

NOTICE OF ELECTION

TO THE RESIDENT, QUALIFIED VOTERS OF THE CITY OF DEVINE, TEXAS

TAKE NOTICE that an election will be held in the City of Devine, Texas on May 6, 2023, concerning the issuance of bonds in accordance with an ordinance that reads substantially as follows:

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

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

WHEREAS, the City will conduct the Election according to the Texas Election Code, as amended (the *Code*) and other applicable state and federal laws; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City dictates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

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

SECTION 1. The Election shall be held in the CITY OF DEVINE, TEXAS on May 6, 2023 (*Election Day*), which is a uniform election date under the Code 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 measure to the qualified voters of the City:

CITY OF DEVINE MEASURE A

Shall the City Council of the City of Devine, 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 \$15,020,000 for the purpose of designing, acquiring, constructing, renovating, improving, upgrading, updating, and equipping drainage and flood control improvements and facilities at various locations within the City, 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 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 be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?

SECTION 2. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in Exhibit A to this Ordinance (which is incorporated herein by reference for all purposes). In compliance with the Code, the Administrator will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election. The Mayor, the City Administrator, or their designees can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times. To the extent required by the Code or other applicable law, the appointment of election officials at polling locations must include a person fluent in the Spanish language.

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

B. The main early voting location is designated in Exhibit B to this Ordinance (which is incorporated herein by reference for all purposes). 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 in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the Code. If permanent and/or temporary branch offices for early voting by personal appearance are established the locations, dates, and hours of operation for early voting at these offices will be 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 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 3. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance, and when required by the Code, at least one accessible voting system per polling place will be provided. Certain early voting may be conducted by mail according to the Code.

SECTION 4. The City is authorized to utilize a Central Counting Station (the *Station*) as provided by the Code. The Administrator, or the designee thereof, is hereby appointed as the Administrator of the Station, who will establish a written plan for the orderly operation of the Station according to the Code. The Council hereby authorizes the Administrator, or the designee thereof, to appoint the Presiding Judge of the Station, the Tabulation Supervisor, and the Programmer for the Station and may appoint Station clerks as needed or desirable. The Administrator will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station according to the Code.

SECTION 5. The official ballot shall be prepared according to the Code so as to permit voters to vote "FOR" or "AGAINST" the aforesaid measure, which shall appear on the ballot substantially as follows:

CITY OF DEVINE PROPOSITION A

THE ISSUANCE OF NOT TO EXCEED \$15,020,000 OF CITY OF DEVINE, TEXAS GENERAL OBLIGATION BONDS FOR DRAINAGE AND FLOOD CONTROL 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 Texas Election and Government Codes, as amended, and as may be required by other law. To the extent required by law, materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, 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 days, prior to Election Day. Moreover, a substantial copy of this Ordinance and the voter information attached as Exhibit C, including a Spanish translation thereof, shall be posted (a) not less than 21 days prior to Election Day (1) on the bulletin board at City Hall used for posting notices of Council meetings, (2) in three additional public places within the City's boundaries, (3) in a prominent location on the City's internet website, and (b) in a prominent location at each polling place on Election Day and during early voting. A sample ballot shall be posted on the City's internet website not less than 21 days prior to Election Day.

SECTION 8. As of the date of this Ordinance, the City had outstanding an aggregate principal amount of debt equal to \$2,200,000 (including maintenance tax debt, if any); the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$215,178.75; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.0949 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Council's adoption of this Ordinance, the estimated maximum interest rate for any series of bonds authorized at the Election is 5% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more than 40 years from their date), as prescribed by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated maximum net effective interest rate and amortization period are only estimates, provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Council authorizes the Mayor, the City Administrator, or their designees to negotiate and enter into one or more joint election agreements, election service contracts, and/or similar contracts or agreements if desired or required to comply with applicable law, as permitted and in accordance with the Code. In addition, the Council authorizes the Mayor, the City Administrator, or their respective designees 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.

SECTION 10. 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 11. 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 ordained herein.

SECTION 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. 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 14. 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 this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

* * *

Exhibit A (Anexo A)

ELECTION DAY MAY 6, 2023 (*DÍA DE LA ELECCIÓN 6 DE MAYO DE 2023*)

Election Day Polling Locations open from 7 a.m. to 7 p.m.
(*Lugares de votación del Día de la Elección abiertos de 7 a.m. a 7 p.m.*)

| City Precinct (<i>Precinto del Distrito</i>) | Medina County Precinct (<i>Precinto del Condado de Medina</i>) | Polling Place (<i>Lugar de la votación</i>) |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1 | 4A, 4B | City Hall (<i>Edificio Municipal</i>) 303 S. Teel, Devine, TX 78016 |

City's website (*sitio web del Ciudad*): <http://cityofdevine.org/>
County's website (*Sitio web del Condado*): <https://www.medinacountytexas.org/page/medina.Elections>

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Exhibit B (Anexo B)

EARLY VOTING (VOTACIÓN ANTICIPADA)

City Hall (*Edificio Municipal*), 303 S. Teel, Devine, TX 78016

| | | |
|-------------------|--------------------------|-------------------|
| April 24-28, 2023 | (24-28 de abril de 2023) | 8:00 am – 5:00 pm |
| April 29, 2023 | (29 de abril de 2023) | 9:00 am – 2:00 pm |
| May 1-2, 2023 | (1-2 de mayo de 2023) | 7:00 am – 7:00 pm |

City's website (*sitio web del Ciudad*): <http://cityofdevine.org/>

County's website (*Sitio web del Condado*): <https://www.medinacountytexas.org/page/medina.Elections>

Applications for voting by mail should be received no later than the close of business on April 25, 2023. (*Las solicitudes de votación por correo deben ser recibidas a más tardar al cierre de operaciones del 25 de abril de 2023*). Applications should be sent to (*Se deben enviar las solicitudes a*):

Voting Clerk: Dora Rodriguez

mailing address (*dirección de envío*): 303 South Teel Drive, Devine, Texas 78016

physical address (*dirección física*): 303 South Teel Drive, Devine, Texas 78016

phone (*teléfono*): (830) 663-2804

fax (*fax*): (830) 663-2208

email (*correo electrónico*): citysec@cityofdevine.com

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy. (*Si se envía por fax o correo electrónico una solicitud de boleta por correo (o si se envía por fax una solicitud postal federal), el solicitante también debe enviar la solicitud original para que el secretario de votación anticipada reciba el original a más tardar cuatro días después de recibir la copia enviada por correo electrónico o por fax.*)

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Exhibit C (Anexo C)

VOTER INFORMATION DOCUMENT (DOCUMENTO DE INFORMACIÓN PARA EL VOTANTE)

City of Devine, Texas Proposition A:
(Propuesta A del Ciudad de Devine, Texas:)

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> FOR (a favor) <input type="checkbox"/> AGAINST (en contra) | THE ISSUANCE OF NOT TO EXCEED \$15,020,000 OF CITY OF DEVINE, TEXAS GENERAL OBLIGATION BONDS FOR DRAINAGE AND FLOOD CONTROL IMPROVEMENTS AND THE LEVYING OF A TAX IN PAYMENT THEREOF. | LA EMISIÓN QUE NO EXCEDA DE \$15,020,000 EN BONOS DE OBLIGACION GENERAL POR PARTE DE LA CIUDAD DE DEVINE, TEXAS, PARA MEJORAS DE DRENAJE Y CONTROL DE INUNDACIÓN Y LA IMPOSICIÓN DE UN IMPUESTO PARA EL PAGO DE LO ANTERIOR. |
| principal of debt obligations to be authorized (capital de obligaciones de deuda que se autorizará) | | \$15,020,000 |
| estimated interest for the debt obligations to be authorized presuming an interest rate of 5% (interés estimado para las obligaciones de deuda que se autorizarán asumiendo una tasa de 5%) | | \$8,591,500 |
| estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 30 years (capital e intereses juntos estimados necesarios para pagar a tiempo y en su totalidad las obligaciones de deuda que se autorizarán amortizar durante 30 años) | | \$23,611,500 |
| as of the date the election was ordered, principal of all outstanding debt obligations (a partir de la fecha en que se ordenó la elección, el capital de todas las obligaciones de deuda pendientes) | | \$2,200,000 |
| as of the date the election was ordered, the estimated interest on all outstanding debt obligations (a partir de la fecha en que se ordenó la elección, el interés estimado de todas las obligaciones de deuda pendientes) | | \$215,178.75 |
| as of the date the election was ordered, the ad valorem debt service tax rate per \$100 of taxable assessed valuation (a partir de la fecha en que se ordenó la elección, la tasa impositiva del servicio de la deuda ad valorem por cada \$100 de valuación tasada imponible) | | \$.0949 |
| estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 13 years (capital e intereses juntos estimados necesarios para pagar a tiempo y en su totalidad las obligaciones de deuda pendientes amortizadas durante 13 años) | | \$2,415,178.75 |
| estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved (aumento anual máximo estimado de la cantidad de impuestos en una residencia principal con un valor estimado de \$100,000 para pagar las obligaciones de deuda que se autorizarán, si se aprueba). As noted above, this figure makes conservative assumptions about the amortization period of the debt obligations and the estimated interest rate. (Como se señaló anteriormente, esta cifra hace suposiciones conservadoras sobre el período de amortización de las obligaciones de deuda y la tasa de interés estimada.) This figures assumes taxable value growth of 5% per year through fiscal year ending September 30, 2027 and 2% thereafter. (Esta cifra supone un crecimiento del valor imponible del 5% anual hasta el año fiscal que finaliza el 30 de septiembre de 2027 y del 2% a partir de entonces.) This figure assumes application of a homestead exemption of \$0. (Esta cifra asume la aplicación de una exención de vivienda familiar de \$0.) This figure also assumes the debt will issue in one series. (Esta cifra también supone que la deuda se emitirá en una serie.) | | \$0 |