

ORDINANCE NO. 715

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, CALLING A SPECIAL BOND ELECTION FOR NOVEMBER 7, 2023; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND ORDERING OTHER MATTERS INCIDENT AND RELATED T SUCH ELECTION.

WHEREAS, the City Council (the “Council”) of the City of Manor, Texas (the “City”) hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amount and for the purposes hereinafter identified; and

WHEREAS, the Council has authority pursuant to Chapter 31, Texas Election Code, to enter into a contract for election services with Travis County, Texas, under which the election may be conducted; and

WHEREAS, the Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with other political subdivisions also holding a general or special election on the same date in all or part of the same territory; and

WHEREAS, the Council is authorized under Chapters 42 and 85 of the Texas Election Code to designate dates, times, and location for early voting by personal appearance and on Election Day; and

WHEREAS, the Council hereby finds that it is in the public interest that the City special bond election be conducted as provided for by the Council.

THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS:

Section 1. Call of Election, Date, Eligible Electors and Hours. A special election (the “Election”) shall be held on Tuesday, November 7, 2023 (“Election Day”), which is seventy-eight (78) or more days from the date of the adoption of this ordinance (the “Ordinance”), within and throughout the territory of the City at which all resident, qualified electors of the City shall be entitled to vote. The Council hereby finds that holding the Election on such date is in the public interest.

Section 2. Conduct of Election, Election Services Agreements, and Appointment of Election Officers. The Election shall be conducted by election officers, in accordance with the City Charter, Chapter 1251 of the Texas Government Code, the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. To the extent required by law, all election materials and proceedings relating to the Election shall be printed in both English and Spanish. The ES&S ExpressVote Universal Voting System and DS200 Digital Precinct Scanner shall be utilized for the Election.

The City Secretary for the City of Manor is the City’s Elections Administrator to perform the duties of conducting the Election that are not otherwise provided by the Travis County Clerk. Pursuant to Chapters 31 and 271 of the Texas Election Code, the Council is authorized to enter

into a contract for election services with Travis County and joint election agreements with any political subdivision also holding an election on the same date and in the same territory. The Council hereby finds that this Election shall be conducted under these agreements.

Travis County's currently existing election precincts located wholly or partially within the City shall be the precincts for the Election unless vote centers established by Travis County are used. The Council finds the use of vote centers, if applicable, under the Countywide Polling Place Program as described in Section 43.007, Texas Election Code, will result in a more convenient voting opportunity for the voters and a more efficient and cost-effective administration of the election, and use of vote centers by Travis County, where applicable, are hereby approved. All voting locations to be used for the Election are attached as **Exhibit A** and incorporated herein by reference. **Exhibit A** may be modified by City officials to include additional or different voting locations.

To the extent any polling place utilized by the City and designated by the Council for the conduct of the Election is located outside the boundaries of a City election precinct, the Council, pursuant to Section 271.003 of the Texas Election Code, finds that such polling place can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the Election. In the event that the Travis County Clerk shall determine that the polling places hereby established and designated shall become unavailable or unsuitable for such use, or if the City determines that it would be in its best interest to relocate the polling place, the County Clerk is hereby authorized to designate, in writing, substitute polling places, giving such notice as is required by the Texas Election Code.

The Council approves the appointment of persons designated by the Travis County Clerk to serve as election workers. 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 shall be determined according to the contract for election services. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended (the "Election Code") and other applicable laws. The Council also approves the appointment of persons designated by the Travis County Clerk to serve as Deputy Early Voting Clerks, on the Early Voting Ballot Board, and Central Counting Station, as applicable.

Section 3. Propositions. At the Election there shall be submitted to the resident, qualified electors of the City the following propositions (the "Propositions"):

City of Manor Proposition A

"SHALL the City Council of the City of Manor, Texas, be authorized to issue general obligation bonds of the City in the aggregate principal amount of \$15,000,000 to provide funds for promoting economic development throughout the City, through (i) planning, designing, constructing, improving, extending and expanding public street, utility, and other infrastructure facilities, including the acquisition of land therefore, (ii) the City's programs for economic development, including the acquisition of improved and unimproved properties and the demolition of existing structures, and (iii) making grants and loans of bond proceeds for private commercial, industrial, retail, and health care projects and facilities, workforce development programs, residential and mixed-use

development, neighborhood revitalization projects, and mixed income development; such bonds of each series or issue, respectively, to mature serially or otherwise over a period not to exceed forty (40) years from their date, and to be issued in such installments and sold at such 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 City Council 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 and collecting annual ad valorem taxes upon all taxable property within the City in an amount sufficient to pay the annual interest on said bonds and to provide a sinking fund sufficient to pay said bonds as they become due?”

City of Manor Proposition B

“SHALL the City Council of the City of Manor, Texas, be authorized to issue general obligation bonds of the City in the aggregate principal amount of \$61,695,000 to provide funds for City parks and recreation purposes within the City through (i) planning, designing, renovating, constructing, developing, improving, expanding, furnishing, maintaining, and equipping a single new facility that will serve as a Recreation Center, and the acquisition of land therefore; and (ii) planning, designing, renovating, constructing, developing, improving, expanding, furnishing, maintaining, upgrading, and equipping parks, park facilities, and open spaces, including the acquisition of land therefore; such bonds of each series or issue, respectively, to mature serially or otherwise over a period not to exceed forty (40) years from their date, and to be issued in such installments and sold at such 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 City Council 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 and collecting annual ad valorem taxes upon all taxable property within the City in an amount sufficient to pay the annual interest on said bonds and to provide a sinking fund sufficient to pay said bonds as they become due?”

City of Manor Proposition C

“SHALL the City Council of the City of Manor, Texas, be authorized to issue general obligation bonds of the City in the aggregate principal amount of \$90,105,000 to provide funds for designing, planning, constructing, improving, upgrading, maintaining, and equipping a single new facility that will serve as a City Hall and Public Library, and the acquisition of land therefore; such bonds of each series or issue, respectively, to mature serially or otherwise over a period not to exceed forty (40) years from their date, and to be issued in such installments and sold at such 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 City Council 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 and collecting annual ad valorem taxes upon all taxable property within the City in an

amount sufficient to pay the annual interest on said bonds and to provide a sinking fund sufficient to pay said bonds as they become due?"

Section 4. Ballots. The ballots shall conform to the requirements of the Texas Election Code and shall permit voters to vote "FOR" or "AGAINST" the aforesaid measure, which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

CITY OF MANOR PROPOSITION A

FOR

THE ISSUANCE OF \$15,000,000 OF CITY OF MANOR, TEXAS GENERAL OBLIGATION BONDS FOR ECONOMIC DEVELOPMENT PROJECTS WITHIN THE CITY, AND THE LEVY OF A TAX IN PAYMENT THEREOF.

AGAINST

CITY OF MANOR PROPOSITION B

FOR

THE ISSUANCE OF \$61,695,000 OF CITY OF MANOR, TEXAS GENERAL OBLIGATION BONDS FOR PARKS, TRAILS, AND RECREATIONAL FACILITIES INCLUDING A NEW RECREATION CENTER, AND THE LEVY OF A TAX IN PAYMENT THEREOF.

AGAINST

CITY OF MANOR PROPOSITION C

FOR

THE ISSUANCE OF \$90,105,000 OF CITY OF MANOR, TEXAS GENERAL OBLIGATION BONDS FOR A CITY HALL/PUBLIC LIBRARY FACILITY, AND THE LEVY OF A TAX IN PAYMENT THEREOF.

AGAINST

Section 5. Debt Service and Tax Rate Information of the City.

The following information is provided in accordance with the provisions of Section 3.009(b), Election Code:

- (a) The Proposition language that will appear on the ballot is set forth in Section 4 hereof.
- (b) The purposes for which the bonds are to be authorized are set forth in Sections 3 and 4 hereof.
- (c) The total principal amount of the debt obligations to be authorized is \$166,800,000.
- (d) Taxes sufficient to pay the annual principal of and interest on the bonds may be imposed.
- (e) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed forty (40) years from the date of issuance of each series of bonds.
- (f) The City's outstanding aggregate ad valorem tax-supported principal amount of debt as of the date of this Ordinance is \$30,230,000.
- (g) The aggregate amount of the interest owed on such City debt obligations, through respective maturity as of the date of this Ordinance, is \$3,341,074.
- (h) The City has levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.238 per \$100 of taxable assessed valuation.
- (i) The City will issue the bonds authorized by the Propositions in accordance with a schedule to be determined by the 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 in the City and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics, and assessed valuations vary based upon several factors beyond the City's control, and therefore, the City 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 City currently estimates that, if the Propositions were approved and the bonds proposed herein were authorized and issued in accordance with the City's current estimated project plan of finance, the maximum interest rate of the bonds is not expected to exceed 15%. Such estimate considers several factors, including the issuance schedule, maturity schedule, and the expected bond ratings of the proposed bonds.

If a majority of the resident, qualified electors of the City voting at the Election, including those voting early, shall vote in favor of the Propositions, then the issuance and sale of the bonds shall be authorized in the maximum respective amounts contained therein, and the bonds shall be issued and sold at the price or prices and in such denominations determined by the Council to be in the City's best interests. City staff shall prepare a voter information document and post such document in accordance with Section 1251.052 of the Texas Government Code.

Section 6. Early Voting. The City Secretary shall be the Early Voting Clerk for the City. The Early Voting Clerk shall collect any applications for ballot by mail received by the City and forward those applications to the Travis County Clerk, who will be serving as the Joint Early Voting Clerk.

Early Voting by Mail

Ballot applications shall be addressed to the Joint Early Voting Clerk as follows:

Joint Early Voting Clerk
Travis County Clerk
P.O. Box 149325
Austin, TX 78714

Additional contact information:

Physical address (Commercial carrier address):
Elections Division
Travis County Clerk
5501 Airport Boulevard
Austin, TX 78751

Phone: 512-238-VOTE

Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>

Email: elections@traviscountytexas.gov

An original, signed application for a ballot by mail may also be emailed to elections@traviscountytexas.gov. The original application must be mailed to the Joint Early Voting Clerk and must be received within four (4) days of the submission of the application. For the use of those voters who are entitled by law to vote early by mail, the Joint 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 Propositions 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, 2023 through October 27, 2023. The application must be received by the Joint Early Voting Clerk by October 27, 2023 (mere postmarking by the deadline is insufficient).

Early Voting by Personal Appearance

Early voting by personal appearance shall be conducted beginning October 23, 2023 through November 3, 2023. The hours and address of the main early voting location are designated in **Exhibit A** to this Ordinance. Additionally, permanent and/or temporary branch early voting locations may be established and maintained in accordance with the Election Code. Information regarding the locations, dates, and hours of operation for early voting at these locations shall be determined by the Travis County Clerk, as identified in **Exhibit A** hereto. **Exhibit A** may be modified to include additional or different early voting locations and hours.

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 results to the Council in accordance with the Election Code. The Council shall canvass the returns and declare the results of the Election.

Section 8. Appointment of Custodian of Records. To the extent not otherwise provided for in the contract for election services or joint election agreement, the City Secretary is the custodian of records to perform the duties related to the conduct and maintenance of records of the Election as required under the Election Code during the period beginning the third (3rd) day after the Election is ordered and ending not earlier than the fortieth (40th) day after the date of the Election.

The City Secretary shall maintain an office open for election duties for at least three (3) hours each day, during regular office hours, on regular business days during the period required by law and shall post notice of the location and hours of office as required by the Election Code. The City Secretary shall maintain in her office the documents, records, and other items relating to the Election and shall be the person designated to receive documents on behalf of the City that are required by the Election Code. The Joint Custodian of Records ("Joint Custodian"), when the joint election agreement is adopted, pursuant to Sections 66.058 and 271.010 of the Election Code, shall preserve all voted ballots securely in a locked room in the locked ballot boxes, or if they are electronic records, in a secure container, for the period of preservation required by the Election Code.

In the event that the City Secretary shall determine from time to time that (a) the voting locations hereby established and designated shall become unavailable or unsuitable for such use, or it would be in the City's best interests to relocate the polling places, or (b) that the Presiding Election Judge or Alternate Presiding Judges appointed or hereinafter designated shall become disqualified or unavailable, the City Secretary is hereby authorized to designate and appoint in writing substitute voting locations, Presiding Election Judges or Alternate Presiding Elections Judges, giving such notice as is required by the Election Code and as deemed sufficient. Furthermore, the City Secretary is hereby authorized to allow Presiding Election Judges or Alternate Presiding Election Judges, upon request, to designate and appoint such additional clerks as may be required from time to time to assist at polling places in order to efficiently carry out the duties of the office, giving such notice as is required by the Election Code and as deemed sufficient.

Section 9. Notice of Election Publication and Posting Requirements.

Publication of Notice of Election

Notice of the Election, containing a substantial copy of this Ordinance, shall be published on the same day in each of two successive weeks, in the English and Spanish languages, in a newspaper published within the City's territory, with the first publication being at least fourteen (14) days before the Election and no more than thirty (30) days before the Election and as otherwise may be required by the Election Code. Moreover, Notice of the Election, containing a substantial copy of this Ordinance, in both the English and Spanish languages, shall also be posted (i) on the notice board used by the Council to post notices of the Council's meetings, (ii) at three (3) other

public places within the City, and (iii) on the City's Internet website, prominently and, together with the notice of the election, voter information document, sample ballot, and contents of the Propositions, no later than the twenty-first (21st) day before the Election. Additionally, the Mayor and the City Secretary, in consultation with bond counsel, are hereby authorized and directed to provide any other manner of notice as authorized by law. A copy of this Ordinance and the voter information document, in both the English and Spanish languages, shall be posted in a prominent location at each early voting location and at each voting location on Election Day.

Section 10. Necessary Actions. The Mayor and the City Secretary, in consultation with the City Attorney and bond counsel, shall have the authority to take, or cause to be taken, all actions reasonable and necessary to ensure that the Election is fairly held and returns properly counted and tabulated for canvass by the City Council, which actions are hereby ratified and confirmed. Without limiting the generality of the immediately preceding sentence, the Mayor and City Secretary and their designees are hereby authorized to complete and update, as necessary, the exhibits attached hereto with voting locations and other information as the same is made available by the Travis County Clerk.

Section 11. 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 Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 12. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

Section 13. Governing Law. This Ordinance shall be construed and enforced in accordance with the City Charter and the laws of the State of Texas and the United States of America.

Section 14. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 15. Notice of Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 16. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest to this Ordinance on behalf of the Council, and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 17. Effective Date. This Ordinance is effective immediately upon its passage and approval.

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PASSED AND APPROVED THIS ___ DAY OF _____, 2023.

THE CITY OF MANOR, TEXAS

Dr. Christopher Harvey,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

EXHIBIT A

EARLY VOTING DATES, TIMES, AND LOCATIONS
AND ELECTION DAY VOTING LOCATIONS