

RESOLUTION NO. 15-R-104

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, on August 4, 2015, the City Council (the *Council*) of the City of Schertz, Texas (the *City*) ordered an election to be held on November 3, 2015 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

WHEREAS, the Council has reviewed and investigated all matters pertaining to this election, including the resolving, notices, election officers, holding, and returns thereof; and

WHEREAS, the Council hereby canvasses the returns of this election, at which there were submitted to all resident, qualified voters of the City for their action thereupon, the following propositions:

PROPOSITION NO. 1

“Shall the City Council of the City of Schertz, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$7,000,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, and equipping City street (primarily FM 1103 and FM 1518), curb, sidewalk, and gutter improvements, demolition, repair, and rebuilding of new and existing streets, completing necessary or incidental utility relocation and drainage in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, such bonds to mature serially or otherwise (not more than forty (40) years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of 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 said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”;

and

PROPOSITION NO. 2

“Shall the City Council of the City of Schertz, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$8,000,000 for the purpose of making permanent public improvements

or other public purposes, to wit: acquiring, constructing, improving, renovating, and equipping public safety facilities (to include a new fire station), acquiring lands and rights-of-way necessary thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than forty (40) years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of 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 said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?";

and

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and conducting such election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

PROPOSITION NO. 1

“THE ISSUANCE OF NOT TO EXCEED \$7,000,000 OF CITY OF SCHERTZ, TEXAS GENERAL OBLIGATION BONDS FOR STREETS (PRIMARILY FM 1103 AND FM 1518), BRIDGES, AND SIDEWALK IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

	<u>For</u>	<u>Against</u>
Early Votes*	1141	434
Election Day Votes**	914	326
TOTAL	2055	760

*Includes 4 provisional ballots

** Includes 2 provisional ballots

PROPOSITION NO. 2

“THE ISSUANCE OF NOT TO EXCEED \$8,000,000 OF CITY OF SCHERTZ, TEXAS GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES, INCLUDING A NEW FIRE STATION, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

	<u>For</u>	<u>Against</u>
Early Votes*	1135	434
Election Day Votes**	907	331
TOTAL	2042	765

*Includes 4 provisional ballots

** Includes 2 provisional ballots

NOW, THEREFORE,

IT IS ACCORDINGLY FOUND, DECLARED, AND ORDAINED BY
THE CITY COUNCIL OF
THE CITY OF SCHERTZ, TEXAS THAT:

SECTION 1: The Council officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

SECTION 2: A MAJORITY of the resident, qualified voters of the City of Schertz, Texas voting in such election, having voted FOR the authorization and issuance of \$7,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition No. 1, the Council hereby finds and determines that Proposition No. 1 carried at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law, and that the Council is hereby accordingly authorized to issue the bonds and to levy the tax in accordance with the authority granted in the Proposition and with law.

SECTION 3: A MAJORITY of the resident, qualified voters of the City of Schertz, Texas voting in such election, having voted FOR the authorization and issuance of \$8,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition No. 2, the Council hereby finds and determines that Proposition No. 2 carried at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law, and that the Council is hereby accordingly authorized to issue the bonds and to levy the tax in accordance with the authority granted in the Proposition and with law.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 5: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after its final passage and it is so resolved.

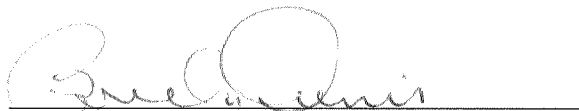
PASSED, ADOPTED AND APPROVED this, the 16th day of November, 2015.

CITY OF SCHERTZ, TEXAS



Michael R. Carpenter, Mayor

ATTEST:


Brenda Dennis, City Secretary

(SEAL)