



*"WHAT WE DO HERE SHAPES THE WORLD"*

BUSINESS OFFICE

**TO:** Dr. Gonzalo Salazar, Superintendent of Schools

**FROM:** Pablo Bazaldua, Chief Financial Officer *P. Bz*

**SUBJECT:** ACTION AGENDA ITEM

Discuss and Take Action to Approve an Order of the Board of Trustees of Los Fresnos Consolidated Independent School District Calling an Election to Seek Voter Approval for the Issuance of Unlimited Tax Bonds for Construction and Equipping of School Buildings and the Purchase of the Sites Thereof

**DATE:** February 4, 2021

Attached please find an order of the Board of Trustees calling an election to seek voter approval for the issuance of \$63 million in Unlimited Tax Bonds. The election shall be held on May 1, 2021, a uniform election day, within and throughout the territory of the District, which qualified electors, shall be entitled to vote.

The order stipulates that the Cameron County Elections administration will assist with Election Day polling places and precincts as well as early voting days and dates.

The Proposition will include the language "This is a Property Tax Increase" as required by House Bill 3 (HB3) passed by the Legislature. The applicable section of the bill regarding bond election requirements require bond ballot to include the statement.

I recommend we submit it to the Board of Trustees for approval.

The above recommendation is accepted and hereby recommended to the Board of Trustees.

A handwritten signature in black ink, appearing to read "Gonzalo Salazar".

Gonzalo Salazar, Superintendent of Schools

143

February 5, 2020

Date

## ORDER

### **AN ORDER OF THE BOARD OF TRUSTEES OF LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT CALLING AN ELECTION TO SEEK VOTER APPROVAL FOR THE ISSUANCE OF UNLIMITED TAX BONDS FOR THE CONSTRUCTION AND EQUIPPING OF SCHOOL BUILDINGS IN THE DISTRICT AND THE PURCHASE OF THE SITES THEREOF.**

**WHEREAS**, the Board of Trustees (the "Board") of the Los Fresnos Consolidated Independent School District (the "District") has, among others, the power to issue bonds for the construction and equipping of school buildings in the District and the purchase of the necessary sites therefor, and to levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall come due; and

**WHEREAS**, no such bonds shall be issued and no taxes shall be levied to pay bonded indebtedness of said bonds unless authorized by a majority of the resident, qualified electors of the District voting at an election called for such purpose; and

**WHEREAS**, the Board has determined that it is necessary and convenient to call and conduct an election pursuant to Section 45.001, et seq., of the Texas Education Code and provisions of the Texas Election Code to obtain voter authorization to issue such bonds; and

**WHEREAS**, the District has entered a contract for election services with the Cameron County Elections Administrator entered into pursuant to Chapter 31, Texas Election Code under which the Election, as hereinafter defined, may be conducted;

**NOW, IT IS, THEREFORE, ORDERED BY THE BOARD OF TRUSTEES OF THE LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT THAT:**

**Section 1. Call of Election; Date; Notice Thereof; Eligible Electors; and Hours.**

An election (the "Election") shall be held on May 1, 2021, a uniform election date, within and throughout the territory of the District, at which all resident, qualified electors of the District shall be entitled to vote. The hours during which the polling places are to be open on Election Day shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m.

The method of giving notice of the Election shall be by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before election day in a newspaper with circulation within the boundaries of the school district, or by an alternate form authorized by the Election Code.



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 the District in accordance with the provisions of the Election Code and the contract between the District and the Cameron County Elections Administrator. The Superintendent of Schools is delegated the authority to undertake any act reasonably necessary to assure that the Election procedures conform to law. The District may employ other personnel necessary for the proper administration of the Election, including part-time staff as is necessary to prepare for the Election, to ensure the timely delivery of supplies during the early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station.

**Section 2. Election Day Polling Places; Voting Precincts.**

On Election Day, the Election shall be conducted at the Election Day Polling Places as set out in Exhibit A.

The hours during which the Election Day Polling Place is to be open shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m.

The boundaries of each voting precinct in the school district for the Election shall be coterminous with a part of Cameron County election precincts as set out in Exhibit A.

**Section 3. Early voting days, dates, hours, and polling places:**

Polling Places for Early Voting By Personal Appearance. The Polling Places for early voting shall be as set out in Exhibit B.

Early voting shall be conducted as provided for under the Texas Election Code on the days, dates, and hours as set out in Exhibit B.

Early Voting By Mail. Early voting by mail shall be conducted in accordance with provisions of Chapter 86 of the Texas Election Code, which requires that application for ballots by mail must be received (not postmarked) by the Early Voting Clerk no later than the close of business on Monday, April 20, 2021, and the marked ballot must be received by the early voting clerk on Saturday, May 1, 2020 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, or Monday, May 3, 2020 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply). Application for ballots by mail shall be mailed to Elections Operations, Cameron County Election Department, P.O. Box 3587, Brownsville, Texas 78523 addressed to Mr. Remi Garza, Elections Operations. The Early Voting Clerk is authorized to appoint a Deputy Early Voting Clerk.

An 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 as provided for in the Election Code. 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 4. Proposition.** At the Election there shall be submitted to the resident, qualified electors of the District the following proposition:

### **PROPOSITION**

SHALL THE BOARD OF TRUSTEES (THE "BOARD") OF THE LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT (THE "DISTRICT") BE AUTHORIZED TO ISSUE AND SELL AT ANY PRICE OR PRICES THE BONDS OF THE DISTRICT IN THE AMOUNT OF SIXTY THREE MILLION DOLLARS (\$63,000,000) FOR THE CONSTRUCTION AND EQUIPPING OF SCHOOL BUILDINGS IN THE DISTRICT AND THE PURCHASE OF THE NECESSARY SITES THEREOF, WHICH BONDS MAY BE ISSUED IN VARIOUS SERIES OR ISSUES, SHALL MATURE SERIALLY OR OTHERWISE NOT MORE THAN 40 YEARS FROM THEIR DATE OR DATES AND BEAR INTEREST AT SUCH RATE OR RATES (FIXED, VARIABLE, FLOATING, ADJUSTABLE OR OTHERWISE) AS SHALL BE DETERMINED BY THE BOARD WITHIN ITS DISCRETION AT THE TIME OF ISSUANCE, BUT NOT TO EXCEED THE MAXIMUM RATE NOW OR HEREAFTER AUTHORIZED BY LAW; AND SAID BONDS SHALL BE NEGOTIABLE INSTRUMENTS, AND MAY BE REDEEMABLE PRIOR TO MATURITY, AND MAY BE ISSUED IN SUCH FORM, DENOMINATIONS, AND MANNER, AND UNDER SUCH TERMS, CONDITIONS, AND DETAILS, AND SHALL BE SIGNED AND EXECUTED, AS PROVIDED BY THE BOARD IN THE RESOLUTION OR ORDER AUTHORIZING THE ISSUANCE OF SAID BONDS; AND SHALL THE BOARD BE AUTHORIZED TO LEVY AND PLEDGE, AND CAUSE TO BE ASSESSED AND COLLECTED, ANNUAL AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE DISTRICT UNLIMITED AS TO RATE OR AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE, WITHOUT LIMIT AS TO RATE OR AMOUNT ON THE TAXABLE PROPERTY IN THE DISTRICT, ALL AS AUTHORIZED BY THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) SUBCHAPTER A OF CHAPTER 45.001 OF THE TEXAS EDUCATION CODE, TOGETHER WITH ALL AMENDMENTS AND ADDITIONS THERETO?

THIS IS A PROPERTY TAX INCREASE

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

**Section 5. Forms of Propositions on Ballot.** At the Election, the Proposition shall be submitted to the voters in an approved ballot which permits the voters to vote "For" or "Against" the proposition, and shall be substantially in the following form:



**PROPOSITION**

"Place an 'X' in the square beside the statement indicating the way you wish to vote."

FOR

THE ISSUANCE OF \$63,000,000 IN BONDS FOR THE CONSTRUCTION AND EQUIPPING OF SCHOOL BUILDINGS IN THE DISTRICT AND THE PURCHASE OF THE SITES THEREOF AND LEVYING OF THE TAX IN PAYMENT THEREOF?\_

**THIS IS A PROPERTY TAX INCREASE**

AGAINST

**Section 6. Notice of Election.** Notice of the Election shall be given in the manner prescribed by Texas Education Code and by the Texas Election Code.

This Order shall constitute the Election Order for the call of the election and the same or a substantial copy thereof shall constitute the notice of such election; and the Secretary of the Board is ordered to cause notice of the election to be given as required by law.

**Section 7. Election Results and Canvass.** Immediately after the election, the officers holding the election shall convey returns of the results to the Board. The Board shall canvass such returns, declare the results of such election, and issue certificates of election.

The said Election shall be held in accordance with the Texas Election Code.

It is hereby officially found and determined that notice of the meeting at which this order is adopted was given as required by the Texas Open Meetings Act, and that such meeting has been open to the public at all times when this order was discussed and acted on.

**Section 8.** Voting machines may be used in holding and conducting the Election on Election Day; provided, however, that if the use of voting machines is not practicable, then in that event, electronic voting devices may be used in conducting the Election on Election Day; provided however, in the event the use of such electronic voting devices is not practicable, the Election may be conducted on Election Day by the use of paper ballots. Voting machines, electronic voting devices, or paper ballots may be used for Early Voting by personal appearance. Paper ballots may be used for Early Voting by mail. The District shall also utilize a Central Counting Station (the "Station") as provided by Section 127.000, *et seq.*, Texas Election Code.

The Elections Administrator is hereby appointed as the Manager and may appoint The Presiding Judge, The Tabulation Supervisor of the Station, and may appoint Station clerks and establish a written plan for the orderly operation of the Tabulation Station in accordance with the provisions of the Texas Election Code. Lastly, the District, the Elections Administrator, or its agent, will publish notice and conduct instruction testing on the automatic tabulation equipment relating to the Tabulation Station and conduct instruction for the officials and clerks for the Tabulation Station in accordance with the provisions of the Texas Election Code. The District will provide at least one accessible voting system in each polling place that complies with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

**Section 9.** All election materials including notice of the Election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code.

**Section 10.** Additional information required by Section 3.009 of the Election Code is as follows:

- (a) The maximum interest rate of the Bonds or any series of the Bonds is estimated to be 5.00%, based on the market conditions at the time of this Order. This estimated tax rate is derived from projections obtained from the District's financial advisor, which are attached hereto, and is provided without any assurance that such projections will be realized. At the time that bonds are issued, the actual total tax rate will depend upon, among other factors, prevailing interest rates, the assessed value of real property in the District and general market conditions;
- (b) The estimated interest for the Bonds to be authorized is \$35,345,894.21.
- (c) The aggregate amount of the remaining principal of the District's Interest and Sinking tax debt obligations outstanding as of the date the District adopted the Election Order (February 8, 2021) is \$23,640,000 and the aggregate amount of the outstanding principal of the District's maintenance tax debt obligations as of the beginning of the District's Fiscal Year is \$0.
- (d) The estimated combined principal and interest required to pay on time and in full all outstanding unlimited tax bonds of the District as of the date the District adopted the Election Order (February 8, 2021) is \$39,788,531.25.
- (e) The estimated combined principal and interest required to pay on time and in full the Bonds to be authorized is \$98,345,894.21.
- (f) The aggregate amount of the outstanding interest on Interest and Sinking tax debt obligations of the District as of the date the District adopted the Election Order (February 9, 2021) is \$16,148,531.25 and the aggregate amount of the outstanding interest on maintenance tax debt obligations of the District as of the beginning of the Fiscal Year is \$0.



- (g) The Interest and Sinking tax debt service tax rate for the District at the time the Election is ordered is 0.14002 per \$100 valuation of the taxable property and the portion of the maintenance tax debt service tax rate for the District at the time the Election is ordered is \$1.0417 per \$100 valuation of the taxable property.
- (h) The estimated maximum increase in the amount of taxes that would be imposed on a residence homestead in the District with an appraised value of \$100,000 to repay the Bonds to be authorized, if approved, based on certain assumptions, is \$18.60.

The statements contained in these findings (i) are based on information available to the District on the date of adoption of this Election Order, including information derived from projections obtained from the District's financial advisor, (ii) necessarily consist of estimates and projections that are subject to change based on facts, circumstances and conditions at the time that bonds approved pursuant to this Election Order are issued and (iii) are not intended to give rise to a contract with the voters or limit the authority of the Board to issue bonds in accordance with other terms contained in this Election Order. Accordingly, actual tax rates, interest rates, maturity dates, aggregate outstanding indebtedness and interest on such debt will vary and will be established after the bonds are issued. To the extent of any conflict between this subsection and other terms of this Election Order, such other terms control.

**Section 11.** The Board authorizes the President of the Board, the Superintendent of Schools, or the respective designee(s) thereof, to negotiate and enter into an election agreement or agreements with the County, through the Elections Administrator, in accordance with the provisions of the Texas Election Code. Further, the Board authorizes the President of the Board, the Superintendent of Schools, or the respective designee(s) thereof, including bond counsel for the District, to make technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board.


**Section 12. Authority Granted to Superintendent**

Should, during the period between adoption of the Election Order and the election, a change or modification be needed for the order to comply with state law or be reasonably necessary for convenience of the district or district voters, the Superintendent, the Deputy Superintendent, or any acting interim Superintendent, or in the absence of any of the foregoing officials, the President of the Board of Trustees, is authorized, relying on the advice of counsel, to make any amendment or correction hereof. Such modification or correction shall be duly noted in writing and the Election Order shall be modified or corrected to indicate those changes. Only the final, corrected or modified Election Order shall have effect and shall be published as required by law.


**Section 13. Authorized to Execute.**

The President of the Board is authorized to execute, and the Secretary of the Board is authorized to attest, this Election Order on behalf of the Board. The President of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**PASSED AND APPROVED** on the 8<sup>th</sup> day of February, 2021.

  
\_\_\_\_\_  
President, Board of Trustees  
Los Fresnos Consolidated  
Independent School District

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Board of Trustees  
Los Fresnos Consolidated  
Independent School District



**EXHIBIT A**

***[Election Day Polling Places to be Provided  
by Cameron County Election Office]***

**EXHIBIT B**

*[Early Voting Days, Dates, Hours and Polling Places  
to be Provided by Cameron County Election Office]*



**Notice of Early Voting Locations for the Los Fresnos CISD  
General Election to be held on May 1, 2021**

Early voting by personal appearance will be conducted at the following location, dates and times:

LOCATION	ADDRESS	DATES	TIMES
Los Fresnos Community Bldg.	204 Brazil St. Los Fresnos, TX	Monday, April 19 -Friday, April 23	9:00 a.m. to 6:00 p.m.
		Saturday, April 24	10:00 a.m. to 5:00 p.m.
		Monday, April 26 - Tuesday, April 27	8:00 a.m. to 8:00 p.m.
Olmito Elementary School	2500 Arroyo Blvd. Brownsville, TX	Monday, April 19 -Friday, April 23	9:00 a.m. to 6:00 p.m.
		Saturday, April 24	10:00 a.m. to 5:00 p.m.
		Monday, April 26 - Tuesday, April 27	8:00 a.m. to 8:00 p.m.
Rancho Verde Elementary School	101 Rancho Alegre Dr. Brownsville, TX	Monday, April 19 -Friday, April 23	9:00 a.m. to 6:00 p.m.
		Saturday, April 24	10:00 a.m. to 5:00 p.m.
		Monday, April 26 - Tuesday, April 27	8:00 a.m. to 8:00 p.m.
Resaca Middle School	Highway 100 at FM 1575 Los Fresnos, TX	Monday, April 19 -Friday, April 23	9:00 a.m. to 6:00 p.m.
		Saturday, April 24	10:00 a.m. to 5:00 p.m.
		Monday, April 26 - Tuesday, April 27	8:00 a.m. to 8:00 p.m.

**Election Day Polling Places for the Los Fresnos CISD  
General Election to be held on May 1, 2021**

PRECINCTS	LOCATION	ADDRESS	CITY
2, Part 99	Las Yescas Elementary School	23413 FM 803	San Benito
3, Part 50, Part 59, 65, 66, Part 67, 109	Los Fresnos Community Bldg.	204 N. Brazil St.	Los Fresnos
Part 4, Part 14, Part 48, Part 74, 88, 95, 100, Part 102, 105, Part 108	Villareal Elementary School	7700 E. Lakeside Blvd.	Olmito