

CITY OF HORSESHOE BAY

ORDINANCE NO. 2022-18

ORDERING THE NOVEMBER 8, 2022 SPECIAL BOND ELECTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the “City Council”) of the City of Horseshoe Bay, Texas (the “City”), hereby finds and determines that it is necessary and advisable to call and hold an election in the City for the purpose of submitting a proposition pertaining to the issuance of bonds for the purposes herein set forth; and

WHEREAS, the City Council hereby finds and determines that said election shall be held on a uniform election date established by Section 41.001(a) Texas Election Code, as amended, as required by Texas law; and

WHEREAS, the City Council finds, determines and declares that the meeting at which this Ordinance is considered is open to the public, and that the public notice of the time, place and purpose of the meeting was given, as required by Chapter 551, Texas Government Code, as amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

Section 1. **Findings.** The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as part of the operative provisions hereof.

Section 2. **Election Ordered; Date; Proposition.** A bond election (the “Election”) shall be held for and within the City on Tuesday, November 8, 2022 (“Election Day”), a uniform election date established by Section 41.001(a), Texas Election Code, as amended (the “Code”), as required by Texas law. At the Election the following proposition (the “Proposition”) shall be submitted to the qualified voters of the City in accordance with law:

CITY OF HORSESHOE BAY, TEXAS – PROPOSITION A

“Shall the City Council of the City of Horseshoe Bay, Texas (the “City”) be authorized to issue bonds of the City, which may be called City of Horseshoe Bay, Texas, General Obligation Bonds, in the amount of \$8,000,000 for the purpose of providing funds for permanent public improvements, to wit: designing, constructing, acquiring and equipping a new city hall and acquiring land, easements and rights-of-way in connection therewith; said bonds to mature serially or otherwise not more than forty (40) years from their date or dates, to be issued in various issues or series, to be sold at any price or prices and to bear interest at any rate or rates, not to exceed the maximum rate now or hereafter authorized by law, all as shall be determined within the discretion of the City Council at the time of issuance under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax upon all taxable property in the City sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?”

Section 3. **Official Ballot.**

(a) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Code so as to permit the electors to vote “FOR” or “AGAINST” the Proposition which shall be set forth on the ballots substantially in the following form:

CITY OF HORSESHOE BAY, TEXAS – PROPOSITION A

- FOR THE ISSUANCE OF \$8,000,000 GENERAL OBLIGATION BONDS FOR DESIGNING, CONSTRUCTING, ACQUIRING, AND EQUIPPING A NEW CITY HALL AND ACQUIRING LAND, EASEMENTS AND RIGHTS-OF-WAY IN CONNECTION THEREWITH AND THE LEVYING OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.
- AGAINST

Section 4. **Bilingual Election Materials.** All notices, instructions, and ballots pertaining to the Election shall be furnished to voters in both English and Spanish in compliance with the Code and with the Federal Voting Rights Act of 1965, as amended, including particularly Chapter 272 of the Code pertaining to bilingual requirements.

Section 5. **Persons Qualified to Vote.** All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 6. **Election Precincts, Voting Locations and Voting Hours on Election Day.** The election precincts for the Election shall consist of the territory within the boundaries of the City situated within one or more County election precincts located wholly or partially within the City. The precinct numbers for the City’s election precincts shall be the same as those assigned by Llano County and Burnet County (together, the “Counties”), as applicable, to those Counties’ election precincts. The polling places for the Election are hereby designated to be those locations identified by the Llano County Elections Administrator and Burnet County Elections Administrator (as defined herein). Such locations are listed on Exhibit A attached hereto, which is incorporated herein by reference and made a part hereof for all purposes; provided, however, such locations may be changed if so directed by the Llano County Elections Administrator or Burnet County Elections Administrator without further action of the City. Llano County and Burnet County, or their respective Elections Administrators, are hereby authorized and directed to make such changes in polling locations as may be necessary for proper conduct of the Election, without further action by the City, and the City Secretary or such person’s designee is hereby authorized to update Exhibit A to reflect the locations designated by Llano County and Burnet County, or their respective Elections Administrators, which locations are hereby approved. Each polling place shall be open from 7:00 AM to 7:00 PM on Election Day.

Section 7. **County Clerk; Early Voting Clerk; Early Voting Locations, Dates and Times.**

(a) Andrea Wilson (the “Llano County Elections Administrator”), and Doug Ferguson (the “Burnet County Elections Administrator” and, together with the Llano County Elections Administrator, the “Election Administrators”) are hereby appointed as the Early Voting Clerks for Llano County and Burnet County, respectively, for purposes of this Election (the “Early Voting Clerks”) and agents for the custodian of voted ballots in the jurisdiction.

(b) The address for the Early Voting Clerk of Llano County and the address for application for ballot by mail is Andrea Wilson, Early Voting Clerk, P.O. Box 787, Llano, TX 78643, and the Early Voting Clerk may be reached at the following: (i) Telephone: (325) 247 - 5425, (ii) Email: elections@co.llano.tx.us, and (iii) Website: <https://www.co.llano.tx.us/page/llano.Elections>.

The address for the Early Voting Clerk of Burnet County and the address for application for ballot by mail is Doug Ferguson, Early Voting Clerk, 220 South Pierce, Burnet, Texas 78611, and the Early Voting Clerk may be reached at the following: (i) Telephone: (512) 715-5288, (ii) Email: elections@burnetcountytexas.org, and (iii) Website: <https://burnetcountyelections.com/>.

(c) The main early voting polling place for Llano County is hereby designated to be Llano County Library, 102 E. Haynie, Llano, TX 78643. The main early voting polling place for Burnet County is hereby designated to be Burnet County AgriLife, 607 N. Vandever St., Burnet, TX 78611.

(d) The early voting places and the addresses for early voting by mail for the Election are hereby designated as set forth in Exhibit B; provided, however, such locations may be changed if so directed by the Election Administrators without further action of the City. The Election Administrators are hereby authorized and directed to make such changes in locations as may be necessary for the proper conduct of the Election. The City Secretary or such person's designee is hereby authorized to update Exhibit B to reflect the locations designated by the Election Administrators, and such locations are hereby approved. The Election Administrators and/or Early Voting Clerks are hereby authorized to appoint the members of the Early Voting Ballot board and the presiding judges and alternate judges for each polling location in accordance with the requirements of the Code. Each of the presiding judges shall be authorized to approve the necessary election clerks to assist in conducting the Election.

(e) Early voting by personal appearance shall be conducted on the days and during the hours set forth in Exhibit B, as may be adjusted by the Election Administrators without further City action.

(f) The Election Administrators and/or Early Voting Clerks are hereby authorized to appoint the members of the early voting ballot board and the presiding judges and alternate judges for each polling location in accordance with the requirements of the Code. Each of the presiding judges shall be authorized to approve the necessary election clerks to assist in conducting the Election.

(g) Voting times may be changed if so directed by the Election Administrators without further action of the City. The Election Administrators are hereby authorized and directed to make such changes in voting hours as may be necessary for the proper conduct of the Election.

Section 8. **Joint Election.** The City has determined that it is in the best interest of the City to participate in a joint election with other governmental entities in the Counties holding elections on Election Day and to contract with the Llano County Election Administrator and Burnet County Election Administrator for election services (the "Election Agreements").

Section 9. **Appointment of Election Officers.** The election judges, alternate judges, clerks, members of the early voting ballot board, the central counting station officials, and other personnel necessary for conducting the Election shall be appointed, election judges and alternate judges may be changed, and the central counting station shall be established and staffed all as provided in the Election Agreements and such actions are hereby approved. Further, the City Council hereby authorizes the Mayor to appoint any such other officials not designated herein or appointed pursuant to the Election Agreements as are necessary and appropriate to conduct the Election in accordance with the Code.

Section 10. **Notice of Election.** Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, two (2) times on the same day in consecutive weeks, with the first publication to occur not earlier than the thirtieth (30th) day nor later than the fourteenth (14th) day prior to the date set for the Election, in a newspaper published in the City (or that otherwise complies with applicable law), (ii) posting a copy of this Ordinance and the Voter Information Document (as hereinafter defined), in English and Spanish, on the bulletin board used for posting notices of meetings of the City Council (and at City Hall if the place of posting is different from City Hall) and in at least three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set

for the Election, and (iii) posting a copy of this Ordinance and the Voter Information Document, in English and Spanish, on the City's website, prominently and together with the notice of the Election, the contents of the Proposition and any sample ballots prepared for the election, not later than the twenty-first (21st) day prior to the date set for the Election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance and the Voter Information Document shall be posted in a prominent location at each polling place. Notice of the Election shall also be provided to the county clerk and voter registrar of the Counties not later than the sixtieth (60th) day before the Election Day; which notice the Counties are hereby authorized and directed to post to their respective websites not later than the twenty-first (21st) day prior to Election Day. Notice of the Election shall be posted to the City's internet website not later than the twenty-first (21st) day before the election, in compliance with Section 4.009, Texas Election Code, as amended. The website for the City can be found at www.horseshoe-bay-tx.gov.

Section 11. **Conduct of Election**. The Election shall be held in accordance with the Code, the Texas Government Code, and the Federal Voting Rights Act of 1965, as amended (the "Voting Rights Act"), including particularly Chapter 272 of the Code pertaining to bilingual requirements.

Section 12. **Information Required by Section 3.009 of the Election Code**.

(a) **City's Outstanding Debt**. As of the date of this Ordinance, the City's aggregate principal amount of outstanding tax-supported debt was \$10,870,000 and the aggregate amount of outstanding interest on such tax-supported debt was \$2,566,620. Pursuant to Section 3.009(a) of the Code, such numbers do not include public securities that were designated as self-supporting by the City in Resolution No. 2020-17. As of the date of this Ordinance, the City's total ad valorem tax rate is \$0.27 per \$100 of assessed valuation, which is made up of a maintenance and operations tax rate component of \$0.22897 per \$100 of assessed valuation and a debt service tax rate component of \$0.04103 per \$100 of assessed valuation of taxable property in the City.

(b) **Issuance of New Debt**. The City intends to issue the bonds authorized by the Proposition over a period of years in a manner and in accordance with a schedule to be determined by the City Council based upon a number of factors, including, but not limited to, the then current needs of the City, demographic changes, prevailing market conditions, assessed valuations of property in the City, the use of variable rate debt and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations of property vary based upon a number of factors beyond the City's control. Therefore, the City cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the Proposition. 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 City estimates that, based on the City's current taxable assessed valuation, current market conditions as of the date of this Ordinance, and estimated future growth in the City's taxable assessed valuation, if the Proposition are approved and all of the bonds authorized by the Proposition were issued in accordance with the City's current projected plan of finance, the maximum interest rate on the bonds is not expected to exceed 5.0%.

(c) **Additional Information Required by Section 3.009 of the Code**. The additional information required by Section 3.009 of the Code is located in Sections 2 and 3 of this Ordinance.

Section 13. **Voter Information Documents**. The City Council hereby approves a voter information document for the Proposition (the "Voter Information Documents"), in substantially the form presented to the City Council, with such changes as may be approved by the Mayor or City Manager of the City or their designee, acting on behalf of the City Council, in consultation with the City Attorney, bond counsel, and/or financial advisor, as prescribed by Section 1251.052(b), Texas Government Code.

The Mayor or City Manager of the City or their designee, acting on behalf of the City Council, is further authorized and directed to post or provide for the posting of the Voter Information Documents in the manner provided under Section 10 of this Order, and additionally on the District's website in an easily accessible manner beginning not later than the twenty-first (21st) day before the date set for the Election and ending on the day after Election Day

Section 14. **Necessary Actions**. The Mayor and the City Secretary of the City, or such person's designee, acting on behalf of the City Council, in consultation with the City Attorney and/or bond counsel are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the 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 as determined by the County Election Officers.

Section 15. **Severability**. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

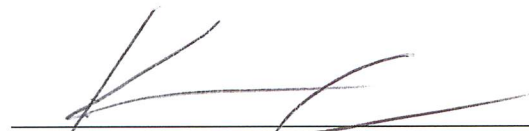
Section 16. **Appointment of Election Administrators**. The Election Administrators are hereby appointed Election Administrators for the City and agent for the custodian of voted ballots in the respective jurisdictions.

Section 17. **Effective Date**. This Ordinance shall take effect immediately upon its adoption.

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



Cynthia Clinesmith, Mayor
City of Horseshoe Bay, Texas



Kerri Craig, City Secretary
City of Horseshoe Bay, Texas

EXHIBIT A

LLANO COUNTY

ELECTION DAY SCHEDULE

Tuesday, November 8, 2022 – Polls are open from 7:00 a.m. to 7:00 p.m.

ELECTION DAY POLLING LOCATIONS*

Precincts

102 & 109

Location

Horseshoe Bay Council Chambers at City Hall
1 Community Drive
Horseshoe Bay, Texas

* Subject to change. To verify, please go to the Llano County Election Administrator's website,
<https://www.co.llano.tx.us/page/llano.Elections>.

BURNET COUNTY

ELECTION DAY SCHEDULE

Tuesday, November 8, 2022 – Polls are open from 7:00 a.m. to 7:00 p.m.

ELECTION DAY POLLING LOCATIONS*

Burnet County utilizes countywide vote centers. City voters may vote at any of the following locations on Election Day:

Burnet County AgriLife, 607 N. Vandever St., Burnet, TX 78611
Grace United Methodist Church, 4007 Valley View, Granite Shoals, TX 78654
Spicewood Community Center, 7901 CR 404, Spicewood, TX 78669
Silver Creek Community Center, 101 CR 128, Burnet, TX 78611
Smithwick Community Center, 10800 E. FM 1431, Marble Falls, TX 78654
Cassie Subdivision Community Center, 3920 FM 690, Burnet, TX 78611
Hoover Valley Volunteer Fire Dept, 303 CR 118B, Burnet, TX 78611
Highland Haven Community Center, 118 Blackbird Drive, Highland Haven, TX 78654
Iglesia Bautista Church Hall, (CR330 and FM 243) 4000 W. FM 243, Bertram, TX 78605
Naruna Church Bldg., 9170 FM 1478, Lampasas, TX 76550
Bertram Library, 170 N. Gabriel St., Bertram, TX 78605
Joppa Fellowship Hall, 8447 CR 210, Bertram (Joppa), TX 78605
Lake Victor Community Center, 200 Lake Ave., Burnet (Lake Victor), TX 78611
Briggs Community Center, 215 Loop 308, Briggs, TX 78608
Oakalla Community Center, 29011 FM 963, Oakalla, TX 78608
Granite Shoals Community Center, 1208 N. Phillips Ranch Rd, Granite Shoals, TX 78654
Texas Tech University at Highland Lakes, 806 Steve Hawkins Pkwy., Marble Falls, TX 78654
Meadowlakes City Hall, 177 Broadmoor St. #B, Meadowlakes, TX 78654
Church of Christ, 711 Broadway, Marble Falls, TX 78654

*Subject to change. To verify, please go to the Burnet County Election Administrator's website,
<https://burnetcountyelections.com/polling-locations/>.

EXHIBIT B

LLANO COUNTY

Early Voting Schedule*

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>
10/24/2022	Monday	7:00 AM – 7:00 PM
10/25/2022	Tuesday	8:00 AM – 5:00 PM
10/26/2022	Wednesday	8:00 AM – 5:00 PM
10/27/2022	Thursday	8:00 AM – 5:00 PM
10/28/2022	Friday	8:00 AM – 5:00 PM
10/31/2022	Monday	7:00 AM – 7:00 PM
11/01/2022	Tuesday	8:00 AM – 5:00 PM
11/02/2022	Wednesday	8:00 AM – 5:00 PM
11/03/2022	Thursday	8:00 AM – 5:00 PM
11/04/2022	Friday	8:00 AM – 5:00 PM

Llano County Early Voting Locations*

Llano County Library**
102 E. Haynie
Llano, TX 78643

Branch Locations:

Kingsland Public Library, 125 W. Polk, Kingsland, 78639
(Hours: 8:30 AM to 4:30 PM Monday through Friday)

Horseshoe Bay City Council Chambers at City Hall, 1 Community Dr, Horseshoe Bay, 78657
(Hours: 8:30 AM to 4:30 PM Monday through Friday)

*Subject to change. To verify, please go to the Llano County Election Administrator's website:

<https://www.co.llano.tx.us/page/llano.Elections>

**Main Polling Location.

The address for the Early Voting Clerk of Llano County and the address for application for ballot by mail is:

Andrea Wilson
Llano County – Elections Administrator
PO Box 787
Llano, TX 78643

Telephone: 325-247-5425
Email: elections@co.llano.tx.us

EXHIBIT B (cont'd)

BURNET COUNTY

Early Voting Schedule*

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>
10/24/2022	Monday	7:00 AM – 7:00 PM
10/25/2022	Tuesday	8:00 AM – 5:00 PM
10/26/2022	Wednesday	8:00 AM – 5:00 PM
10/27/2022	Thursday	8:00 AM – 5:00 PM
10/28/2022	Friday	8:00 AM – 5:00 PM
10/31/2022	Monday	7:00 AM – 7:00 PM
11/01/2022	Tuesday	8:00 AM – 5:00 PM
11/02/2022	Wednesday	8:00 AM – 5:00 PM
11/03/2022	Thursday	8:00 AM – 5:00 PM
11/04/2022	Friday	8:00 AM – 5:00 PM

Burnet County Early Voting Locations*

Texas Tech University at Highland Lakes, 806 Steve Hawkins Pkwy., Marble Falls, TX 78654
Bertram Library, 170 N. Gabriel St., Bertram, TX 78605
Granite Shoals Community Center, 1208 N. Phillips Ranch Rd, Granite Shoals, TX 78654
Burnet County AgriLife, 607 N. Vandever St., Burnet, TX 78611**

*Subject to change. To verify, please go to the Burnet County Election Administrator's website:

<https://burnetcountyelections.com>

** Main Polling Location.

The address for the Early Voting Clerk of Burnet County and the address for application for ballot by mail is:

Doug Ferguson
Burnet County – Elections Administrator
220 South Pierce
Burnet, Texas 78611

Telephone: 512-715-5288
Email: elections@burnetcountytexas.org