

NOTICE OF BOND ELECTION

STATE OF TEXAS §
COUNTY OF HIDALGO §
EDCOUCH-ELSA INDEPENDENT §
SCHOOL DISTRICT §

TO ALL DULY QUALIFIED, RESIDENT ELECTORS OF THE EDCOUCH-ELSA INDEPENDENT SCHOOL DISTRICT:

WHEREAS, the Board of Trustees (the “Board”) of the Edcouch-Elsa Independent School District (the “District”) has the power to issue bonds; and

WHEREAS, the Board has previously approved a certain Order Calling Bond Election (the “Bond Election Order”) calling an election to be held within the District on November 7, 2023; and

WHEREAS, the District will enter into one or more election agreements (the “Election Agreements”) with Hidalgo County, Texas (the “County”), by and through the Elections Administrator (the “Elections Administrator”) and possibly other political subdivisions (the “Participants”), in accordance with the laws of the State of Texas (the “State”) and applicable federal law.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF EDCOUCH-ELSA INDEPENDENT SCHOOL DISTRICT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. An election (the “Election”) shall be held on Saturday, November 7, 2023 (“Election Day”), which is seventy-eight (78) or more days from the date of the adoption of the Bond 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 Election Day precincts established, if any, for the purpose of holding the Election and the polling places designated for the Election precincts shall be as shown in **Exhibit A** to the Bond 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 the Bond 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”):

EDCOUCH-ELSA INDEPENDENT SCHOOL DISTRICT PROPOSITION A

SHALL THE BOARD OF TRUSTEES (THE “BOARD”) OF THE EDCOUCH-ELSA INDEPENDENT SCHOOL DISTRICT (THE “DISTRICT”) BE AUTHORIZED TO ISSUE BONDS OF THE DISTRICT, IN ONE OR MORE SERIES OR INSTALLMENTS, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$40,000,000 FOR THE CONSTRUCTION, ACQUISITION AND EQUIPMENT OF SCHOOL BUILDINGS IN THE DISTRICT, THE PURCHASE OF THE NECESSARY SITES FOR SCHOOL BUILDINGS, AND THE PURCHASE OF NEW SCHOOL BUSES 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, IMPOSE 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
EDCOUCH-ELSA INDEPENDENT SCHOOL DISTRICT PROPOSITION A

- FOR
 - AGAINST
-) THE ISSUANCE OF \$40,000,000 IN BONDS FOR THE
) CONSTRUCTION, ACQUISITION AND EQUIPMENT
) OF SCHOOL BUILDINGS IN THE DISTRICT, THE
) PURCHASE OF THE NECESSARY SITES FOR
) SCHOOL BUILDINGS, THE PURCHASE OF NEW
) SCHOOL BUSES, AND LEVYING AND IMPOSITION
) OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF
) AND INTEREST ON THE BONDS AND THE COSTS OF
) ANY CREDIT AGREEMENTS. REQUIRED
) STATEMENT FOR ALL SCHOOL DISTRICT BOND
) PROPOSITIONS PURSUANT TO SECTION 45.003,
) TEXAS EDUCATION CODE: THIS IS A PROPERTY
) TAX INCREASE.

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 and if 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. As and if permitted by the Election Code, paper ballots may be used for early voting by mail.

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

Section 6. Early Voting. The Board hereby appoints the Elections 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 23, 2023 and ends on Friday, November 3, 2023.

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” a Proposition. The mailing address to which ballot applications and ballots voted by mail may be sent is as follows: Yvonne Ramon, Elections Administrator, P.O. Box 659, Edinburg, Texas 78540-0659. The Elections Administrator’s email address and Internet website are elections@co.hidalgo.tx.us and www.co.hidalgo.tx.us/elections, respectively.

The Elections 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 Agreements, 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. The terms and provisions of each Election Agreement are hereby incorporated into the Bond Election Order. To the extent of any conflict between the Bond 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 the Bond 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 the Bond Election Order. The Elections 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 a Proposition, then the issuance and sale of the bonds described in such 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 Elections Administrator.

Section 11. Notice of Election. Notice of the Election, stating in substance the contents of the Bond 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 the Bond 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,

(ii) not later than the twenty-first (21st) day before Election Day, in three (3) public places within the boundaries of the District, and (iii) if required by Section 4.003, Election Code, not later than the twenty-first (21st) day before Election Day, on the bulletin board used for posting notices of meetings of the Board. In addition, the Bond Election Order (together with the notice of Election, the contents of the Proposition, and any sample ballot prepared for the Election) shall be posted on the District's website, in both English and Spanish, during the twenty-one (21) days before the Election. A voter information document for the Proposition shall also be posted in the same manner described in the two immediately preceding sentences, except that such document need not be posted on the bulletin board used for posting notices of meetings of the Board.

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 the Bond 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 the Bond 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, Election Code: (i) the proposition language that will appear on the ballot is set forth in Section 4 of the Bond Election Order, (ii) the purposes for which the bonds are to be authorized are set forth in Section 3 of the Bond Election Order, (iii) the principal amount of bonds to be authorized is set forth in Section 3 of the Bond Election Order, (iv) if the issuance of bonds is authorized by voters, taxes 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 may be imposed, as set forth in Section 3 of the Bond Election Order, (v) bonds authorized pursuant to the Bond Election Order may be issued to mature over a number of years not to exceed the maximum number of years authorized by law and bearing interest at the rate or rates (not to exceed the maximum rate now or hereafter authorized by law), as authorized by law and determined by the Board, (vi) as of the date of the adoption of the Bond Election Order, the aggregate amount of outstanding principal of the District's debt obligations is \$21,740,000.00 and the aggregate amount of outstanding interest on the District's debt obligations is \$5,482,047.10 and (vii) the District's ad valorem debt service tax rate as of the date of adoption of the Bond Election Order is \$0.2255 per \$100 valuation of taxable property.

(b) Based upon market conditions as of the date of the Bond Election Order, if the bonds are authorized, the estimated total tax rate of the District is expected to be approximately \$1.3770 per \$100 of taxable assessed valuation, which represents the sum of (i) the most recently adopted tax rate for operations and maintenance, which is \$0.9920 per \$100 of taxable assessed valuation, plus (ii) the estimated tax rate for voted debt obligations of the District, including the bonds, which is expected to be approximately \$0.3850 per \$100 of taxable assessed valuation. 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, Election Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to and does not give rise to a contract with voters or limit the authority of the Board to issue bonds in accordance with the Proposition submitted by the Bond 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 ensure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed. Without limiting the generality of the immediately preceding sentence, the Superintendent and his designees are hereby authorized to complete and update, as necessary, **Exhibit A** and **Exhibit B** hereto with polling location and other information upon the availability of such information.

EXHIBIT A

ELECTION DAY POLLING LOCATIONS

Hours: 7:00 a.m. – 7:00 p.m.

- 1. Each Voting and Polling location in Hidalgo County, Texas at which County-Wide Voting is administered by the Hidalgo County Elections Department.**

EXHIBIT B

EARLY VOTING POLLING DATES, TIMES, AND LOCATIONS

Dates:	Hours:
Monday, October 23, 2023	7:00 a.m. – 7:00 p.m.
Tuesday, October 24, 2023	7:00 a.m. – 7:00 p.m.
Wednesday, October 25, 2023	7:00 a.m. – 7:00 p.m.
Thursday, October 26, 2023	7:00 a.m. – 7:00 p.m.
Friday, October 27, 2023	7:00 a.m. – 7:00 p.m.
Saturday, October 28, 2023	7:00 a.m. – 7:00 p.m.
Sunday, October 29, 2023	10:00 a.m. – 4:00 p.m.
Monday, October 30, 2023	7:00 a.m. – 7:00 p.m.
Tuesday, October 31, 2023	7:00 a.m. – 7:00 p.m.
Wednesday, November 1, 2023	7:00 a.m. – 7:00 p.m.
Thursday, November 2, 2023	7:00 a.m. – 7:00 p.m.
Friday, November 3, 2023	7:00 a.m. – 7:00 p.m.

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