

**NOTICE OF ELECTION TO AUTHORIZE
ISSUANCE OF CERTIFICATES OF OBLIGATION
TO BE HELD BY THE CITY OF FAIRFIELD, TEXAS**

Below is a copy of the Ordinance Calling an Election to Authorize the Issuance of Certificates of Obligation to be held on Tuesday, November 5, 2019, in the City of Fairfield, Texas, which serves as the notice of such election required by Section 4.003 of the Texas Election Code.

**ORDINANCE NO. 2019-19-08
ORDINANCE CALLING AN ELECTION TO AUTHORIZE THE ISSUANCE OF
CERTIFICATES OF OBLIGATION**

STATE OF TEXAS §
COUNTY OF FREESTONE §
CITY OF FAIRFIELD §

WHEREAS, on July 23, 2019, the City Council of the **CITY OF FAIRFIELD, TEXAS** (the "*City*") took action to formally approve Resolution No. 2019-07-23, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation to (i) construct, improve, and repair City streets and sidewalks, together with related drainage improvements, (ii) rehabilitate the Love Street water tower, and (iii) acquire, renovate and equip the real property and facilities located in the Southeastern quadrant of the City, for use as City administrative buildings (collectively, the "*Projects*"); and

WHEREAS, prior to the City Council's authorization of the issuance of the certificates of obligation, the City received a petition from more than five percent of the qualified voters of the City protesting the issuance of the certificates of obligation; and

WHEREAS, the signatures on the petition referenced in the preceding paragraph have been verified by the City; and

WHEREAS, pursuant to Section 271.049, Texas Government Code, if before the date tentatively set for the authorization of the issuance of the certificates of obligation or if before the authorization, the City Secretary receives a petition signed by at least five percent of the qualified voters of the issuer protesting the issuance of the certificates of obligation, the City may not authorize the issuance of the certificates unless the issuance is approved at an election ordered, held, and conducted in the manner provided for bond elections under Chapter 1251, Government Code; and

WHEREAS, the City Council of the City deems it advisable to call the election hereinafter ordained for the purpose of authorizing the issuance of certificates of obligation to finance the Projects; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

1. **TIME OF ELECTION.** An election in the City shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, November 5, 2019.

2. **PRECINCT AND POLLING PLACE.** The City shall hold the election in the precincts and polling places that shall be attached hereto as Exhibit A.

3. **PRESIDING JUDGES AND ELECTION CLERKS.** The Presiding Judge, Alternate Presiding Judge and election clerks for the election precincts and polling place shall be appointed at a later date.

4. **EARLY VOTING.** Electors may cast their early votes by mail or by personal appearance at the times and places that shall be attached hereto as Exhibit B. The Early Voting Clerk shall be appointed at a later date.

5. **EARLY VOTING BALLOT BOARD.** An early voting ballot board will be created to process early voting results. The presiding judge of said board shall be appointed at a later date. The presiding judge shall appoint at least two other members of the board at a later date..

6. **ELECTORS.** All resident, qualified electors of the City shall be entitled to vote at said election.

7. **NOTICE OF ELECTION.** The City shall cause a copy of this Ordinance (in English and Spanish) to be posted and published as required by Sections 4.003(a)(1)(A), (b) and (f), Texas Election Code, and Section 1251.003(d) and (e), Texas Government Code.

8. **OFFICIAL PROPOSITION.** At the election the following PROPOSITION, setting forth the purpose for which the certificates of obligation shall be authorized, shall be submitted in accordance with law:

CITY OF FAIRFIELD PROPOSITION A

Shall the City Council of City of Fairfield, Texas be authorized to issue certificates of obligation of the City, in one or more series, in the aggregate principal amount of \$2,650,000 for the purpose of paying, in whole or in part, contractual obligations to (i) construct, improve, and repair City streets and sidewalks, together with related drainage improvements, (ii) rehabilitate the Love Street water tower, and (iii) acquire, renovate and equip the real property and facilities located in the Southeastern quadrant of the City, for use as City administrative buildings (collectively, the "*Projects*"), and paying all or a portion of the legal, fiscal, and engineering fees in connection with the projects and costs of issuance related to such certificates of obligation, with the certificates of obligation of each such series, respectively, to mature serially within not to exceed 40 years from their date, to bear interest at such rates, and to be sold at such prices, all in accordance with law at the time of issuance and as shall be determined within the discretion of the City Council; 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, within the limits provided by law, sufficient to pay the annual interest on said certificates of obligation and provide a sinking fund to pay said certificates of obligation at maturity, with such certificates of obligation to be additionally secured by a lien on and pledge of "Surplus Revenues," if any, received by the City from the ownership and operation of the City's waterworks and sewer system?

9. **FORM OF BALLOT.** The official ballot for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the PROPOSITION described in Section 8 above, with the ballot for the election to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

CITY OF FAIRFIELD PROPOSITION A

- FOR THE ISSUANCE OF \$2,650,000 OF CERTIFICATES OF OBLIGATION BY THE CITY OF FAIRFIELD, TEXAS TO (I) CONSTRUCT, IMPROVE AND REPAIR CITY STREETS AND SIDEWALKS, TOGETHER WITH RELATED DRAINAGE IMPROVEMENTS, (II) REHABILITATE THE LOVE STREET WATER TOWER, AND (III) ACQUIRE, RENOVATE AND EQUIP THE REAL PROPERTY AND FACILITIES LOCATED IN THE SOUTHEASTERN QUADRANT OF THE CITY, FOR USE AS ADMINISTRATIVE BUILDINGS, LEVYING THE TAX IN PAYMENT THEREOF, AND CREATING A SECURITY INTEREST BY PROVIDING FOR A LIEN ON AND PLEDGE OF THE SURPLUS REVENUES, IF ANY, RECEIVED BY THE CITY FROM THE OWNERSHIP AND OPERATION OF THE WATERWORKS AND SEWER SYSTEM
- AGAINST

10. **ADDITIONAL INFORMATION.** In accordance with the provisions of Section 3.009(b), Texas Election Code, it is hereby found and determined that:

- (a) The proposition language that will appear on the ballot is set forth in Section 9 hereof.
- (b) The purpose for which the certificates of obligation are to be authorized is set forth in Sections 8 and 9 hereof.
- (c) The principal amount of the debt obligations to be authorized is set forth in Sections 8 and 9 hereof.

(d) As set forth in Sections 8 and 9 hereof, if the certificates of obligation are approved by the voters, the City Council will be authorized to levy annual ad valorem taxes, on all taxable property in the City, sufficient, within limit provided by law, to pay the principal of and interest on the certificates of obligation.

(e) Based upon the market conditions at the date of adoption of this Ordinance, the maximum interest rate for any series of the certificates of obligation is estimated to be 5% as calculated in accordance with applicable law. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule, estimated assessed valuation of taxable property in the City, and expected ratings of the proposed certificates of obligation. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the certificates of obligation, or any series thereof, may be sold.

(f) As set forth in Section 8 hereof, if the certificates of obligation are approved, they may be issued in one or more series, to mature serially, over a period not to exceed 40 years from their date.

(g) The aggregate amount of the outstanding principal of the City's debt obligations (all of which are secured by an ad valorem tax levied for debt service purposes) as of the beginning of the City's 2018-2019 fiscal year is \$1,320,000.

(h) The aggregate amount of the outstanding interest of the City's debt obligations (all of which are secured by an ad valorem tax levied for debt service purposes) as of the beginning of the City's 2018-2019 fiscal year is \$87,620.

(i) The ad valorem debt service tax rate for the City for the 2018-2019 fiscal year is \$0.202133 per \$100 of taxable assessed valuation.

11. ELECTION CODE. In all respects said election shall be conducted in accordance with the Texas Election Code. Pursuant to the federal Help America Vote Act ("*HAVA*") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City Administrator of the City is hereby authorized to enter into any necessary agreements in order to comply with this section.

12. BILINGUAL ELECTION MATERIALS. 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 and the Federal Voting Rights Act of 1965, each as amended.

13. EXECUTION OF ADDITIONAL DOCUMENTS; AMENDMENTS AND REVISIONS. The City Administrator and City Secretary of the City are authorized to enter into any other agreements and to pay the fees required in connection with conducting the election ordered herein, including to conduct the election as a joint election pursuant to Chapter 271 of the Texas Election Code. The Mayor and the City Administrator are each hereby authorized to approve technical changes to this Ordinance, upon consultation with the City Attorney and Bond Counsel to the City, in order to correct any ambiguity or mistake or as may otherwise be required to comply with state law or the requirements or recommendations of any election agreements entered into in connection with the conduct of the election.

14. EFFECTIVE DATE. Pursuant to the provisions of Section 1201.028, Texas Government Code, as amended, this Ordinance shall become effective immediately upon adoption thereof.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS AT A SPECIAL MEETING HELD ON THE 19TH DAY OF AUGUST, 2019, AT WHICH MEETING A QUORUM WAS PRESENT.

Mayor, City of Fairfield, Texas

ATTEST:

City Secretary
City of Fairfield, Texas

EXHIBIT A

ELECTION DAY PRECINCTS AND POLLING PLACES

Voters casting their vote on election day, Tuesday, November 5, 2019, between the hours of 7:00a.m. and 7:00 p.m., must vote in the precinct in which they are registered to vote as follows:

| <i>Precinct Number</i> | <i>Location of Election Day Polling Places</i> |
|-------------------------------|--|
| Fairfield #1 | Convention Center/ Green Barn 839 E. Commerce Fairfield, TX 75840 |
| Fairfield #2 | Dogan Cafeteria South Bateman Fairfield, TX 75840 |

EXHIBIT B

EARLY VOTING POLLING PLACES, DATES AND TIMES

| <i>Locations for Early Voting Polling Places</i> | <i>Days and Hours of Operation</i> |
|--|--|
| Convention Center/Green Barn 839 East Commerce Fairfield, Texas 75840 | Monday October 21, 2019 through Friday October 25, 2019– 8:00 a.m. to 5:00 p.m. Monday October 28, 2019 through Friday November 1, 2019– 8:00 a.m. to 5:00 p.m. |

Early Voting Clerk: Misty Richardson

Application for ballots by mail, and completed ballots by mail, shall be mailed to:

**ATTN: Misty Richardson, Early Voting Clerk
P.O. Box 1149
Fairfield, Texas**

**Applications for ballots by mail must be received no later than the close of business on
October 25, 2019.**