

NOTICE OF BOND ELECTION

THE STATE OF TEXAS	§	
	§	CITY OF MIDLAND, TEXAS
COUNTY OF MIDLAND	§	

TO THE RESIDENT QUALIFIED ELECTORS OF THE CITY OF MIDLAND, TEXAS:

TAKE NOTICE that an election will be held in the CITY OF MIDLAND, TEXAS on the 7th day of November, 2017, in accordance with an ordinance adopted by the City Council which is a part of this notice for all purposes and reads substantially as follows:

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF MIDLAND, TEXAS; MAKING PROVISION FOR THE CONDUCT OF AN ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the City Council (the *Council*) of the CITY OF MIDLAND, TEXAS (the *City*), located in Midland County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue bonds of the City in the amount and for the purposes hereinafter identified (the *Election*); now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF MIDLAND, TEXAS on the 7th day of November, 2017 (the *Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not less than 78 days nor more than 90 days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following propositions to the qualified voters of the City:

CITY OF MIDLAND, TEXAS PROPOSITION A

“Shall the City Council of the City of Midland, 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 \$74,090,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, maintaining, renovating, improving, repairing, extending, expanding, and enhancing streets, thoroughfares, alleys, sidewalks, bridges, intersections, screening walls, and other public ways, including participation in joint projects with federal, state and local public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, necessary or incidental utility relocation, and drainage improvements in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor, such bonds to mature serially or otherwise (not more than 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?"

CITY OF MIDLAND, TEXAS PROPOSITION B

"Shall the City Council of the City of Midland, 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 \$25,910,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, constructing, improving, and extending, the City's waterworks and sewer system, and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor, such bonds to mature serially or otherwise (not more than 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?"

SECTION 2. One or more City voting centers are hereby designated for holding the Election in the City as identified in Exhibit A to this Ordinance (which is incorporated herein by reference for all purposes). The Mayor, the City Manager, or the Elections Administrator of the County (the *Administrator*), or the designee thereof, as necessary or desirable, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Administrator and the City, to the extent permitted by applicable law.

B. On Election Day, the polls shall be open as designated on Exhibit A.

C. The main early voting location is designated in Exhibit B to this Ordinance (which is hereby incorporated herein by reference for all purposes) and shall remain open to permit early voting on the days and at the times as stated in Exhibit B. The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting and shall appoint the Deputy Early Voting Clerks.

In the event permanent and/or temporary branch locations are established for the Election, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the City to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., Texas Election Code, as amended. The Administrator, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code, as amended. The Council hereby appoints the Administrator, or the designee thereof, as the Tabulation Supervisor and the Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

SECTION 5. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid propositions which shall appear on the ballot substantially as follows:

CITY OF MIDLAND, TEXAS PROPOSITION A

“THE ISSUANCE OF \$74,090,00 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

CITY OF MIDLAND, TEXAS PROPOSITION B

“THE ISSUANCE OF \$25,910,000 GENERAL OBLIGATION BONDS FOR WATERWORKS AND SEWER SYSTEM IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

SECTION 6. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. A substantial copy of this Ordinance shall serve as a proper notice of the Election. This notice, including a Spanish translation thereof, shall be posted (i) at three public places within the City and at the City Hall not less than 21 days prior to Election Day, (ii) in a prominent location at each polling place on Election Day and during early voting, and shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 full days prior to Election Day. In addition, during the 21 days prior to Election Day, the City shall, in a prominent manner, maintain such notice on its internet website.

SECTION 8. In accordance with Section 3.009(b), as amended, of the Texas Election Code, the aggregate amount of outstanding principal of the City's debt obligations secured by ad valorem taxes as of the beginning of the City's 2016/2017 fiscal year, totaled \$146,665,000; the aggregate amount of outstanding interest on the City's debt obligations secured by ad valorem taxes as of the beginning of the City's 2016/2017 fiscal year totaled \$68,548,324; and the ad valorem debt service tax rate for the City for the 2016/2017 fiscal year is \$0.0394 per \$100 of taxable assessed valuation. Based on the bond market conditions at the date of adoption of this Ordinance, the maximum net effective interest rate for any series of the bonds is estimated to be 5.50%. Such estimated maximum rate is provided as a matter of information and in accordance with the requirements of Texas law, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.

SECTION 9. The Council confirms and incorporates hereof for all purposes the joint election and election services agreement with the Administrator (the *Contract*), as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or the respective designee of either of such parties to make such technical modifications to this Ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the Administrator pursuant to the Contract, then the Administrator's carrying out those duties and obligations on the City's behalf pursuant to the terms of the Contract shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same. By incorporating all essential terms necessary for the Contract, this Ordinance is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the Council.

SECTION 10. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption, notwithstanding any provision in the City's Home Rule Charter to the contrary concerning a multiple reading requirement for the adoption of ordinances.

PASSED AND APPROVED on the 15th day of August, 2017.

CITY OF MIDLAND, TEXAS
/s/Jerry Morales
Mayor

ATTEST:
/s/Amy Turner
City Secretary

Exhibit A

ELECTION DAY VOTE CENTERS

Election Day: November 7, 2017.

Election Day Voting Hours: 7:00 a.m. – 7:00 p.m.

Vote Centers	Address
Annex Courtroom	2110 North A Street, Midland, Texas 79705
Centennial Library	2503 West Loop 250 North, Midland, Texas 79705
Cogdell Learning Center	211 West Florida Avenue, Midland, Texas 79701
Fairmont Park Church of Christ	3813 North Midland Drive, Midland, Texas 79707
Fellowship Community Church	5206 North Midland Drive, Midland, Texas 79707
Golf Course Church of Christ	3500 West Golf Course Road, Midland, Texas 79703
Greenwood Baptist Church	10909 FM 307, Midland, Texas 79706
Manor Park	5212 Sinclair Avenue, Midland, Texas 79707
Martin Luther King Jr. Center	2300 Butternut Lane, Midland, Texas 79705
Odessa Country Club	1 Fairway Drive, Odessa, Texas 79765
Palmer Drug Abuse Program	1208 West Wall Street, Midland, Texas 79701
St. Paul's Methodist Church	4501 Thomason Drive, Midland, Texas 79703

County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters will be able to cast their Election Day ballots at any of the Vote Centers identified above or on the County's website:

<https://www.co.midland.tx.us/departments/elections/Pages/Current-Election.aspx>

Exhibit B

EARLY VOTING

Early voting begins Monday, October 23, 2017 and ends on Friday, November 3, 2017.

Early Voting Clerk: Deborah Land.

Early Voting Clerk's Physical Address: 2110 North A Street, Suite 103, Midland, Texas 79705.

Presiding Judge of the Early Voting Ballot Board: To be determined by Pat Blackwell.

Any voter entitled to vote an early ballot by personal appearance may do so at any Early Voting Site.

Early Voting Polling Place, Dates, and Times

Elections Office – County Annex Building
2110 North A Street
Midland, Texas 79705

Dates

Monday, October 23 through Friday, October 27

Monday, October 30 through Wednesday, November 1

Thursday, November 2 through Friday, November 3

Times

8:00 a.m. – 5:00 p.m.

8:00 a.m. – 5:00 p.m.

7:00 a.m. – 7:00 p.m.

Early Voting by Mail

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Friday, October 27, 2017.

Applications should be sent to:

Deborah Land, Elections Administrator
Midland County, Texas
P.O. Box 3434
Midland, Texas 79705
email: Deborah_land@co.midland.tx.us