

483 2009

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

WHEREAS, the City Council (the *Council*) of the CITY OF JOSHUA, TEXAS (the *City*) 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 amounts and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the Election will be held jointly with Johnson County, Texas (the *County*), and possibly other political subdivisions (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of a joint election agreement between the City, the County, and the Participants (if any), entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates 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 qualified voters of the City; now, therefore,

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

Section 1. The Election shall be held on the 3rd day of November, 2009, a uniform election date, in the CITY OF JOSHUA, TEXAS, which date is not less than sixty-two (62) days nor more than ninety (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:

PROPOSITION NO. 1

“Shall the City Council of the City of Joshua, Texas be authorized to issue and sell general obligation bonds of the City in the principal amount of \$2,700,000 for the purpose of making permanent public improvements, or for other public purposes, to wit: constructing, renovating, and designing, a new fire station, such bonds to mature serially or otherwise 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?”

PROPOSITION NO. 2

“Shall the City Council of the City of Joshua, Texas be authorized to issue and sell general obligation bonds of the City in the principal amount of \$850,000 for the purpose of making permanent public improvements, or for other public purposes, to wit: designing and constructing street, curb, gutter and sidewalk improvements (including designing and constructing improvements to City streets known as Edgemoor Road, Pear Court, Hilltop Place, Ridgeway, Rosewood, Apple Street, and Plum Street), completing necessary utility relocation 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 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?”

PROPOSITION NO. 3

“Shall the City Council of the City of Joshua, Texas be authorized to issue and sell general obligation bonds of the City in the principal amount of \$2,600,000 for the purpose of making permanent public improvements, or for other public purposes, to wit: designing and constructing drainage improvements (including drainage improvements in the areas of Coffield, Joshua Meadows, and Mountain Valley/Village Creek), completing necessary utility relocation 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 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?”

As provided by Sections 42.0621 and 43.004, as amended, Texas Election Code, for an election held on the November uniform election date, the City shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the City. A list of the City election precincts, the County election precincts, and the polling places designated for each such election precinct are identified on Exhibit A to this Ordinance, and this Exhibit is incorporated by reference for all purposes. At least 73 days prior to the Election, the City Manager, in coordination with the Johnson County Clerk, 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 this election or will use the election officials recommended for approval by the Johnson County Clerk as reflected in the election agreement between the City and the Johnson County Clerk.

Each Presiding Judge shall appoint not less than two (2) resident qualified voters of the City or the County, as appropriate, to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks may include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

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

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 office or place 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 provisions of the Texas Election Code, as amended.

Additionally, permanent and temporary branch offices for early voting by personal appearance shall be established and maintained in accordance with the Texas Election Code. The locations, dates, and hours of operation for early voting at these offices (being permanent and/or temporary branch offices) shall be determined by the City Secretary, 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 (2) resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

Section 2. 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 Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots, touch screen voting machines, and/or such other 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 3. The official ballots 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:

PROPOSITION NO. 1

"THE ISSUANCE OF \$2,700,000 OF GENERAL OBLIGATION BONDS FOR CONSTRUCTING, RENOVATING, AND DESIGNING, A NEW FIRE STATION".

PROPOSITION NO. 2

"THE ISSUANCE OF \$850,000 OF GENERAL OBLIGATION BONDS FOR DESIGNING AND CONSTRUCTING STREET, CURB, GUTTER AND SIDEWALK IMPROVEMENTS (INCLUDING DESIGNING AND CONSTRUCTING IMPROVEMENTS TO CITY STREETS KNOWN AS EDGEHILL ROAD, PEAR

COURT, HILLTOP PLACE, RIDGEWAY, ROSEWOOD, APPLE STREET, AND PLUM STREET), COMPLETING NECESSARY UTILITY RELOCATION IN CONNECTION WITH THE FOREGOING, AND THE PURCHASE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND OTHER REAL PROPERTY INTERESTS NECESSARY THEREFOR OR INCIDENTAL THERETO.”

PROPOSITION NO. 3

“THE ISSUANCE OF \$2,600,000 OF GENERAL OBLIGATION BONDS FOR DESIGNING AND CONSTRUCTING DRAINAGE IMPROVEMENTS (INCLUDING DRAINAGE IMPROVEMENTS IN THE AREAS OF COFFIELD, JOSHUA MEADOWS, AND MOUNTAIN VALLEY/VILLAGE CREEK), COMPLETING NECESSARY UTILITY RELOCATION IN CONNECTION WITH THE FOREGOING, AND THE PURCHASE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND OTHER REAL PROPERTY INTERESTS NECESSARY THEREFOR OR INCIDENTAL THERETO.”

Section 4. All resident qualified voters of the City shall be permitted to vote at the Election, and on the day of the Election, 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, Chapter 1251, as amended, Texas Government Code, and as may be required by any other law. All materials and proceedings relating to the Election shall be printed in both English and Spanish.

Section 5. 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 at three (3) public places within the City and at the City Hall not less than fifteen (15) days prior to the day of the Election, and be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to the day of the Election.

Section 6. The Council authorizes the City Manager, or his designee, to negotiate and enter into a joint election agreement or other agreements with the County and the Participants, if any, in accordance with the provisions of the Texas Election Code, as amended, and 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. The rate of pay for all election officials shall be established by the City Manager or specified in the aforementioned joint election agreement, as applicable.

Section 7. 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 8. 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 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 10. 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

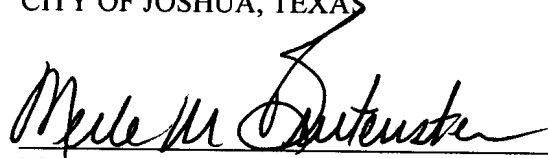
provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 11. 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 12. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

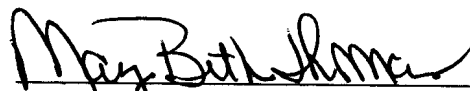
PASSED AND APPROVED on the 13th day of August, 2009.

CITY OF JOSHUA, TEXAS



Mayor

ATTEST:



City Secretary

EXHIBIT A

ELECTION PRECINCT AND ELECTION DAY POLLING LOCATIONS

Election Day: November 3, 2009

Election Day Polling Locations open from 7 a.m. to 7 p.m.

<u>City Election Precinct</u>	<u>County Election Precinct</u>	<u>Presiding Judges</u>	<u>Alternate Judges</u>	<u>Polling Places</u>
1				Joshua Independent School District Community Room 901 South Broadway Joshua, Texas 76058

EXHIBIT B

MAIN POLLING PLACES, DATES, AND TIMES

Early Voting Clerk: Mary Beth Thomas
Early Voting Clerk's address: 101 South Main
Joshua, Texas 76058

Presiding Judge of the Early Voting Ballot Board: _____

MAIN LOCATION:

Location: Joshua City Hall
101 South Main
Joshua, Texas 76058

<u>Dates and Times (except as otherwise noted)</u>	<u>Time</u>
October 19, 2009	7:00 a.m. – 7:00 p.m.
October 20, 2009 through October 23, 2009	8:00 a.m. – 5:00 p.m.
October 26, 2009	7:00 a.m. – 7:00 p.m.
October 27, 2009 through October 30, 2009	8:00 a.m. – 5:00 p.m.

EARLY VOTING BY MAIL:

Applications for voting by mail should be mailed to be received no earlier than September 4, 2009 and no later than the close of business (5:00 p.m.) on October 27, 2009.

Applications should be mailed to:
CITY OF JOSHUA – CITY SECRETARY
Attention: Mary Beth Thomas
101 South Main
Joshua, Texas 76058