

## ORDER CALLING SCHOOL BUILDING BOND ELECTION

WHEREAS, the Board of Trustees (the “Board”) of the Barbers Hill Independent School District (the “District”) has the power to issue bonds pursuant to Chapter 45, Texas Education Code; and

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

WHEREAS, the District may enter into one or more election agreements (the “Election Agreements”) with the City of Mont Belvieu, Texas, and possibly other political subdivisions, 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 THE BARBERS HILL INDEPENDENT SCHOOL DISTRICT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. An election (the “Election”) shall be held on May 4, 2024 (“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. Polling Places; Election Officers. One or more school election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the school election precincts as identified in **Exhibit A** attached hereto. Unless inconsistent with the Election Agreements, a single precinct is designated to cover the District in the event that precincts are not specified within **Exhibit A**. 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 the Superintendent’s 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 the Superintendent’s 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(s). At the Election there shall be submitted to the resident, qualified electors of the District the following proposition (the “Proposition”):

**BARBERS HILL INDEPENDENT SCHOOL DISTRICT - PROPOSITION A**

SHALL THE BOARD OF TRUSTEES (THE “BOARD”) OF THE BARBERS HILL INDEPENDENT SCHOOL DISTRICT (THE “DISTRICT”) BE AUTHORIZED TO ISSUE BONDS OF THE DISTRICT, IN ONE OR MORE SERIES OR INSTALLMENTS, IN THE AMOUNT OF \$378,300,000 FOR THE CONSTRUCTION, ACQUISITION, REHABILITATION, RENOVATION, EXPANSION AND EQUIPMENT OF SCHOOL BUILDINGS, THE PURCHASE OF LAND 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 allow voters to vote “FOR” or “AGAINST” the following ballot measure:

**BARBERS HILL INDEPENDENT SCHOOL DISTRICT - PROPOSITION A**

THE ISSUANCE OF \$378,300,000 OF BONDS FOR THE CONSTRUCTION, ACQUISITION, REHABILITATION, RENOVATION, EXPANSION AND EQUIPMENT OF SCHOOL BUILDINGS, THE PURCHASE OF LAND FOR SCHOOL BUILDINGS, AND THE PURCHASE OF NEW SCHOOL BUSES, AND THE LEVY AND IMPOSITION OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS. 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 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 will be conducted in accordance with the Election Code.

**Section 6. Early Voting.** The Board hereby appoints the individual described in this Section below (the “Administrator”) as the regular early voting clerk. 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**. 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. The contact information for the Administrator (including the mailing address to which ballot applications and ballots voted by mail may be sent) is as follows:

**Name:** Lesa Hall

**Official Mailing Address:** Early Voting Clerk, Barbers Hill ISD, P.O. Box 1108, Mont Belvieu, TX 77580

**Physical Address:** 9600 Eagle Drive, Mont Belvieu, TX 77523

**E-mail Address:** [lesa.hall@bhisd.net](mailto:lesa.hall@bhisd.net)

**Phone Number:** 281-576-2221

**Fax Number:** 281-576-5879

**Website Address:** <https://www.bhisd.net/>

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 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 this Election Order and are hereby approved. 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 English and Spanish (as well Chinese and/or Vietnamese if required by applicable law) and persons capable of acting as translators in English and Spanish (as well Chinese and/or Vietnamese if required by applicable law) shall be made available to assist 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. Proceeds of bonds issued and sold pursuant to the Proposition shall be used in accordance with any limitations imposed by Section 45.003(g), Education Code and any unspent proceeds shall be used in accordance with Section 45.1105, Education Code.

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; Voter Information Document. Notice of the Election shall be given in the manner required by the Election Code and other applicable law. To the extent required by law, the notice of the Election shall include the District's internet website address, which is <https://www.bhisd.net/>.

A voter information document for the Proposition in the form attached hereto as **Exhibit C** is hereby approved, together with such revisions as may be approved by the Superintendent or the Superintendent's designees, and shall be posted and provided in accordance with law.

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 Texas Open Meetings Act, 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 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 a specified number of years not to exceed the lesser of forty (40) years or the maximum number of years authorized by law 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 date of the adoption of this Election Order, the aggregate amount of outstanding principal of the District's debt obligations is \$430,090,000 and the aggregate amount of outstanding interest on the District's debt obligations is \$168,390,864, and (vii) the District's ad valorem debt service tax rate as of the date of adoption of this Election Order is \$0.26980 per \$100 valuation of taxable property.

(b) Based upon market conditions as of the date of this Election Order, the maximum net effective interest rate for any series of the bonds is estimated to be 5.00%. 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 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 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 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 the Superintendent's designees are hereby authorized to complete and update, as necessary, the exhibits hereto with the necessary information as same is made available to the District.

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 this January 22, 2024.

*/s/ Clint Pipes*

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President, Board of Trustees

ATTEST:

*/s/ Mark Wilson*

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Secretary, Board of Trustees

**EXHIBIT A**

**Election Day Polling Place Information**

**Election Day Location (Precinct 1/All Voters):**

Barbers Hill ISD Community Election Center, Entrance 32  
9650 Eagle Drive  
Mont Belvieu, TX 77580

**Hours/Date:**

Saturday, May 4, 2024: 7:00am to 7:00pm

**EXHIBIT B**

**Early Voting Polling Place Information**

**Main/Sole Early Voting Location:**

Barbers Hill ISD Community Election Center, Entrance 32  
9650 Eagle Drive  
Mont Belvieu, TX 77580

**Dates and Hours:**

Monday, April 22, 2024: 7:30 am to 4:30 pm  
Tuesday, April 23, 2024: 7:00am to 7:00pm\*  
Wednesday, April 24, 2024: 7:30 am to 4:30 pm  
Thursday, April 25, 2024: 7:30 am to 4:30 pm  
Friday, April 26, 2024: 7:30 am to 4:30 pm  
Monday, April 29, 2024: 7:30 am to 4:30 pm  
Tuesday, April 30, 2024: 7:00am to 7:00pm\*

*\*Extended Hours*



**EXHIBIT C**

**VOTER INFORMATION DOCUMENT**

**BARBERS HILL INDEPENDENT SCHOOL DISTRICT - PROPOSITION A**

- [ ] FOR THE ISSUANCE OF \$378,300,000 OF BONDS FOR THE CONSTRUCTION, ACQUISITION, REHABILITATION, RENOVATION, EXPANSION AND EQUIPMENT OF SCHOOL BUILDINGS, THE PURCHASE OF LAND FOR SCHOOL BUILDINGS, AND THE PURCHASE OF NEW SCHOOL BUSES, AND THE LEVY AND IMPOSITION OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS. THIS IS A PROPERTY TAX INCREASE.
- [ ] AGAINST

1. Principal of the debt obligations to be authorized	<b>\$378,300,000</b>
2. Estimated interest for the debt obligations to be authorized	<b>\$280,189,000</b>
3. Estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized	<b>\$658,489,000</b>
4. Principal of all outstanding debt obligations of the District*	<b>\$430,090,000</b>
5. Estimated remaining interest on all outstanding debt obligations of the District*	<b>\$168,390,864</b>
6. Estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the District*	<b>\$598,480,864</b>
7. Estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the District with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the District	<b>\$0</b>
8. Other information that the District considers relevant or necessary to explain the foregoing information	<b>See major assumptions listed below.</b>

\* As of the date of adoption of the District's Bond Election Order.

**Major assumptions for statements above, including statement 7:**

(1) Assumed amortization of the District’s debt obligations, including outstanding debt obligations and the proposed debt obligations:

<b>Term</b>	<b>Proposed Principal</b>	<b>Proposed Interest (Estimated)</b>	<b>Total Proposed Debt Service</b>	<b>Total Proposed Debt Service + Existing Debt Service</b>
30 Years	\$378,300,000	\$280,189,000	\$658,489,000	\$1,256,969,864

(2) Assumed changes in estimated future appraised values within the District: Assumes taxable value growth of 10% per year through tax year 2029 plus the projected taxable values associated with the District’s 313 agreements.

(3) Assumed interest rate on the proposed debt obligations: 4.00%.

The estimates contained in this Voter Information Document are (i) based on certain assumptions (including the major assumptions listed above and 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 1251.052, Texas Government Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to (and expressly do not) give rise to a contract with voters or limit the authority of the District to issue bonds in accordance with the Proposition contained in this Voter Information Document.