

**AN ORDER CALLING A BOND ELECTION TO BE HELD BY THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT, MAKING PROVISION FOR THE CONDUCT OF THE JOINT ELECTION, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

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WHEREAS, the Board of Trustees (the *Board*) of the NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT (the *District*), located in Comal County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the District shall be authorized to issue bonds of the District in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the District will contract with the Elections Administrator of the County to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with the County, as well as with other political subdivisions for which the County is also conducting their elections (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of a joint election agreement between the District, 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 Board hereby finds and determines that it is in the best interests of the District to enter into an election agreement with the County and the Participants to conduct certain aspects of the Election in accordance with the laws of the State of Texas (the *State*) and applicable federal laws; and

WHEREAS, the Board hereby finds and determines that the necessity to construct various capital improvements within the District 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 Board hereby finds and determines that the actions hereinbefore described are in the best interests of the qualified voters of the District; now, therefore,

BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: The Election shall be held in the NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT on the 2<sup>nd</sup> day of November, 2010 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and seventy (70) or more days from the date of the adoption of this order (the *Order*), for the purpose of submitting the following proposition to the qualified voters of the District:

PROPOSITION

“Shall the Board of Trustees of the New Braunfels Independent School District be authorized to issue and sell bonds of the District in the principal amount of \$45,255,000 for the purpose of constructing, renovating, designing, acquiring, and equipping school facilities, with priority given to the construction and equipment of a new middle school and to the expansion, renovation, improvement, and equipment of the District’s existing transportation facility, such bonds to mature serially or otherwise in accordance with law;

any issue or series of such bonds to bear interest per annum at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of the Board of Trustees, provided that such rate or rates 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 such bonds; and shall the Board of Trustees of the District 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 cost of any credit agreements executed in connection with the bonds?"

SECTION 2: The school election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election in the school election precincts are identified in Exhibit A to this Order (which is incorporated herein by reference for all purposes). At least 63 days prior to the scheduled Election Day, the President, Board of Trustees, the Superintendent of Schools, or their designees, in coordination with the County Elections Administrator, will identify and formally approve the appointment of the Presiding Judge, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Order based upon the final locations and times agreed upon by the District, to the extent permitted by applicable law.

The Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must 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 Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

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

The main early voting location is designated in Exhibit B to this Order (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 each day, with the exception of official State holidays, 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. A permanent branch office for early voting by personal appearance shall be maintained at the location and times designated on Exhibit B during the early voting period noted above.

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 District to serve as members of the Early Voting Ballot Board.

SECTION 3: 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). Pursuant to Section 61.012,

as amended, Texas 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.

SECTION 4: The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION

"THE ISSUANCE OF \$45,255,000 OF SCHOOL BUILDING BONDS FOR THE PURPOSE OF CONSTRUCTING, RENOVATING, DESIGNING, ACQUIRING, AND EQUIPPING SCHOOL FACILITIES, WITH PRIORITY GIVEN TO THE CONSTRUCTION AND EQUIPMENT OF A NEW MIDDLE SCHOOL AND TO THE EXPANSION, RENOVATION, IMPROVEMENT, AND EQUIPMENT OF THE DISTRICT'S EXISTING TRANSPORTATION FACILITY, AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

SECTION 5: All resident, qualified voters of the District 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 provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Education Code, as amended, and as may be required by law. To the extent required by law, all election materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 6: A substantial copy of this Order shall serve as proper notice of the Election. This notice, including a Spanish translation thereof, shall be published at least one time in a newspaper of general circulation in the District, with such publication occurring not more than thirty (30) days and not less than ten (10) days before Election Day. Additionally, this notice shall be posted on the bulletin board used for posting notices of Board meetings not later than twenty-one (21) days prior to Election Day.

SECTION 7: The Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either of such parties, to negotiate and enter into a joint election agreement or 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 Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Order 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 Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 10: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 11: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 12: If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 13: This Order shall be in force and effect from and after its final passage, and it is so ordered.

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PASSED AND APPROVED, this the 15<sup>th</sup> day of March, 2010.

NEW BRAUNFELS INDEPENDENT SCHOOL  
DISTRICT

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President, Board of Trustees

ATTEST:

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Secretary, Board of Trustees

(DISTRICT SEAL)

**EXHIBIT A**

**ELECTION PRECINCT AND ELECTION DAY POLLING LOCATION**

Election Day: November 2, 2010

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

| <b><u>District<br/>Precincts</u></b> | <b><u>Comal County<br/>Precincts</u></b> | <b><u>Polling Locations</u></b>   |
|--------------------------------------|--|---|
| 1                                    | 301                                      | Lone Star School Gym<br>2343 W. San Antonio Street<br>New Braunfels, Texas 78130    |
| 2                                    | 302                                      | St. Paul Lutheran Church<br>181 S. Santa Clara Avenue<br>New Braunfels, Texas 78130 |
| 3                                    | 303                                      | Eagles Hall<br>257 E. South<br>New Braunfels, Texas 78130                           |
| 4                                    | 401                                      | Eden Home<br>631 Lakeview<br>New Braunfels, Texas 78130                             |
| 5                                    | 406                                      | Faith United Church of Christ<br>970 Loop 337<br>New Braunfels, Texas 78130         |

**EXHIBIT B**

**MAIN AND PERMANENT BRANCH EARLY VOTING  
POLLING PLACES, DATES and TIMES**

**Early voting begins Monday, October 18, 2010 and ends on Friday, October 29, 2010**

Early Voting Clerk: Joy Streater  
Early Voting Clerk's address: 150 North Seguin, Suite 101  
New Braunfels, Texas 78130

Presiding Judge of the Early Voting Ballot Board:

**Location, Dates & Hours of Main and Permanent Branch Early Voting Polling Places**

Comal County Courthouse  
100 Main Plaza, Room 104  
New Braunfels, Texas 78130

New Braunfels Independent School District  
Education Center  
430 W. Mill Street  
New Braunfels, Texas 78130

| <u>Dates</u>  | <u>Times</u>          |
|---|-----------------------|
| Monday, October 18, 2010 through Friday, October 22, 2010 | 8:00 a.m. to 5:00 p.m |
| Monday, October 25, 2010 through Friday, October 29, 2010 | 8:00 a.m. to 5:00 p.m |

Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Permanent or Temporary Branch site.

**EARLY VOTING BY MAIL:**

Applications for voting by mail should be mailed to be received no earlier than Friday, September 3, 2010 and no later than the close of business (4:30 p.m.) on Tuesday, October 26, 2010.

Applications should be mailed to:

**Ms. Joy Streater  
Comal County Clerk  
150 North Seguin, Suite 101  
New Braunfels, Texas 78130-5189**