

RESOLUTION NO. 02-11-20-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO CALLING A BOND ELECTION TO BE HELD IN THE CITY OF AMARILLO, TEXAS; MAKING PROVISION FOR THE CONDUCT OF AN ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

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

WHEREAS, the City will enter into an election services contract with the County, by and through its Elections Administrator (the *Administrator*) in accordance with the provisions of Subchapter D of Chapter 31, as amended, Texas Election Code, or other applicable law, pursuant to which the County will assist with certain aspects of the Election on the City’s behalf (being, particularly, the rental by the City of electronic voting machines and provision of certain polling locations);

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City 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 Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF AMARILLO, TEXAS on the 2nd day of May, 2020 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, 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:

CITY OF AMARILLO, TEXAS PROPOSITION A

“SHALL the City Council of the City of Amarillo, Texas be authorized to issue general obligation bonds of the City in the principal amount of \$275,000,000 for permanent public improvements and public purposes, to-wit: acquiring, constructing, improving, expanding, and equipping the City’s convention center facilities, to-wit: the City’s civic center complex and any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed THIRTY (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

SECTION 2. One or more City 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 City election precincts as identified in Exhibit A to this Resolution (which is incorporated herein by reference for all purposes). At least 79 days prior to Election Day, or as soon thereafter as is reasonably practicable, the City, acting through the Mayor, the City Manager, or the designee thereof, in coordination with the Administrator, or the designee thereof, as necessary or desirable, will appoint the Presiding Judges, 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 Resolution based upon the final locations and times agreed upon by the Administrator and the City to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two 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.

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

The County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any City voter can vote in the Election at any polling place identified in Exhibit A.

C. The main early voting location is designated in Exhibit B to this Resolution (which is hereby 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 main early voting location shall remain open to permit early voting on the days and at the times 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.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

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 resident qualified voters of the City 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 City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4: The City is authorized to utilize a Central Counting Station (the *Station*) as provided by Section 127.001, *et seq.*, as amended, Texas Election Code. The Administrator, or the designee thereof, is hereby appointed as the Manager of the Station, who will establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Council hereby authorizes the Administrator, or the designee thereof, to appoint the Presiding Judge of the Station, the Tabulation Supervisor, and the Programmer for the Station and may appoint Station clerks as needed or desirable. The Administrator will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

SECTION 5. 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 proposition which shall appear on the ballot substantially as follows:

CITY OF AMARILLO, TEXAS PROPOSITION A

“THE ISSUANCE OF \$275,000,000 GENERAL OBLIGATION BONDS FOR CONVENTION CENTER FACILITIES EXPANSION AND IMPROVEMENT AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.”

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, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish 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. Moreover, a substantial copy of this Resolution and the voter information attached as Exhibit C, 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 \$142,615,696; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$35,779,147.44; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.04403 per \$100 of taxable assessed valuation. The City estimates an ad valorem debt service tax rate of \$0.18330 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 and bonds that are the subject of this Election, but not future bond authorizations of the City). The bonds that are the subject of this Election shall mature serially or otherwise overall a specified number of years (not more than 40 years from their date), as preserved by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 30-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 Council authorizes the Mayor, the City Manager, or their respective designee, to negotiate and enter into one or more election agreements and/or similar contracts or agreements with the County, acting by and through the Administrator, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or their respective designee of either of such parties to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the 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 an election agreement, then the County’s carrying out those duties and obligations on the City’s behalf pursuant to the terms of such election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City’s compliance with the provisions of applicable Texas law concerning the Election relative to the same. 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. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 11. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordained herein.

SECTION 12. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. 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.

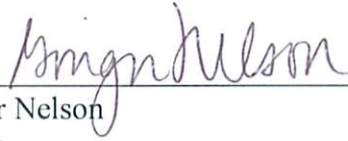
SECTION 14. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 15. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Resolution shall be effective immediately upon adoption.

* * * *

PASSED AND APPROVED on the 11th day of February, 2020.

CITY OF AMARILLO, TEXAS



Ginger Nelson
Mayor

ATTEST:



Frances Hibbs
City Secretary



[Signature Page to City of Amarillo, Texas Resolution Calling a Bond Election]

Exhibit A

ELECTION DAY POLLING PLACES

Election Day: Saturday, May 2, 2020

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

Presiding Judge(s) and Alternate(s): to be determined by the Administrator

Polling Locations

Potter County

Trinity Baptist Church, 1601 I-40 West, (East Entrance), Amarillo, Texas 79109

Grace Community Church, 4111 Plains Blvd., (Northeast Entrance, Tree House Room)
Amarillo, Texas 79106

Hillside Christian Church, NW, 600 Tascosa Road, (Main Entrance) Amarillo, Texas 79124

Kids, Inc., 2201 SE 27th Avenue, (Main Entrance, Mary E. Bivins Room), Amarillo, Texas
79103

Lighthouse Baptist Church, 5631 Pavillard, (Main Entrance), Amarillo, Texas 79108

Pride Home Center, Inc., 3503 NE 24th Avenue, (Main Entrance, Center Back of Store),
Amarillo, Texas 79107

Randall County

Comanche Trail Church of Christ, 2700 SE 34th Avenue, (Main Entrance, Gymnasium)
Amarillo, Texas 79103

Redeemer Christian Church, 3701 S. Soncy Road, (South Entrance, Gymnasium), Amarillo,
Texas 79119

Region 16 Education Service Center, 5800 Bell Street, (West Entrance, Red River Room),
Amarillo, Texas 79109

Southwest Church of Christ, 4515 Cornell St., Amarillo, Texas 79109 (Northeast Foyer)

Central Baptist Church, 1601 SW 58th Avenue, (Main Entrance, Fellowship Hall) Amarillo,
Texas 79110

Oasis Southwest Baptist, 8201 Canyon Drive, (Northwest Entrance, Gymnasium), Amarillo,
Texas 79110

Potter County participates in the Countywide Polling Place program under Section 43.007,
as amended, Texas Election Code. Registered voters will be able to cast their Election Day
ballots at any of the Vote Centers identified above.

Exhibit B

EARLY VOTING

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

Early Voting Clerk: Melynn Huntley, 900 South Polk Street, Amarillo, Texas 79101.

Presiding Judge of the Early Voting Ballot Board: to be determined by the Administrator.

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site.

Main Early Voting Polling Place, Dates, and Times

Polling Place	Dates	Times
Santa Fe Building	Monday – Friday	April 20-24 8:00 a.m. – 5:00 p.m.
First Floor Ticket Office	Saturday	April 25 9:00 a.m. – 3:00 p.m.
900 South Polk Amarillo, Texas 79101	Monday – Tuesday	April 27-28 7:00 a.m. – 7:00 p.m.

Branch Early Voting Polling Places, Dates, and Times

Polling Place	Dates	Times
Potter County		
The Craig Senior Living	Monday – Friday	April 20-24 8:00 a.m. – 5:00 p.m.
5500 SW 9 th , (South Entrance)	Saturday	April 25 9:00 a.m. – 3:00 p.m.
Amarillo, Texas 79106	Monday – Tuesday	April 27-28 8:00 a.m. – 5:00 p.m.
Cornerstone Outreach	Monday – Friday	April 20-24 8:00 a.m. – 5:00 p.m.
1111 N. Buchanan, (Main Entrance,	Saturday	April 25 9:00 a.m. – 3:00 p.m.
Fellowship Room), Amarillo, Texas	Monday – Tuesday	April 27-28 8:00 a.m. – 5:00 p.m.
79107		
Randall County		
Comanche Trail Church of Christ	Monday – Friday	April 20-24 8:00 a.m. – 5:00 p.m.
2700 E 34 th , (Main Entrance,	Saturday	April 25 9:00 a.m. – 3:00 p.m.
Library), Amarillo, Texas 79103	Monday – Tuesday	April 27-28 8:00 a.m. – 5:00 p.m.
Region 16 Education Service	Monday – Friday	April 20-24 8:00 a.m. – 5:00 p.m.
Center	Saturday	April 25 9:00 a.m. – 3:00 p.m.
5800 Bell Street, (West Entrance,	Monday – Tuesday	April 27-28 8:00 a.m. – 5:00 p.m.
Red River Room), Amarillo, Texas		
79109		
Amarillo Public Library Southwest	Monday – Friday	April 20-24 8:00 a.m. – 5:00 p.m.
Branch, (Meeting Room), 6801 W	Saturday	April 25 9:00 a.m. – 3:00 p.m.
45 th Avenue, Amarillo TX 79109	Monday – Tuesday	April 27-28 8:00 a.m. – 5:00 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 should be sent to:

Melynn Huntley
P.O. Box 9618
Amarillo, Texas 79105
phone: (806) 379-2299
fax: (806) 379-2249
email: vote@mypottercounty.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 days after receiving the emailed or faxed copy.

Exhibit C
VOTER INFORMATION DOCUMENT

Amarillo City, Texas Proposition A:

<input type="checkbox"/> FOR (a favor)	“THE ISSUANCE OF \$275,000,000 GENERAL OBLIGATION BONDS FOR CONVENTION CENTER FACILITIES EXPANSION AND IMPROVEMENT AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.”
<input type="checkbox"/> AGAINST (en contra)	

principal of debt obligations to be authorized	\$275,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 3.65%	\$185,097,236
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 30 years	\$460,097,236
as of the date the election was ordered, principal of all outstanding debt obligations	\$142,615,696
as of the date the election was ordered, the estimated interest on all outstanding debt obligations	\$35,779,147
estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 24 years	\$178,394,843
estimated maximum annual increase in the amount of taxes on a residence homestead with a taxable value of \$100,000 to repay the debt obligations to be authorized, if approved This figure assumes the amortization of the City’s debt obligations, including outstanding debt obligations and the proposed debt obligation; changes in estimated future appraised values within the City; changes in estimated future appraised values within the political subdivision; and the assumed interest rate on the proposed debt obligations.	\$139.27

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