

ORDER CALLING SCHOOL BUILDING BOND ELECTION

STATE OF TEXAS §
MIDLAND COUNTY §
MIDLAND INDEPENDENT SCHOOL DISTRICT §

WHEREAS, the Board of Trustees (the “Board”) of the Midland Independent School District (the “District”) has, among others, the power to issue bonds for the purpose described herein; and

WHEREAS, the Board has determined that it is necessary and convenient to call and conduct an election to obtain voter authorization for the issuance of such bonds; and

WHEREAS, the District will enter into an election agreement with Midland County (the “County”) for the administration of the Election (as hereinafter defined) in the territory of the District located in the County (the “Election Agreement”), by and through the Midland County elections administrator (the “Administrator”), and possibly other political subdivisions, in accordance with the laws of the State of Texas (the “State”) and applicable federal law;

IT IS, THEREFORE, ORDERED BY THE BOARD OF TRUSTEES OF THE MIDLAND INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. An election (the “Election”) shall be held on Tuesday, November 5, 2019 (“Election Day”), which is seventy-eight (78) or more days from the date of the adoption of this order (the “Election Order”), within and throughout the territory of the District at which all resident, qualified electors of the District shall be entitled to vote. The Board hereby finds that holding the Election on such date is in the public interest. The hours during which the polling places are to be open on Election Day shall be from 7:00 a.m. to 7:00 p.m.

Section 2. Voting Precincts; Polling Places; Election Officers. Except as otherwise provided herein, the boundaries and territory of the respective county election precincts that are wholly or partially within the territorial boundaries of the District are hereby designated as the voting precincts of the District for the Election. The precinct numbers for the District’s election precincts shall be the corresponding county precinct number of each precinct. The Election Day polling places shall be as shown in Exhibit A to this Election Order. The precinct judges and alternate judges for the Election shall be appointed in accordance with the Texas Election Code (the “Election Code”).

In the event that the Superintendent, or his designee, shall determine from time to time that (a) a polling place hereafter designated shall become unavailable or unsuitable for such use, or it would be in the District’s best interests to relocate such polling place, or (b) a presiding judge or alternate presiding judge hereafter designated shall become unqualified or unavailable, the Superintendent, or his designee, is hereby authorized to designate and appoint in writing a substitute polling place, presiding judge or alternate presiding judge, and correct or modify the exhibits to this Election Order, giving such notice as is required by the Election Code and as deemed sufficient.

Section 3. Proposition. At the Election there shall be submitted to the resident, qualified electors of the District the following proposition (the “Proposition”):

PROPOSITION A

Shall the Board of Trustees (the “Board”) of the Midland Independent School District (the “District”) be authorized to issue bonds of the District, in one or more series or installments, in the amount of \$569,000,000 for the construction, acquisition and equipment of school buildings in the District (including the rehabilitation, renovation, expansion and improvement thereof), which bonds shall mature, bear interest and be issued and sold in accordance with law at the time of issuance; 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 sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds, and the costs of any credit agreements (including credit agreements executed or authorized in anticipation of, in relation to, or in connection with the bonds), all as authorized by the Constitution and laws of the State of Texas and the United States of America?

Section 4. Ballots. The ballots shall conform to the requirements of the Election Code and shall have written or printed thereon the following:

OFFICIAL BALLOT

MIDLAND INDEPENDENT SCHOOL DISTRICT - PROPOSITION A

- | | | |
|-------------|---|---|
| [] FOR |) | The issuance of \$569,000,000 school building bonds for the |
| |) | construction, acquisition and equipment of school buildings |
| |) | in the District (including the rehabilitation, renovation, |
| |) | expansion and improvement thereof) and levying of the tax |
| [] AGAINST |) | in payment thereof |

Section 5. Voting. 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). As required by the Election Code, the District shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots may be used for early voting by mail.

Each voter desiring to vote in favor of the Proposition shall mark the ballot indicating “FOR” the Proposition, and each voter desiring to vote against the Proposition shall mark the ballot indicating “AGAINST” the Proposition. Voting shall be in accordance with the Election Code.

Section 6. Early Voting. The Board hereby appoints the Administrator as the regular early voting clerk for the District. Early voting, both by personal appearance and by mail, will be conducted in accordance with the Election Code.

Early voting by personal appearance shall be conducted at the locations, on the dates and at the times as shown in Exhibit B. Early voting by personal appearance shall begin on Monday, October 21, 2019 and end on Friday, November 1, 2019.

For the use of those voters who are entitled by law to vote early by mail, the 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 Proposition. Ballot applications and ballots voted by mail may be sent to the addresses below.

Midland County Elections Administrator
Attention: Early Voting Clerk
P.O. Box 3434
Midland, Texas 79702

The Administrator is hereby authorized and directed to designate the early voting ballot board and other officers required to conduct early voting for the Election.

Section 7. Conduct of Election. The Election shall be conducted by election officers, including the precinct judges and alternate judges or clerks appointed by the Board, in accordance with the Election Agreement, the Education Code, the Election Code and the Constitution and laws of the State and the United States of America. The President of the Board of Trustees, the Superintendent, and their respective designees, are authorized to enter into, execute and deliver one or more Election Agreements, in accordance with applicable provisions of the Election Code, and such other agreements, notices and other instruments as are deemed necessary or appropriate to carry out the intent of this Election Order. The terms and provisions of each Election Agreement are hereby incorporated into this Election Order. To the extent of any conflict between this Election Order and an Election Agreement, the terms and provisions of the Election Agreement shall prevail, and the President of the Board of Trustees, the Superintendent, and their respective designees, are authorized to make such corrections, changes, revisions and modifications to this Election Order, including the exhibits hereto, as are deemed necessary or appropriate to conform to the Election Agreement, to comply with applicable state and federal law and to carry out the intent of the Board, as evidenced by this Election Order. The Administrator shall be responsible for establishing the central counting station for the ballots cast in the Election and appointing the personnel necessary for such station.

Section 8. Bilingual Election Materials. All notices, instructions, and ballots pertaining to the Election shall be furnished to voters in both English and Spanish and persons capable of acting as translators in both English and Spanish shall be made available to assist Spanish language speaking voters in understanding and participating in the election process.

Section 9. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. The ballots shall be counted by one or more teams of election officers assigned by the presiding judges, each team to consist of two or more election officers. After completion of his responsibilities under the Election Code, including the counting of the voted ballots and the tabulation of the results, the presiding judge shall make a written return of the Election results to

the District in accordance with the Election Code. The Board shall canvass the returns and declare the results of the Election.

If a majority of the resident, qualified electors of the District voting at the Election, including those voting early, shall vote in favor of the Proposition, then the issuance and sale of the bonds described in the Proposition shall be authorized in the maximum amount contained therein, and the bonds shall be issued and sold at the price or prices and in such denominations determined by the Board to be in the District's best interest.

Section 10. Training of Election Officials. Pursuant to the Election Code, a public school of instruction for all election officers and clerks may be held as arranged or contracted by the Administrator.

Section 11. Notice of Election. Notice of the Election, stating in substance the contents of this Election Order, shall be published one time in the English and Spanish languages, in a newspaper published within the District's territory or, if none is published in the District's territory, in a newspaper of general circulation in the District's territory, at least ten (10) days and no more than thirty (30) days prior to Election Day. Notice of the Election shall also be given by posting a substantial copy of this Election Order, in both English and Spanish, (i) on Election Day and, during early voting by personal appearance, in a prominent location at each polling place and (ii) not later than the twenty-first (21st) day before the Election, on the bulletin board used for posting notices of meetings of the Board and in three (3) public places within the boundaries of the District. In addition, this Election Order, together with the notice of Election and the contents of the Proposition, shall be posted on the District's website, in both English and Spanish, during the twenty-one (21) days before the Election.

Section 12. Notice of Meeting. The Board officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Election Order is adopted was posted on a bulletin board located at a place convenient to the public at the District's administrative offices for a least seventy-two (72) hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the District in connection with providing such notice, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Election Order and the subject matter thereof was discussed, considered and formally acted upon.

Section 13. Mandatory Statement of Information.

(a) Pursuant to Section 3.009, Texas Election Code: (i) the proposition language that will appear on the ballot is set forth in Section 4 of this Election Order, (ii) the purposes for which the bonds are to be authorized are set forth in Section 3 of this Election Order, (iii) the principal amount of bonds to be authorized is set forth in Section 3 of this Election Order, (iv) if the issuance of bonds is authorized by voters, taxes sufficient, without limit as to rate or amount, to pay the annual principal of and interest on the bonds and the costs of any credit agreements may be imposed, as set forth in Section 3 of this Election Order, (v) bonds authorized pursuant to this Election Order may be issued to mature over not to exceed 40 years from their date of issuance and bearing interest at the rate or rates (not to exceed 15%), as authorized by law and determined by the Board,

(vi) as of the beginning of the District's current fiscal year, the aggregate amount of outstanding principal of the District's debt obligations was \$200,190,996, and the aggregate amount of outstanding interest on the District's debt obligations was \$102,752,880, and (vii) the District's ad valorem debt service tax rate as of the date of adoption of this Election Order is \$0.08 per \$100 of taxable property.

(b) Based upon market conditions as of the date of this Election Order and assuming that the bonds are amortized over a twenty-year term in accordance with the Board's present intent, the maximum net effective interest rate for any series of the bonds is estimated to be 5.50%. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold. In addition, the estimate contained in this subsection (b) is (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time(s) of issuance of the bonds) and derived from projections obtained from the District's financial advisor, (ii) subject to change to the extent that actual facts, circumstances and conditions prevailing at the time that the bonds are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 3.009, Texas Election Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to give rise to a contract with voters or limit the authority of the Board to issue bonds in accordance with the Propositions submitted by this Election Order.

Section 14. Authority of the Superintendent. The Superintendent shall have the authority to take, or cause to be taken, all reasonable or necessary actions to insure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed.

Section 15. Authorization to Execute. The President or Vice 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; and the President or Vice President of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 16. Effective Date. This Election Order is effective immediately upon its passage and approval.

[Signature Page Follows.]

PASSED AND APPROVED August 19, 2019.

/s/ Rick Davis

President, Board of Trustees
Midland Independent School District

ATTEST:

/s/ Bryan Murry

Secretary, Board of Trustees
Midland Independent School District

(SEAL)

EXHIBIT A

**ELECTION DAY POLLING LOCATIONS
(Between the hours of 7:00 a.m. and 7:00 p.m.)**

**ELECTION DAY VOTE CENTERS
CENTROS PARA VOTAR EL DÍA DE LAS ELECCIONES**

NOVEMBER 5, 2019 JOINT SPECIAL ELECTION

ELECCIÓN CONJUNTA ESPECIAL DÍA 5 DE NOVIEMBRE 2019

| NAME NOMBRE | ADDRESS DIRECCIÓN | EZ Rider |
|--|---------------------------------|-----------------|
| 1. ANNEX COURTROOM | 2110 NORTH A <u>79705</u> | X |
| 2. BOY SCOUTS OF AMERICA | 1101 W. TEXAS AVE. 79701 | X |
| 3. CENTENNIAL <u>LIBRARY</u> | 2503 W. LOOP 250 N <u>79705</u> | X |
| 4. COGDELL LEARNING CENTER | 211 W. FLORIDA 79701 | X |
| 5. FAIRMONT PARK CHURCH OF CHRIST | 3813 N. MIDLAND DR. 79707 | X |
| 6. FELLOWSHIP COMMUNITY CHURCH | 5206 N. MIDLAND DR. 79707 | |
| 7. GOLF COURSE CHURCH OF CHRIST | 3500 W. GOLF COURSE 79703 | X |
| 8. GREENWOOD BAPTIST CHURCH | 10908 FM <u>307 79706</u> | |
| 9. MANOR PARK, Margaret Cowden Clubhouse | 5212 SINCLAIR 79707 | X |
| 10. MLK CENTER | 2300 BUTTERNUT 79705 | X |
| 11. ODESSA COUNTRY CLUB | #1 FAIRWAY DRIVE 79765 | |
| 12. ST. PAUL'S METHODIST CHURCH | 4501 THOMASON DR. 79703 | X |

Election Day Voting Hours: 7:00 AM – 7:00 PM

Horas el día de la elección son: 7:00 AM – 7:00 PM

EXHIBIT B

EARLY VOTING POLLING LOCATIONS, DATES AND TIMES

**NOVEMBER 5, 2019 JOINT GENERAL ELECTION
VOTE EARLY AT *ONE OF THE FOLLOWING LOCATIONS:***

**ELECTIONS OFFICE – COUNTY ANNEX BUILDING
2110 NORTH “A” STREET**

| | |
|--|-------------------|
| MONDAY, OCT. 21 THRU FRIDAY, OCT. 25 | 8:00 AM – 5:00 PM |
| MONDAY, OCT. 28 THRU WEDNESDAY, OCT. 30 | 8:00 AM – 5:00 PM |
| THURSDAY, OCT. 31 THRU FRIDAY, NOV. 1 | 7:00 AM – 7:00 PM |

**CENTENNIAL LIBRARY
2503 W. LOOP 250 N**

| | |
|--|-------------------|
| MONDAY, OCT. 21 THRU FRIDAY, OCT. 25 | 8:00 AM – 5:00 PM |
| MONDAY, OCT. 28 THRU WEDNESDAY, OCT. 30 | 8:00 AM – 5:00 PM |
| THURSDAY, OCT. 31 THRU FRIDAY, NOV. 1 | 8:00 AM – 5:00 PM |

**COGDELL LEARNING CENTER
211 W. FLORIDA**

| | |
|--|-------------------|
| MONDAY, OCT. 21 THRU FRIDAY, OCT. 25 | 8:00 AM – 5:00 PM |
| MONDAY, OCT. 28 THRU WEDNESDAY, OCT. 30 | 8:00 AM – 5:00 PM |
| THURSDAY, OCT. 31 THRU FRIDAY, NOV. 1 | 8:00 AM – 5:00 PM |

FELLOWSHIP COMMUNITY CHURCH
5206 N. MIDLAND DR.

| | |
|--|-------------------|
| MONDAY, OCT. 21 THRU FRIDAY, OCT. 25 | 8:00 AM – 5:00 PM |
| MONDAY, OCT. 28 THRU WEDNESDAY, OCT. 30 | 8:00 AM – 5:00 PM |
| THURSDAY, OCT. 31 THRU FRIDAY, NOV. 1 | 8:00 AM – 5:00 PM |

MANOR PARK
5212 SINCLAIR

| | |
|---|-------------------|
| MONDAY, OCT. 21 THRU FRIDAY, OCT. 25 | 8:00 AM – 5:00 PM |
| MONDAY, OCT. 28 THRU WEDNESDAY, OCT. 30 8:00 AM – 5:00 PM | 8:00 AM – 5:00 PM |
| THURSDAY, OCT. 31 THRU FRIDAY, NOV. 1 | 8:00 AM – 5:00 PM |

On Election Day ***Tuesday, November 5, 2019***, you must vote at an Election Day Vote Center.

Election Day Voting Hours: 7:00 AM – 7:00 PM

**For sample ballots, polling locations, and other information visit the Election Office's web site:
<https://tx-midlandcounty.civicplus.com/328/Elections-Office>**