

**ORDINANCE NO. 2132**

**ORDINANCE CALLING A BOND ELECTION FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING, RENOVATING AND EQUIPPING PARK AND RECREATIONAL FACILITIES IN THE CITY INCLUDING BUT NOT LIMITED TO THE CITY'S SPORTS COMPLEX, MUNICIPAL PARK AND DANIEL P. MOORE COMMUNITY CENTER**

STATE OF TEXAS §  
COUNTIES OF SAN PATRICIO AND NUECES §  
CITY OF PORTLAND §

*WHEREAS*, pursuant to Section 1251.001, Texas Government Code, a municipality may not issue bonds that are to be paid from ad valorem taxes unless the issuance is first approved by the qualified voters of the municipality; and

*WHEREAS*, the City Council of the **CITY OF PORTLAND, TEXAS** (the "*City*") deems it advisable to call the bond election hereinafter ordered for the purpose of authorizing the issuance of general obligation bonds to finance park and recreational improvements in the City; and

*WHEREAS*, pursuant to Sections 42.002(a)(5) and 42.0621 of the Texas Election Code, the county election precincts for the territory of the City within San Patricio County are required to be used for the bond election being called by this Ordinance unless the provisions of Section 42.002(c) of the Texas Election Code are applicable with respect to permanent or temporary branch polling places at elections held on a May uniform election date; and

*WHEREAS*, as of the date of passage of this Ordinance, the City Council expects that the provisions in such Section 42.005(c) will be applicable to the election being called by this Ordinance so that it will not be necessary to use the regular county election precincts for the election; and

*WHEREAS*, the City Council desires for the election authorized by this Ordinance to be conducted by the Election Administrator of San Patricio County (the "*Election Administrator*"); and

*WHEREAS*, the bond election being called pursuant to this ordinance is a special election and, pursuant to Section 2.051, Texas Election Code, is considered a separate election with a separate ballot from the general election for officers of the City to be held, if required, at the same time as the bond election; 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 PORTLAND, TEXAS THAT:***

1. **TIME OF ELECTION.** A bond election in the City shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 7, 2016.

2. **PRECINCT AND POLLING PLACE.** The City shall hold the election on Saturday, May 7, 2016, at the precinct and polling place listed below. For the purpose of holding the election, the entire City shall constitute a single election precinct. The polling place for such precinct shall be:

Daniel P. Moore Community Center Complex  
(Portland Community Center)  
2000 Billy G. Webb  
Portland, Texas

3. **PRESIDING JUDGES AND ELECTION CLERKS.** The Presiding Judge, Alternate Presiding Judge and election clerks for the election precinct and polling place shall be appointed by the Election Administrator.

4. **EARLY VOTING.** Electors may cast their early votes by mail or by personal appearance at the times and places determined by the Election Administrator. When so determined, the times and places for early voting by personal appearance shall be attached hereto as *Exhibit A*. The Early Voting Clerk shall be appointed by the Election Administrator.

5. **EARLY VOTING BALLOT BOARD.** An early voting ballot board shall be created by the Election Administrator to process early voting results.

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 bonds shall be authorized, shall be submitted in accordance with law:

**PROPOSITION**

Shall the City Council of City of Portland, Texas be authorized to issue the bonds of the City, in one or more series, in the aggregate principal amount of \$25,200,000 for the purpose of acquiring, constructing, improving, renovating and equipping park and recreational facilities in the City including but not limited to improvements to the City's Sports Complex, Municipal Park and Community Center, with the bonds of each such series, respectively, to mature serially within not to exceed 25 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, sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

9. **FORM OF BALLOT.** The official ballots 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 ballots for the election to contain such provisions, markings and language as required by law, and with such bond PROPOSITION to be expressed substantially as follows:

**PROPOSITION**

FOR

THE ISSUANCE OF \$25,200,000 OF BONDS BY CITY OF PORTLAND, TEXAS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING, RENOVATING AND EQUIPPING PARK AND RECREATIONAL FACILITIES IN THE CITY INCLUDING BUT NOT LIMITED TO IMPROVEMENTS TO THE CITY'S SPORTS COMPLEX, MUNICIPAL PARK AND COMMUNITY CENTER, AND LEVYING THE TAX IN PAYMENT THEREOF

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 bonds 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 bonds 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 bonds.

(e) Based upon the bond market conditions at the date of adoption of this Ordinance, the maximum interest rate for any series of the bonds is estimated to be 5.25% as calculated in accordance with applicable law. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. 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.

(f) As set forth in Section 8 hereof, if the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed 25 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 2015-16 fiscal year is \$14,200,000.

(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 2015-16 fiscal year is \$3,575,367.

(i) The ad valorem debt service tax rate for the City for the 2015-16 fiscal year is \$0.1576 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 Manager of the City is hereby authorized to enter into any necessary agreements with San Patricio County in order to comply with this section.

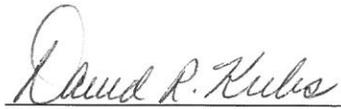
**12. BILINGUAL ELECTION MATERIALS.** All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.

**13. AGREEMENT WITH SAN PATRICIO COUNTY AND JOINT ELECTION PARTICIPANTS.** The City Manager of the City is authorized to enter into any other agreements required by San Patricio County or the Election Administrator in connection with conducting the election ordered herein, and the City is authorized to pay the fees charged by San Patricio County for services rendered in connection with the election. The City Manager is further authorized to enter into an agreement with other political subdivisions in the event it is determined that the election called by this Ordinance shall be conducted as a joint election pursuant to Chapter 271 of the Texas Election Code.

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.

*[The remainder of this page intentionally left blank]*

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS AT A REGULAR MEETING HELD ON THE 16<sup>TH</sup> DAY OF FEBRUARY, 2016, AT WHICH MEETING A QUORUM WAS PRESENT.**

  
\_\_\_\_\_  
Mayor, City of Portland, Texas

ATTEST:

  
\_\_\_\_\_  
City Secretary  
City of Portland, Texas



Signature Page to Ordinance No. 2132 Entitled  
Ordinance Calling a Bond Election for the Purpose of Acquiring, Constructing, Improving, Renovating and  
Equipping Park and Recreational Facilities in the City Including But Not Limited to the City's Sports Complex,  
Municipal Park and Daniel P. Moore Community Center

**EXHIBIT A**

**EARLY VOTING POLLING PLACES AND TIMES**

[To be completed when determined by the Election Administrator]