



ORDER #O-13-2020

AN ORDER CALLING A BOND ELECTION TO BE HELD WITHIN THE ARANSAS COUNTY, TEXAS, MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF SAID ELECTION, AND CONTAINING OTHER PROVISIONS NECESSARY AND INCIDENTAL TO THE PURPOSES HEREOF

WHEREAS, on July 13, 2020, the Commissioners Court of Aransas County, Texas, has authorized publication of a notice of intention to issue Combination Tax and Revenue Certificates of Obligation for the finance and construction of certain projects in the County; and

WHEREAS, the Commissioners Court of Aransas County, Texas (the "County") has heretofore found that the funding and construction of certain improvements within the County is in the public interest; and

WHEREAS, based on input received from the community, the Commissioners Court has determined that, prior to issuing any debt obligations of the County for these projects including any Certificates of Obligation, that an election should be held to determine whether said governing body shall be authorized to issue bonds of said County in the amount and for the purposes hereinafter identified; and

WHEREAS, the Commissioners Court is authorized pursuant to Chapters 42 and 85 of the Texas Election Code to designate dates, times, and locations for election day voting and early voting by personal appearance; and

WHEREAS, on July 20, 2020, the Governor of Texas issued a Proclamation suspending Section 85.001(a) of the Texas Election Code to expand the early voting period for the November 3, 2020 election and ordering that the early voting period shall begin on Tuesday, October 13, 2020; and

WHEREAS, the Commissioners Court has made provision for the County bond election to be conducted jointly with other political subdivisions in the area under the authority of Texas Election Code Chapter 271; and

WHEREAS, the Commissioners Court hereby finds that it is in the public interest that the County special bond election be conducted as provided for by the Commissioners Court;

THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS COURT OF ARANSAS COUNTY, TEXAS:

Section 1. Call of Election; Date; Eligible Electors; and Hours. A special bond election (the "Election") shall be held on Tuesday, November 3, 2020, which is seventy-eight (78) or more days from the date of the adoption of this order (the "Order") within and throughout the territory of the County at which all resident, qualified electors of the County shall be entitled to vote, and is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption hereof. The Commissioners Court hereby finds that holding the Election on such date is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7:00 a.m. to 7:00 p.m.

Section 2. Conduct of Election. The Election shall be conducted by the Aransas County Elections Administrator, in accordance with the Texas Election Code, Chapter 1251, Texas Government Code, and the Constitution and laws of the State of Texas and the United States of America. The Election will include all registered voters in Aransas County. The early voting and election day polling locations shall all be located within Aransas County and serve the County's registered voters. The Hart Intercivic Verity Touch Voting System shall be utilized for the Election.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions, that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Commissioners Court is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, this Election will be conducted under the terms and conditions of one or more agreements to conduct joint elections which agreement(s) will be presented to the Commissioners Court for its consideration/approval when available.

Section 3. Voting Precincts; Polling Places; Election Judges, Alternates, Clerks and other Election Officials. Except as otherwise provided herein, the presently existing boundaries and territory of the election precincts of Aransas County are hereby designated as the voting precincts for the Election. The election day polling places for the Election will be presented to the Commissioners court for its consideration/approval when available.

The Commissioners Court approves the appointment of persons designated by the County Elections Administrator to serve as election workers, including persons to serve on the Early Voting Ballot Board, in the Central Counting Station, and as deputy early voting clerks. Such proposed presiding judges and alternate judges shall meet the eligibility requirements of Chapter 32, Subchapter C of the Texas Election Code. The rate of pay for judges and clerks of the Election, including compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended and other applicable laws.

Section 4. Proposition. At the Election there shall be submitted to the resident, qualified electors of the County the following proposition (the "Proposition"):

Aransas County Proposition A

“SHALL the Commissioners Court of Aransas County, Texas be authorized to issue general obligation bonds of said County in an amount not to exceed \$17,235,000 for the purpose of providing funds to construct a county courthouse and for the costs of issuance of the bonds; such bonds to mature serially or otherwise over a period not to exceed twenty-five (25) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the Commissioners Court at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

Aransas County Proposition B

“SHALL the Commissioners Court of Aransas County, Texas be authorized to issue general obligation bonds of said County in an amount not to exceed \$1,295,000 for the purpose of providing funds to acquire and construct roads and drainage improvements in the county for hazard mitigation and for the costs of issuance of the bonds; such bonds to mature serially or otherwise over a period not to exceed twenty-five (25) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the Commissioners Court at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

Aransas County Proposition C

“SHALL the Commissioners Court of Aransas County, Texas be authorized to issue general obligation bonds of said County in an amount not to exceed \$1,370,000 for the purpose of providing funds to construct and equip a county building to be utilized as a micro-hospital and for the costs of issuance of the bonds; such bonds to mature serially or otherwise over a period not to exceed twenty-five (25) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the Commissioners Court at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

Section 5. Ballots. The ballot shall be suitable for use with the Hart Intercivic Verity Touch voting system, and shall otherwise conform to the requirements of the Texas Election Code as to permit electors to vote “FOR” or “AGAINST” the aforesaid measure which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

ARANSAS COUNTY PROPOSITION A

- FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$17,235,000 TO CONSTRUCT A COUNTY COURTHOUSE AND FOR THE COSTS OF ISSUANCE OF THE BONDS; AND THE LEVY OF A TAX IN PAYMENT THEREOF.
- AGAINST

ARANSAS COUNTY PROPOSITION B

- FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$1,295,000 TO CONSTRUCT ROADS AND DRAINAGE IMPROVEMENTS IN THE COUNTY FOR HAZARD MITIGATION AND FOR THE COSTS OF ISSUANCE OF THE BONDS; AND THE LEVY OF A TAX IN PAYMENT THEREOF.
- AGAINST

ARANSAS COUNTY PROPOSITION C

- FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$1,370,000 TO CONSTRUCT AND EQUIP A COUNTY BUILDING TO BE UTILIZED AS A MICRO-HOSPITAL IN THE COUNTY AND FOR THE COSTS OF ISSUANCE OF THE BONDS; AND THE LEVY OF A TAX IN PAYMENT THEREOF.
- [AGAINST]

Section 6. Early Voting. Early voting for the election shall be conducted jointly with other political subdivisions. The Aransas County Elections Administrator shall serve as the Early Voting Clerk, and shall appoint any necessary deputy early voting clerks to assist her.

Early Voting by Mail

Ballot applications shall be addressed to the Early Voting Clerk at the following address:

Michele Carew
Aransas County Elections Administrator
602 East Concho
Rockport, TX 78382

An original, signed, complete application for a ballot by mail can be emailed to mcarew@aransascounty.org. If you are submitting your application for ballot by mail by fax or email, the original, hard copy of the application MUST be mailed and received by the early voting clerk no later than the 4th business day after it was originally submitted.

For the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote "FOR" or "AGAINST" the Proposition on the same ballots utilized for early voting by personal appearance at the Election.

The period to apply for a ballot by mail is January 1, 2020, through October 23, 2020. The application must be received by the Early Voting Clerk by October 23, 2020 (mere postmarking by the deadline is insufficient).

Early Voting by Personal Appearance

The dates, locations, and hours of early voting by personal appearance will be presented to the Commissioners Court for its consideration/approval when available.

Section 7. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. In accordance with the requirements of the Election Code, the election officers shall make and deliver a written return of the Election. The Commissioners Court shall canvass the returns and declare the results of the Election.

Section 8. Custodian of Records. Ms. Michele Carew, the Aransas County Elections Administrator, is the custodian of records ("Custodian") and will perform duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning the third (3rd) day after the adoption of this Order, and ending not earlier than the fortieth (40th) day after the day of the Election. In particular, the Custodian shall accept and maintain records regarding campaign expenditures that may be filed with the County.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Custodian shall post notice of the location and hours of office as required by the Texas Election Code. The Custodian shall maintain in office the documents, records and other items relating to the Election and shall be the person designated to receive documents on behalf of the County that are required by the Texas Election Code.

Section 9. Election Information to be Provided in Spanish. The County Elections Administrator and all other election officers appointed by the Commissioners Court responsible for the preparation of notices, instructions, orders, resolutions, ballots and other written material pertaining to the Election shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the County Elections Administrator and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual

capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 10. Notice of Election Publication and Posting Requirements.

Publication of Notice of Election

Notice of the Election, containing a substantial copy of this Order, 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 said County, the first of said publications to appear in said newspaper not more than thirty (30) days and not less than fourteen (14) days prior to the day of the Election.

Posting of Notice of Election

Notice of the Election, containing a substantial copy of this Order, in both the English and Spanish languages, shall also be posted (i) on the bulletin board used by the Commissioners Court to post notices of the Commissioners Court's meetings, (ii) at three (3) other public places within the County, and (iii) on the County's Internet website, prominently and together with the notice of the election, voter information document, sample ballot and the contents of the proposition, no later than the twenty-first (21st) day before the Election. Additionally, the County Judge and the County Elections Administrator, in consultation with the County Attorney and bond counsel, are hereby authorized and directed to provide any other manner of notice as authorized by law.

A copy of this Order, and the voter information document in both the English and Spanish languages, shall also be posted in a prominent location at each polling place on Election Day and at each early voting polling place during early voting by personal appearance.

Section 11. Debt Service and Tax Rate Information of the County. The following information is provided in accordance with the provisions of Section 3.009(b), Texas Election Code.

- (a) The Proposition language that will appear on the ballot is set forth in Section 5 hereof.
- (b) The purpose for which the bonds are to be authorized is set forth in Sections 4 and 5 hereof.
- (c) The principal amount of the debt obligations to be authorized is \$17,235,000 for Proposition A, \$1,295,000 for proposition B and \$1,370,000 for Proposition C.
- (d) Taxes sufficient to pay the annual principal of and interest on the general obligation bonds may be imposed.
- (e) The County intends to issue the bonds authorized by the Propositions over a period of years in a manner and in accordance with a schedule to be determined by the Commissioners Court based upon a number of factors, including, but not limited to, the then current needs of the County, demographic changes, prevailing market conditions, assessed valuations in the County and

management of the County's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations vary based upon a number of factors beyond the County's control, and therefore, the County cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the Propositions. As such, the information contained in this paragraph is provided solely for illustrative purposes and does not establish any limitations or restrictions or create a contract with the voters. The County currently estimates that, if the Propositions were approved and the bonds proposed herein were authorized and issued in accordance with the County's current estimated project plan of finance, the maximum interest rate of the bonds is not expected to exceed 3.25%. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds.

(f) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed twenty-five (25) years from the date of issuance of each series of bonds.

(g) The County's outstanding aggregate ad valorem tax-supported principal amount of debt as of the date of this Order is \$14,005,000.

(h) The aggregate amount of the interest owed on such County debt obligations, through respective maturity as of the date of this Order is \$1,898,464.50.

(i) The County levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.05225 per \$100 of taxable assessed valuation.

(j) Of the aforementioned County debt, the County considers \$962,076 and \$68,885 of that principal and interest, respectively, to be self-supporting debt payable from sources other than ad valorem taxes.

(k) The weighted average maturity of the issue of bonds does not exceed 120% of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds.

If a majority of the resident, qualified electors of the County voting at the Election, including those voting early, shall vote in favor of a Proposition, then the issuance and sale of the bonds shall be authorized in the maximum respective amount contained therein, and the general obligation bonds shall be issued and sold at the price or prices and in such denominations determined by the Commissioners Court to be in the County's best interests.

County staff shall prepare a voter information document and post such documents in accordance with Section 1251.052 of the Texas Government Code.

Section 12. Necessary Actions. The County Judge and the County Elections Administrator, in consultation with the County Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures

to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Order.

Section 13. Preamble Incorporation. 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 Commissioners Court.

Section 14. Inconsistent Provisions. 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 found herein.

Section 15. Governing Law. This Order shall be construed and enforced in accordance with the Orders and Resolutions of Aransas County, Texas, and the laws of the State of Texas and the United States of America.

Section 16. Severability. 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 Commissioners Court hereby declares that this Order would have been enacted without such invalid provision.

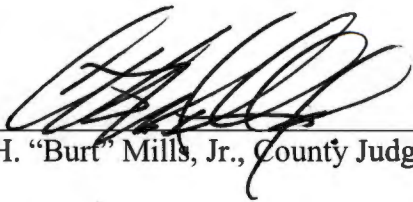
Section 17. Notice of Meeting. The Commissioners Court officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on a bulletin board located at a place convenient to the public at the County Courthouse for at least seventy-two (72) hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the County in connection with providing such notice, if applicable, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon. The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the County to establish procedures for telephonic or video-conferenced meetings that are accessible to the public.

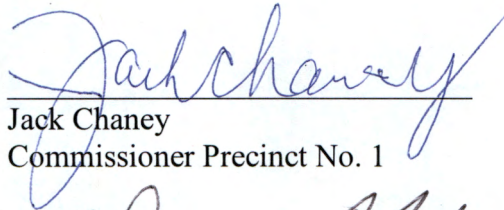
Section 18. Authorization to Execute. The County Judge is authorized to execute and the County Clerk is authorized to attest this Order on behalf of the Commissioners Court; and the County Judge is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

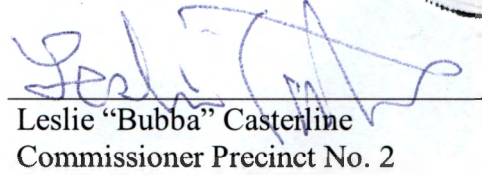
Section 19. Effective Date. This Order is effective immediately upon its passage and approval.

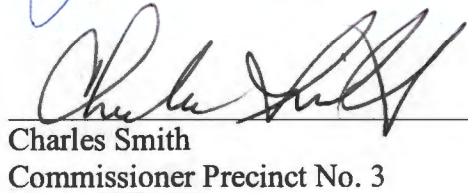
PASSED AND APPROVED on the 13th day of August, 2020.

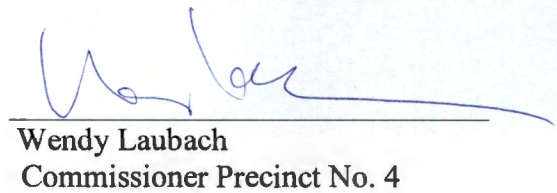


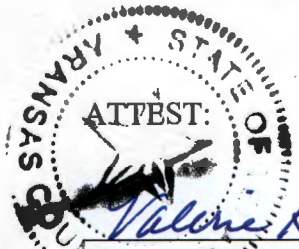

C.H. "Burt" Mills, Jr., County Judge



Jack Chaney
Commissioner Precinct No. 1


Leslie "Bubba" Casterline
Commissioner Precinct No. 2


Charles Smith
Commissioner Precinct No. 3


Wendy Laubach
Commissioner Precinct No. 4




Valerie Amason, County Clerk and
Ex-Officio Clerk of the Commissioners
Court of Aransas County, Texas