

RESOLUTION NO. 2020-06

A RESOLUTION CALLING A SPECIAL ELECTION FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, TO BE HELD IN THE CITY OF NORTH RICHLAND HILLS, TEXAS ON MAY 2, 2020; MAKING PROVISION FOR THE CONDUCT OF A BOND ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

WHEREAS, the City Council (the “*City Council*”) of the CITY OF NORTH RICHLAND HILLS, TEXAS (the “*City*”), located in Tarrant County, Texas (the “*County*”), hereby finds and determines that an election (the “*Election*”) should be held to determine whether the City Council shall be authorized to issue general obligation bonds of the City in the amount and for the purposes hereinafter identified;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF NORTH RICHLAND HILLS, TEXAS on May 2, 2020 (“*Election Day*”), which is a uniform election date under the Texas Election Code, and is not less than 78 days nor more than 90 days from the date of the adoption of this resolution (the “*Resolution*”), for the purpose of submitting the following proposition to the qualified voters of the City:

PROPOSITION A

“Shall the City Council of the City of North Richland Hills, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$49,875,000 for the purpose of designing, acquiring, constructing, renovating, improving, upgrading, updating, and equipping City streets, roads, and intersections, and related curb, gutter, sidewalk, trail, drainage and utility infrastructure improvements, demolition, repair, and rebuilding of existing streets, completing necessary or incidental utility relocation and drainage in connection with the foregoing and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of such 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 such 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 the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”

SECTION 2. The City Council authorizes the Mayor, the City Manager, the City Secretary, or their respective designees, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements (collectively, the “*Contract*”) with the County, acting by and through the County Elections Administrator (the “*Administrator*”). The Mayor, or his designee, is hereby authorized to execute the Contract and any other necessary contract(s) and agreements, joint or otherwise, with the Administrator, or any other public entity, for the purpose of having the County furnish all or any portion of the election services and equipment needed by the City to conduct the Election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws.

A. The City shall be divided into election precincts for this Election and the polling places designated for each election precinct are shown in **Exhibit A**, which is attached hereto and incorporated herein by reference as a part of this Resolution for all purposes. The election officers and maximum number of clerks for such polling places shall be determined and appointed in accordance with the provisions of the Contract.

B. On Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

C. The main location, dates and times for early voting for this Election shall be as shown in **Exhibit B**, which is attached hereto and incorporated herein by reference as a part hereof for all purposes. In addition, temporary branch polling places may be authorized and used for early voting as established by the Administrator. **Exhibit B** may be modified to include any changes to early voting designated by the Administrator and to conform to the Contract and the City Secretary is authorized to make any conforming corrections or revisions to Exhibit B. Additional early voting locations may be designated by the Administrator. Heider Garcia, Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy clerks for early voting in accordance with the Contract. For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this Election shall be appointed and designated in accordance with the provisions of the Contract.

The Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas 76111, and the Manager, Tabulation Supervisor, [Programmer,] Presiding Judge and Alternate Presiding Judge at the Central Counting Station shall be appointed and designated in accordance with the provisions of the Contract.

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Election Code

SECTION 3. A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for Election Day voting.

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

PROPOSITION A

“THE ISSUANCE OF \$49,875,000 OF CITY OF NORTH RICHLAND HILLS, TEXAS GENERAL OBLIGATION BONDS FOR STREETS, ROADS, SIDEWALKS, TRAILS AND RELATED UTILITY AND DRAINAGE IMPROVEMENTS, THE ACQUISITION OF REAL PROPERTY NECESSARY OR INCIDENTAL FOR SUCH PURPOSES AND THE LEVYING OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED”

SECTION 6. All resident qualified voters of the City 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, Chapters 1251 and 1331 of the Texas Government Code, and as may be required by other applicable law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in English, Spanish, and Vietnamese.

SECTION 7. Notice of election, including a Spanish and Vietnamese translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. A substantial copy of this Resolution, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day; (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the City’s internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the City’s internet website not less than 21 days prior to Election Day.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the City, as of the date of this Resolution, had outstanding an aggregate principal amount of debt equal to \$130,180,00; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$31,112,114.81; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.237062 per \$100 of taxable assessed valuation. The City estimates an ad valorem debt service tax rate of \$0.237062 per \$100 of taxable assessed valuation if the bonds that are subject of the Election are approved and are issued (taking into account the outstanding City bonds, the assumed issuance of previously authorized but unissued voted bonds and the bonds that are the subject of this Election, but no other future bond authorizations of the City). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (not more than 40 years from their date), in accordance with applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 20-year period from their respective date of issue. The foregoing estimated tax rate and amortization period are only estimates, provided for Texas statutory compliance, and do not serve as a cap on any City ad valorem tax rate or the amortization period for bonds that are the subject of this Election.

SECTION 9. The City Council authorizes the Mayor, the City Manager, the City Attorney, the City Secretary, or their respective designees to make such corrections, modifications or changes to this Resolution or the Exhibits hereto that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the City Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the County pursuant to the Contract, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such Contract shall be binding upon the City and are hereby determined by the City Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same, unless such delegation of duties or obligations is otherwise prohibited by law. By incorporating all essential terms necessary for a joint election agreement, this Resolution is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the City Council. To the extent needed or desirable, the Administrator is hereby appointed joint custodian of voted ballots for the purposes of Section 31.096, as amended, Texas Election Code.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 13. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Resolution would have been enacted without such invalid provision.

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PASSED AND APPROVED on the 10th day of February, 2020.

CITY OF NORTH RICHLAND HILLS,
TEXAS

Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

(CITY SEAL)

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

[Signature Page to City of North Richland Hills, Texas Resolution Calling a Bond Election]

Exhibit A

ELECTION DAY PRECINCTS AND POLLING PLACES*

Precinct	Location	Address
3041, 3177, 3214, 3324, 3333, 3364, 3575, 3664, and 3665	North Richland Hills Public Library Community Room	9015 Grand Avenue North Richland Hills, Texas 76180
3140, 3215, 3289, 3326, 4620, and 4629	Dan Echols Center	6801 Glenview Drive North Richland Hills, Texas 76180
3049, 3063, 3177, 3209, 3367, 3387, 3447, 3507, 3527, and 3584	Former Bursey Road Senior Center	7301 Bursey Road North Richland Hills, Texas 76180

[* Tarrant County participates in the Countywide Polling Place program under Section 43.007 of the Texas Election Code. Registered voters will be able to cast their Election Day ballots at any of the Vote Centers identified above or on the County's website:
www.tarrantcounty.com/en/elections]

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Exhibit B

**EARLY VOTING FOR MAY 2, 2020 CITY OF NORTH RICHLAND HILLS
BOND ELECTION**

Early voting begins Monday, April 20, 2020 and ends on Tuesday, April 28, 2020.

Main Early Voting Polling Place, Dates, and Times

Tarrant County Elections Center
2700 Premier Street
Fort Worth, Texas 76111

North Richland Hills Early Voting Polling Places, Dates and Times

NRH Public Library (Community Room)
9015 Grand Avenue
North Richland Hills, TX 76180

Dan Echols Center
6801 Glenview Drive
North Richland Hills, TX 76180

Dates**

April 20 – April 24
April 25
April 26
April 27 – April 28

Times**

8:00 a.m. to 5:00 p.m.
7:00 a.m. to 7:00 p.m.
11:00 a.m. to 4:00 p.m.
7:00 a.m. to 7:00 p.m.

Early Voting by Mail

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Monday, April 20, 2020. Applications shall be sent to:

Heider Garcia
2700 Premier Street
Fort Worth, Texas 76111
fax: 817-850-2344
email: votebymail@tarrantcounty.com

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four business days after receiving the emailed or faxed copy.

** The listed dates and times are subject to change at the discretion of the Administrator.