

ORDINANCE NO. 1107

**ORDINANCE CALLING AN ELECTION TO AUTHORIZE
THE ISSUANCE OF GENERAL OBLIGATION BONDS**

STATE OF TEXAS §
COUNTY OF BEXAR §
CITY OF CASTLE HILLS §

WHEREAS, the City Council of the **CITY OF CASTLE HILLS, TEXAS** (the "**City**") has determined that many of the streets and drainage systems of the City are in critical need of significant improvements in order to protect the public health, safety and welfare of the citizens of the City and to protect the City's investment in its current street and drainage infrastructure; and

WHEREAS, the City's engineer has conducted extensive investigation into the cost of the needed street and drainage improvements, and has determined that the likely cost will be approximately \$60,000,000; and

WHEREAS, further delays in addressing the needed street and drainage improvements will result in continued deterioration of the streets and drainage systems, effectively compounding the cost factor; and

WHEREAS, further delays in addressing needed street and drainage improvements will likely result in increased costs because the materials needed to make the improvements will become more scarce in the future; and

WHEREAS, the City is unable to fund all of the street and drainage improvements at one time so that the necessary work must be addressed in phases, beginning with the bond issue hereinafter described; and

WHEREAS, the City Council deems it advisable to call the election hereinafter ordered for the purpose of receiving voter authorization to issue general obligation bonds to finance the construction of the first phase of such street and drainage improvements in the City; and

WHEREAS, the City desires to conduct the election hereinafter ordered as a joint election in conjunction with the elections to be held on the same date by Bexar County, Texas ("**Bexar County**") and other political subdivisions within Bexar County (the "**Joint Election Participants**"); and

WHEREAS, pursuant to Chapter 271, Texas Election Code, the City shall enter into a joint election agreement with the Joint Election Participants (the "**Joint Election Agreement**") to hold all such elections jointly in the election precincts that can be served by common polling places (subject to Section 271.003, Texas Election Code, which permits the regular Bexar County polling places to be used for a common polling place in a joint election and further permits the use of a common polling place that is located outside the boundary of the election precinct or the City if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election); and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS THAT:

1. **TIME**. An election shall be held between the hours of 7:00 A.M. and 7:00 P.M. on *Tuesday, November 5, 2013*, in the City.

2. **PRECINCT AND POLLING PLACE**. The City shall hold the election in conjunction with the elections to be held by the Joint Election Participants on Tuesday, November 5, 2013 at the precincts and polling places as determined by the Bexar County Elections Administrator (the "*Elections Administrator*") pursuant to the provisions of the Joint Election Agreement. The City has been informed by the Elections Administrator that, for the purpose of holding said election, the City is divided into ~~four~~five election precincts (Bexar County Precinct Nos. 3038, 3041, 3067, 3133 and 3171), all of which will vote on election day at the same polling place. Voters may cast their ballots on election day at the following polling place:

<u>POLLING PLACE</u>	<u>ADDRESS</u>
Castle Hills City Hall	209 Lemonwood Drive Castle Hills, Texas

3. **PRESIDING JUDGES**. The Presiding Judge and the Alternate Presiding Judge for each of the election precincts and the polling place shall be appointed by the Elections Administrator and pursuant to the Joint Election Agreement.

4. **ELECTION CLERKS**. The Presiding Judge, the Alternate Presiding Judge, and the election clerks shall be appointed by the Elections Administrator and pursuant to the Joint Election Agreement.

5. **EARLY VOTING**. Electors may cast their early votes by mail or by personal appearance at the times and places described in Exhibit A attached hereto. The Early Voting Clerk shall be appointed by the Elections Administrator and pursuant to the Joint Election Agreement.

6. **EARLY VOTING BALLOT BOARD**. An Early Voting Ballot Board will be created by the Elections Administrator pursuant to the Joint Election Agreement to process early voting results.

7. **ELECTORS**. All resident, qualified electors of the City shall be entitled to vote at said election.

8. OFFICIAL PROPOSITION RELATING TO BOND ELECTION. At the election being called by this Ordinance, the following PROPOSITION shall be submitted in accordance with law:

PROPOSITION

"Shall the City Council of the City of Castle Hills, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$13,000,000 for the purpose of constructing street and drainage improvements in the City, with said bonds to mature not more than 22 years from their date, bear interest at such rate or rates as approved by 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 the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Council; and shall the City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

9. FORM OF BALLOT RELATING TO BOND ELECTION. The official ballots for the election being called by this Ordinance shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

PROPOSITION

- | | | |
|--------------------------|---------|--|
| <input type="checkbox"/> | FOR | THE ISSUANCE OF \$13,000,000 OF BONDS FOR
CONSTRUCTING STREET AND DRAINAGE
IMPROVEMENTS IN THE CITY, AND LEVYING |
| <input type="checkbox"/> | AGAINST | THE TAX IN PAYMENT THEREOF |

10. ELECTION CODE. In all respects said election shall be conducted in accordance with the Texas Election Code.

11. BILINGUAL ELECTION MATERIALS. All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.

12. NOTICE. Notice of said election in substantially the form attached hereto as Exhibit A shall be given by (i) publishing, both in English and Spanish, on the same day in each of two successive weeks, in the *North Central News* (the City's newspaper of record, and which is included as an insert in the Thursday edition of the *San Antonio Express-News*), with the first publication being not more than 30 days and not less than 14 days prior to the date set for said election, and (ii) posting a substantial copy of such notice, both in English and in Spanish, at three public places in the City and at the City Hall on the bulletin board used for posting notices of the meetings of the City Council of the City not later than the 21st day before the election. It is hereby found and declared that the *North Central News* and the *San Antonio Express News* are newspapers of general circulation within the City. The City Secretary is hereby authorized to complete and make revisions to the Notice attached hereto as Exhibit A prior to its publication and posting in accordance with this Ordinance in order to conform to changes in election procedures or changes in polling places determined by the Elections Administrator.

13. AGREEMENT WITH BEXAR COUNTY. The City Manager is authorized to enter into the Joint Election Agreement with the Elections Administrator to conduct the election ordered herein and agreeing to pay the fee charged by the Elections Administrator for such services.

14. EFFECTIVE DATE. Pursuant to the provisions of Section 1201.028, Texas Government Code, as amended, this Ordinance shall be come effective immediately upon adoption thereof.

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***APPROVED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS AT
A SPECIAL MEETING HELD ON THE 22ND DAY OF AUGUST, 2013.***

Mayor
City of Castle Hills, Texas

Attest:

City Secretary
City of Castle Hills, Texas

(Seal)

EXHIBIT A

**NOTICE OF BOND ELECTION
TO BE HELD BY
THE CITY OF CASTLE HILLS, TEXAS**

TIME AND PURPOSE OF ELECTION. The City of Castle Hills, Texas (the "*City*") will hold an election between the hours of **7:00 A.M. and 7:00 P.M.** on ***Tuesday, November 5, 2013***, in the City for the purpose of authorizing the issuance of general obligation bonds as further described below.

PLACE OF ELECTION. For the purpose of holding said election the City is divided into ~~four~~five election precincts (Bexar County Election Precinct Nos. 3038, 3041, 3067, 3133 and 3171), all of which will vote on election day at the same polling place. Voters may cast their ballots on the election day at the following polling place:

POLLING PLACE

Castle Hills City Hall

ADDRESS

209 Lemonwood Drive
Castle Hills, Texas

EARLY VOTING. Electors may cast their early votes in person from Monday, October 21, 2013 through Friday, November 1, 2013, at the Bexar County Justice Center, 300 Dolorosa, San Antonio, Texas (which is the main early voting location) and at various branch early voting locations determined by the Bexar County Elections Administrator. The branch early voting locations are available through the Elections Administrator (203 W. Nueva Street, 3rd Floor, San Antonio, Texas 78207; Phone: (210) 335-8683) and are expected to be listed in a separate notice or notices to be published by the Elections Administrator. The branch early voting place located closest to the City is at the Castle Hills City Hall, 209 Lemonwood Drive, Castle Hills, Texas.

The hours for early voting in person at the early voting locations are as follows:¹

Monday, October 21, 2013 through Friday, October 25, 2013:	8:00 a.m. to 6:00 p.m.
Saturday, October 26, 2013:	10:00 a.m. to 6:00 p.m.
Sunday, October 27, 2013:	12:00 noon to 6:00 p.m.
Monday, October 28, 2013 through Friday, November 1, 2013:	8:00 a.m. to 8:00 p.m.

Electors also may cast their early votes by mail. The last day to apply for early voting ballots by mail (received, not postmarked) through the Bexar County Elections Department (203 W. Nueva, San Antonio, Texas 78207) is Friday, October 25, 2013.

¹Note: The final election notice will incorporate any changes to the early voting hours provided by the Elections Administrator.

OFFICIAL PROPOSITION. At said election the following PROPOSITION shall be submitted in accordance with law:

PROPOSITION

"Shall the City Council of the City of Castle Hills, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$13,000,000 for the purpose of constructing street and drainage improvements in the City, with said bonds to mature not more than 22 years from their date, bear interest at such rate or rates as approved by 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 the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Council; and shall the City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

FORM OF BALLOT. The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

PROPOSITION

- | | |
|----------------------------------|--|
| <input type="checkbox"/> FOR | THE ISSUANCE OF \$13,000,000 OF BONDS FOR
CONSTRUCTING STREET AND DRAINAGE
IMPROVEMENTS IN THE CITY, AND LEVYING |
| <input type="checkbox"/> AGAINST | THE TAX IN PAYMENT THEREOF |

ELECTORS. All resident, qualified electors of the City shall be entitled to vote at said election.

CERTIFICATE FOR ORDINANCE

**THE STATE OF TEXAS
COUNTY OF BEXAR
CITY OF CASTLE HILLS**

§
§
§

I, the undersigned City Secretary of the **CITY OF CASTLE HILLS, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City convened in SPECIAL MEETING ON THE 22ND DAY OF AUGUST, 2013 at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Bruce Smiley-Kaliff, Mayor
Michael A. Catalani, Council Member - Place 1
Stacia Spridgen, Council Member - Place 2
John Squire, Council Member - Place 3
Tim Howell, Council Member - Place 4
Tom Davis, Council Member - Place 5

and all of said officers and members of said City Council were present, except the following absentees: _____ . Whereupon, among other business, the following was transacted at said Meeting: a written Ordinance No. 1107 entitled

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was duly read. It was then duly moved and seconded that said Ordinance be adopted; and, after due discussion, said motion, carrying with it the adoption of said Ordinance, prevailed and carried by the following vote:

AYES: ____ NOES: ____ ABSTENTIONS: ____

2. A true, full and correct copy of the aforesaid Ordinance adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Ordinance has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Ordinance; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 22nd day of August, 2013.

(SEAL)

City Secretary