

ORDER CALLING A BOND ELECTION AND NOTICE OF ELECTION

THE STATE OF TEXAS
COUNTY OF HUTCHINSON
BORGER INDEPENDENT SCHOOL DISTRICT

WHEREAS, the Board of Trustees of the Borger Independent School District (the "*District*") deems it advisable to call the bond election hereinafter ordered (the "*Election*"); and

WHEREAS, pursuant to Chapter 271, Texas Election Code (the "*Code*"), the District is conducting the Election jointly with the City of Borger, Texas (the "*City*"); and

WHEREAS, the bond referendum is subject to the provisions of Section 45.003, Texas Education Code, and the City is administering the Election; and

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

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE BORGER INDEPENDENT SCHOOL DISTRICT:

Section 1. The statements contained in the preamble of this Order are true and correct and adopted as findings of fact and operative provisions hereof.

Section 2. *Election Ordered; Polling Places.* The Election shall be held in the District between the hours of 7:00 a.m. and 7:00 p.m. on May 6, 2017 ("*Election Day*"). The Election is to be conducted jointly with the City, and administered by the City, as provided by Chapter 271 of the Code. Voting for the Election on Election Day shall occur on the dates and during the hours and at the designated polling places as set forth in Exhibit "A" attached hereto, which exhibit is hereby made a part hereof for all intents and purposes. Exhibit "A" shall be modified to include additional or different Election Day polling places required to conform to the Code or the agreement with the City.

Section 3. *Early Voting.* Early voting shall be administered by the City. Early voting by personal appearance shall begin on April 24, 2017 and conclude on May 2, 2017, and will be conducted at the early voting locations on the dates and at the times specified in Exhibit "A" attached hereto. The early voting polling places shall remain open during such hours for early voting by personal appearance for any registered voter of the District at such voting place. Exhibit "A" shall be modified to include additional or different early voting polling places required to conform to the Code or the agreement with the City.

Section 4. *Election Officials.* The appointment of the Presiding Election Judges, Alternate Judges, Early Voting Clerks, the Presiding Judge of the early ballot board and other election officials for the Election shall be made by Stella Sauls, Early Voting Clerk, in accordance with the Code. The Early Voting Clerk may employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station.

Section 5. *Voting by Mail.* Applications for voting by mail for all residents of the District shall be mailed to: Stella Sauls, Early Voting Clerk, P.O. Box 5250, Borger, Texas 79008-5250 by April 25, 2017. If application to vote by mail is made by personal delivery, the application must be delivered by close of business on April 21, 2017 to Stella Sauls, Early Voting Clerk, Borger City Hall, 600 North Main Street, Borger, Texas 79008-5250.

Section 6. *Early Voting Ballots.* The Early Voting Ballot Board shall be created to process early voting results of the Election, and the Presiding Judge of the Early Voting Ballot Board shall be designated by the Early Voting Clerk. The Presiding Judge of the Early Voting Ballot Board shall appoint two or more additional members to constitute the Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

Section 7. *Qualified Voters.* All qualified electors of and residing in the District, shall be entitled to vote at the election.

Section 8. *Notice of Election.* The President of the Board shall cause a Notice of Election to be published one time, not earlier than the 30th day or later than the 10th day prior to the date set for the Election, in a newspaper published in the District or, if none is published in the District, in a newspaper of general circulation in the District. In addition, not later than the 21st day prior to the date set for the Election, the President of the Board shall cause the Notice of Election to be posted on the bulletin board used for posting notices of meetings of the Board. The Notice of Election shall be in substantially the form of this Order, and shall contain the information required by the Code, including the locations and times for early voting and voting on Election Day, the propositions and ballot language to be submitted to the voters and such other information as may be deemed appropriate by the President of the Board.

Section 9. *Proposition.* At the Election the following PROPOSITION shall be submitted in accordance with law:

PROPOSITION

Shall the Board of Trustees of Borger Independent School District be authorized to issue bonds of the District, in one or more series, in the aggregate principal amount of \$40,897,500 for the construction, acquisition and equipment of school facilities in the District, with said bonds to mature within not to exceed 35 years from their date, bear interest, and be issued and sold, within the discretion of the Board of Trustees, in accordance with law at the time of issuance; and shall the Board of Trustees be authorized to levy 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 said bonds, and the costs of any credit agreements executed in connection with the bonds?

Section 10. *Ballots.* The official ballots for the Election shall be prepared in accordance with the 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

FOR _____)
) THE ISSUANCE OF \$40,897,500 OF BONDS BY THE BORGER
) INDEPENDENT SCHOOL DISTRICT FOR THE CONSTRUCTION,
) ACQUISITION AND EQUIPMENT OF SCHOOL FACILITIES IN
 AGAINST _____) THE DISTRICT, AND LEVYING THE TAX IN PAYMENT
) THEREOF.
)

Section 11. *Compliance with Federal Law.* In all respects, the Election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act ("HAVA") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The District hereby finds that the voting system to be used in administering the Election is such a system, and orders that such voting equipment or other equipment certified by the Texas Secretary of State shall be used by the District in its elections.

Section 12. The Board hereby authorizes the Superintendent, Business Manager, President, Vice President or the Secretary of the Board to execute or attest on behalf of the District an election administration contract with the City.

Section 13. 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 10 hereof.

(b) The purpose for which the bonds are to be authorized is set forth in Section 9 hereof.

(c) The principal amount of the debt obligations to be authorized is \$40,897,500.

(d) If the bonds are approved by the voters, the Board will be authorized to levy 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 cost of any credit agreements executed in connection with the bonds.

(e) Based upon the bond market conditions on the date of adoption of this Order, the maximum interest rate for any series of the bonds is estimated to be 4.25% as calculated in accordance with applicable law. Such estimate is based on advice received from the District's financial advisor, which advice takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.

(f) As set forth in Section 9 hereof, if the bonds are approved, they may be issued in one or more series, to mature over a period not to exceed 35 years from the date of issuance of each series of bonds.

(g) The aggregate amount of the outstanding principal of the District's debt obligations as of the beginning of the District's 2016-17 fiscal year was \$32,318,682.

(h) The aggregate amount of the outstanding interest on the District's debt obligations as of the beginning of the District's 2016-17 fiscal year was \$17,846,396.

(i) The ad valorem debt service tax rate for the District for the 2016-17 fiscal year is \$0.26 per \$100 of taxable assessed valuation.

EXHIBIT A
POLLING PLACES AND HOURS

EARLY VOTING LOCATIONS AND HOURS

Early voting by personal appearance will be conducted each weekday at:

City Hall
City of Borger
600 North Main Street
Borger, Texas 79007

April 24, 2017: 8:00 a.m. to 5:00 p.m.
April 25, 2017: 8:00 a.m. to 5:00 p.m.
April 26, 2017: 8:00 a.m. to 5:00 p.m.
April 27, 2017: 8:00 a.m. to 5:00 p.m.
April 28, 2017: 8:00 a.m. to 5:00 p.m.
May 1, 2017: 8:00 a.m. to 8:00 p.m.
May 2, 2017: 8:00 a.m. to 8:00 p.m.

ELECTION DAY VOTING LOCATIONS AND HOURS

County voting precincts 33 & 42 and City Polling Place No. 1 shall vote at the Paul Belton Elementary School, 800 N. McGee, Borger, Texas

County voting precincts 11 and City Polling Place No. 2 shall vote at the Borger Middle School, 1200 S. Florida, Borger, Texas

County voting precincts 14 & 23 and City Polling Place No. 3 shall vote at the Fairlanes Baptist Church, 3000 Fairlanes Boulevard, Borger, Texas

Voting Hours at Each Election Day Polling Location: 7:00 a.m. to 7:00 p.m. on May 6, 2017