPOSITION shall be submitted in accordance with law:

"SHALL THE BOARD OF TRUSTEES OF BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT BE AUTHORIZED TO ISSUE AND SELL AT ANY PRICE OR PRICES THE BONDS OF THE DISTRICT IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,200,000 FOR FENCING,

SAFETY TECHNOLOGY EQUIPMENT, AND IMPROVEMENTS FOR SCHOOL BUILDINGS AND FACILITIES IN THE DISTRICT FOR SCHOOL SECURITY AND SAFETY PURPOSES, WHICH BONDS MAY BE ISSUED IN VARIOUS ISSUES OR SERIES, SHALL MATURE SERIALY OR OTHERWISE NOT MORE THAN 40 YEARS FROM THEIR DATE, AND SHALL BEAR INTEREST AT SUCH RATE OR RATES (FIXED, FLOATING, VARIABLE, OR OTHERWISE), NOT TO EXCEED THE MAXIMUM RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED BY THE BOARD OF TRUSTEES OF THE DISTRICT WITHIN THE DISCRETION OF THE BOARD AT THE TIME OF ISSUANCE; AND SHALL THE BOARD OF TRUSTEES BE AUTHORIZED TO LEVY, IMPOSE AND PLEDGE, AND CAUSE TO BE ASSESSED AND COLLECTED, ANNUAL AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE DISTRICT SUFFICIENT, WITHOUT LIMIT AS TO RATE OR AMOUNT, TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND THE COSTS OF ANY CREDIT AGREEMENTS EXECUTED IN CONNECTION WITH THE BONDS?"

Section 6. The official ballots 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 with the ballots to contain such provisions, markings, and the language as required by law, and with such PROPOSITION to be expressed substantially as follows:

_____ FOR

_____ AGAINST

"THE ISSUANCE OF AN AMOUNT NOT TO EXCEED \$2,200,000 SCHOOL BONDS FOR FENCING, SAFETY TECHNOLOGY EQUIPMENT, AND IMPROVEMENTS FOR SCHOOL BUILDINGS AND FACILITIES IN THE DISTRICT FOR SCHOOL SECURITY AND SAFETY PURPOSES, AND THE LEVYING AND IMPOSITION OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND THE COSTS OF ANY CREDIT AGREEMENTS. THIS IS A PROPERTY TAX INCREASE."

Section 7. Mandatory Statement of Information.

Pursuant to Section 3.009, Texas Election Code: (i) the proposition language that will appear on the ballot is set forth in Section 6 of this Order, (ii) the purposes for which the bonds are to be authorized are set forth in Section 5 of this Order, (iii) the principal amount of

bonds to be authorized is set forth in Section 5 of this Order, (iv) if the issuance of bonds is authorized by voters, taxes sufficient, without limit as to rate or amount, to pay the annual principal of and interest on the bonds and the costs of any credit agreements may be imposed, as set forth in Section 5 of this Order, (v) based upon market conditions as of the date of this Order, if the bonds are authorized, the estimated maximum interest rate of the bonds is expected to be approximately 5.50%, (vi) bonds authorized pursuant to this Order may be issued to mature over a period not to exceed 40 years from their date of issuance and bearing interest at the rate or rates (not to exceed 15%), as authorized by law and determined by the Board, (vii) as of the date of adoption of this Order (being February 15, 2023), the aggregate amount of outstanding principal of the District's debt obligations is \$24,995,000 (excludes maintenance and operations tax debt), (viii) as of the date of adoption of this Order (being February 15, 2023), the aggregate amount of outstanding interest on the District's debt obligations is \$7,001,315, and (ix) the District's ad valorem debt service tax rate as of the date of adoption of this Order (being February 15, 2023) is \$0.415648 per \$100 of taxable property.

If approved by voters, the bonds will be secured by an ad valorem tax that is sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds and the costs of any credit agreements. Actual tax rates, interest rates, maturity dates, aggregate outstanding indebtedness and interest on such debt, will only be established and known at the time that bonds are issued. In addition, actual tax rates will depend upon, among other factors, the assessed valuation of taxable property, prevailing interest rates, the market for the District's bonds and general market conditions at the time that bonds are issued.

The estimated maximum interest rate of the bonds provided in item (v) above is (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time of adoption of this Order) and derived from projections obtained from the District's financial advisor, (ii) subject to change to the extent that actual facts, circumstances and conditions prevailing at the time that the bonds are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 3.009, Texas Election Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to give rise to a contract with voters or limit the authority of the Board to issue bonds in accordance with the Proposition submitted by this Order.

Section 8. Voting machines and voting system approved by the Texas Secretary of State ("System") may be used in the holding of the Election on Election Day; provided, however, in the event the use of such electronic voting devices is not practicable, the Election may be conducted by the use of paper ballots or other voting devices as shall be authorized by the Texas Secretary of State and selected and approved by the Administrator in the proper conduct of the Election (the "Other Voting Devices"). Such System and/or Other Voting Devices may be used for early voting by personal appearance. Paper ballots may be used for early voting by mail. The Administrator will provide at least one (1) accessible voting system in each polling place that complies with state and federal laws setting the requirements for voting systems for permit voters with physical disabilities to cast a secret ballot.

Section 9. All resident, qualified voters of the District 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 Education Code, as amended, and as may be otherwise required by law. To the extent required by law, all Election materials and proceedings shall be printed in both English and Spanish.

Section 10. A notice of the Election (the "Notice") shall be given as provided by law. This Notice, including a Spanish translation thereof, shall be published at least one time in a newspaper of general circulation in the District, and the publication of the Notice shall occur in such newspaper not more than thirty (30) days and not less than ten (10) days before the day of the Election. Additionally, a copy of the Notice, shall be posted on the bulletin board used for posting notices of District meetings not later than twenty-one (21) days prior to Election day. Notice of Election shall also be given by posting a substantial copy of this Order (i) on Election Day and during early voting by personal appearance, in a prominent location at each polling place and (ii) not later than the twenty-first (21st) day before the Election, on the bulletin board used for posting notices of District meetings and in three (3) public places within the boundaries of the District. In addition, this Order, together with the Notice, the contents of the Proposition and any sample ballot prepared for the Election, shall be posted on the District's website during the twenty-one (21) days before the Election. The Voter Information Document, attached hereto as Attachment "B" and incorporated herein for all purposes, shall be posted (i) on Election Day and during early voting by personal appearance, in a prominent location at each polling place, (ii) not later than the twenty-first (21st) day before the Election, on the bulletin board used for posting notices of District meetings and in three (3) public places within the boundaries of the District, and (iii) on the District's website during the twenty-one (21) days before the Election. The Superintendent and the President or Vice-President of the Board are additionally authorized to provide any other manner of notice as provided by law.

Section 11. The central counting station(s) established by the Administrator shall be the counting station(s) for the Election. The Administrator shall appoint a Presiding Judge, tabulation supervisor, assistant supervisor, and manager of the central counting station(s), and such clerks as required for operations and integrity of determining Election results.

Section 12. The Superintendent shall have the authority to take, or cause to be taken, all reasonable or necessary actions to ensure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed. Without limiting the generality of the immediately preceding sentence, the Superintendent or his designee are hereby authorized to complete and update Attachment A hereto with polling location and other information, as necessary. The President or Vice President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the Superintendent and the President or Vice President of the Board are authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 13. This Election shall be held in accordance with the Texas Election Code, except as modified by the Texas Education Code and the Federal Voting Rights Act of 1965, as amended, including particularly Chapter 272 of the Texas Election Code pertaining to bilingual requirements.

Section 14. 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 Board.

Section 15. 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, Texas Government Code.

Section 16. This Order shall be in force and effect from and after its final passage, and it is so ordered.

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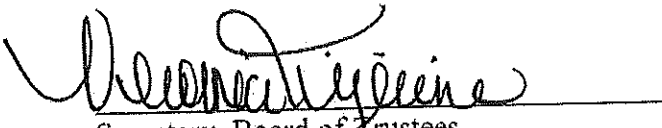
PASSED AND APPROVED, this the 15th day of February, 2023.

**BROOKS COUNTY INDEPENDENT SCHOOL
DISTRICT**



President, Board of Trustees

ATTEST:



Secretary, Board of Trustees

(DISTRICT SEAL)

ATTACHMENT "A"/PRUEBA "A"

EARLY VOTING POLLING LOCATION, DATES, AND TIMES
(Lugar, fechas y horarios para la votación temprana)

Early Voting by personal appearance will be conducted beginning April 24, 2023 through May 2, 2023 between the hours of 8:00 a.m. and 5:00 p.m. Additional hours for Early Voting will be held on Monday, May 1, 2023 and Tuesday, May 2, 2023 between the hours of 7:00 a.m. and 7:00 p.m. at the **Ed Rachal Memorial Library, Conference Room, 203 South Calixto Mora Avenue, Falfurrias, Texas 78355.**

*(La votación temprana para votar en persona se llevará a cabo comenzando el 24 de abril del 2023 hasta el 2 de mayo del 2023 entre las horas de 8:00 de la mañana y las 5:00 de la tarde. Horas adicionales para votación temprana se llevarán a cabo el lunes, 1 de mayo del 2023 y el martes 2 de mayo del 2023 entre las horas de 7:00 de la mañana y las 7:00 de la tarde en el **Ed Rachal Memorial Library, Conference Room, 203 South Calixto Mora Avenue, Falfurrias, Texas 78355.**)*

ELECTION DAY POLLING LOCATIONS, DATES, AND TIMES
(Lugares, fechas y horarios para el día de la elección)

Election Day voting will be conducted on Saturday, May 6, 2023 between the hours of 7:00 a.m. and 7:00 p.m. at the following locations:
(La votación en el Día de la Elección se llevará a cabo en el 6 de mayo del 2023 entre las horas de 7:00 de la mañana y las 7:00 en los siguientes lugares:)

Brooks County Precinct 1: Ed Rachal Memorial Library 203 South Calixto Mora Avenue, Falfurrias, Texas 78355
(Recinto 1 del Condado de Brooks: Ed Rachal Memorial Library 203 South Calixto Mora Avenue, Falfurrias, Texas 78355)

Brooks County Precinct 2: VFW Hall (East Highway 285), 1310 East Highway 285, Falfurrias, Texas 78355
(Recinto 2 del Condado de Brooks: VFW Hall (East Highway 285), 1310 East Highway 285, Falfurrias, Texas 78355)

Brooks County Precinct 3S: Encino Sub-Station 218 South Highway 281 Business, Encino, Texas 78353
(Recinto 3S del Condado de Brooks: Encino Sub-Station 218 South Highway 281 Business, Encino, Texas 78353)

Brooks County Precinct 3: Lasater Cafeteria, 200 W. Adams St., Falfurrias, Texas 78355
(Recinto 3 del Condado de Brooks: Lasater Cafeteria, 200 W. Adams St., Falfurrias, Texas 78355)

Brooks County Precinct 4: Los Encintos Elderly Housing, 1210 South Center Street, Falfurrias, Texas 78355
(Recinto 4 del Condado de Brooks: Los Encintos Elderly Housing, 1210 South Center Street, Falfurrias, Texas 78355)

ATTACHMENT "B"

VOTER INFORMATION DOCUMENT (Proposition A)

1. The language that will appear on the ballot for this proposition is as follows:

_____ FOR "THE ISSUANCE OF AN AMOUNT NOT TO EXCEED \$2,200,000 SCHOOL BONDS FOR FENCING, SAFETY TECHNOLOGY EQUIPMENT, AND IMPROVEMENTS FOR SCHOOL BUILDINGS AND FACILITIES IN THE DISTRICT FOR SCHOOL SECURITY AND SAFETY PURPOSES, AND THE LEVYING AND IMPOSITION OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND THE COSTS OF ANY CREDIT AGREEMENTS. THIS IS A PROPERTY TAX INCREASE."
_____ AGAINST

2. The following table is provided for your information in accordance with law:

The principal of the debt obligations to be authorized	\$2,200,000
The estimated interest for the debt obligations to be authorized	\$2,190,039
The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized	\$4,390,039
As of the date the District adopted the Bond Election Order (February 15, 2023), the principal of all outstanding debt obligations of the political subdivision	\$24,995,000
As of the date the District adopted the Bond Election Order (February 15, 2023), the estimated remaining interest on all outstanding debt obligations of the political subdivision	\$7,001,315
As of the date the District adopted the Bond Election Order (February 15, 2023), the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision	\$31,996,315

3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the District with an appraised value of \$100,000 (less \$40,000 homestead exemption) to repay the debt obligations to be authorized, if approved, based upon certain assumptions is: \$23.01.

The major assumptions made in connection with the above statement include: (1) an amortization of 30 years for each of several planned debt issues of the District's debt obligations, including outstanding debt obligations; (2) an assumed growth rate in future appraised values within the District of 0.00% through 2053, and (3) an assumed interest rate of 5.50% on the proposed debt.