

**ORDINANCE NO. 2022-08-15-04**

**ORDINANCE CALLING A BOND ELECTION FOR NOVEMBER 8, 2022; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION**

**WHEREAS**, pursuant to the provisions of Chapters 1251 and 1331, Texas Government Code, as amended, the Texas Election Code, as amended, and other related statutes the City Council of the City of Lakeway, Texas (the "City") is authorized to call an election in order to submit to the voters of the City a proposition regarding the issuance of general obligation bonds; and

**WHEREAS**, the City Council deems it advisable to call a bond election for the proposition hereinafter stated to be held on the next uniform election date of November 8, 2022; and

**WHEREAS**, the City is contracting with Travis County (the "County") for the administration of the Election pursuant to an interlocal agreement with the County (the "Election Contract"); and

**WHEREAS**, the County, acting through their respective Elections Administrator (collectively, the "Elections Administrators") in accordance with the Election Contract will provide for the administration of the Election;

**WHEREAS**, the placement of items on the ballot for the City's November 8, 2022 elections shall be in accordance with the Texas Election Code; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place, and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended (the "Open Meetings Act").

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKEWAY, TEXAS THAT:**

**Section 1. Findings.** The statements contained in the preamble of this Ordinance are true and correct and adopted as findings of fact and operative provisions hereof.

**Section 2. Election Called; Polling Places.** The Election shall be held in the City between the hours of 7:00 a.m. and 7:00 p.m. on November 8, 2022 ("Election Day"). The Election is to be conducted by the County, as provided by Chapter 271, Texas Election Code (the "Code") and the Election Contract. Voting for the Election on Election Day shall occur during the hours and at the designated polling places as set forth in Exhibit A attached hereto, which exhibit is hereby made a part hereof for all intents and purposes. Exhibit A shall be modified to include additional or different Election Day polling places required to conform to the Code and the Election Contract.

**Section 3. Early Voting.** Early voting shall be administered by the County. Early voting by personal appearance shall begin in accordance with the Code on October 24, 2022 and conclude

on November 4, 2022, and will be conducted at the Early Voting locations on the dates and at the times specified in Exhibit A attached hereto. Exhibit A shall be modified to include additional or different early voting polling places required to conform to the Election Contract and the Code.

**Section 4. Election Officials.** The appointment of the Presiding Election Judges, Alternate Judges, Early Voting Clerks, the Presiding Judge of the early ballot board and other election officials for the Election shall be made by the Elections Administrators in the County in accordance with the Election Contract and the Code. The Elections Administrators in the County may employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. The City Council of the City hereby authorizes the Mayor, the City Manager, and the City Secretary, to execute or attest on behalf of the City the Election Contract with each County.

**Section 5. Voting by Mail.** Applications for voting by mail for all residents of the City shall be submitted to the County by personal delivery not later than October 28, 2022, or shall be mailed to the address below and received (not postmarked) by October 28, 2022.

Applications for voting by mail shall be sent as follows:

|   |  |
|---|--|
| Postal Mail:                                | Travis County Clerk – Elections Division<br>PO Box 149325<br>Austin, TX 78714-9325   |
| Commercial Carrier or<br>Personal Delivery: | 5501 Airport Blvd, Ste 100<br>Austin, TX 78751-1410                                  |
| Phone:                                      | (512) 238--8683  |
| Email:                                      | <a href="mailto:elections@traviscountytexas.gov">elections@traviscountytexas.gov</a> |

Note: If a voter submits an Application for a Ballot by Mail by fax or email, it must also be submitted by mail and received in the Travis County office within four business days of its electronic submission.

**Section 6. Early Voting Ballots.** An Early Voting Ballot Board shall be created by the County to process early voting results of the Election and the Presiding Judge of an Early Voting Ballot Board shall be designated by the Elections Administrators in the County. The Presiding Judge of an Early Voting Ballot Board shall appoint two or more additional members to constitute the Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

**Section 7. Qualified Voters.** All qualified electors of and residing in the City, shall be entitled to vote at the election. Last day for eligible voters who are not yet registered to vote to submit their applications for registration is October 10, 2022.

**Section 8. Proposition.** At the Election the following PROPOSITION shall be submitted in accordance with law:

**CITY OF LAKEWAY, TEXAS SPECIAL ELECTION  
CITY OF LAKEWAY, TEXAS PROPOSITION A**

Shall the City Council of the City of Lakeway, 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 \$17,500,000 for the purpose of designing, acquiring, constructing, renovating, improving, upgrading, updating, and equipping streets, curbs, gutters, sidewalks, pathways, bike and pedestrian system improvements, demolition, repair, and rebuilding of existing streets and other transportation facilities, including state highways, completing necessary or incidental utility relocation and drainage in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto and City street maintenance improvements, 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 said 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 said 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, on all taxable property in the City sufficient to pay principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?

**Section 9. Ballots.** The official ballots for the Election shall be prepared in accordance with the Code and the City Charter so as to permit the electors to vote "FOR" or "AGAINST" on the aforesaid PROPOSITION with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

**CITY OF LAKEWAY, TEXAS SPECIAL ELECTION  
CITY OF LAKEWAY, TEXAS PROPOSITION A**

|         |         |  |
|---------|---------|--|
|         | )       | THE ISSUANCE OF \$17,500,000 BONDS BY THE CITY OF  |
| FOR     | _____ ) | LAKEWAY, TEXAS, FOR STREETS, SIDEWALKS, PATHWAYS,  |
|         | )       | BIKE AND PEDESTRIAN SYSTEM IMPROVEMENTS. TAXES     |
| AGAINST | _____ ) | SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON |
|         | )       | THE BONDS WILL BE IMPOSED.                         |
|         | )       |  |

**Section 10. Compliance with State and Federal Law.** In all respects, the Election shall be conducted in accordance with the Code, the July Election Proclamation and any future proclamations of the Governor impacting the Election. 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 hereby

finds that the voting system to be used by the Elections Administrators in the County in administering the Election is such a system, and orders that such voting equipment or other equipment certified by the Texas Secretary of State shall be used by the City in its elections.

**Section 11. Debt Obligations.** The following information is provided in accordance with the provisions of Section 3.009(b) of the Code.

(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 Section 8 hereof.

(c) The principal amount of the debt obligations to be authorized is set forth in Sections 8 and 9 hereof.

(d) 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 the limits prescribed by law, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with 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 4.60%. 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) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed 30 years from the date of issuance of each series of bonds.

(g) The aggregate amount of the outstanding principal of the City's debt obligations secured by and payable from ad valorem taxes as of the date of this Ordinance is \$27,720,000.

(h) The aggregate amount of the outstanding interest of the City's debt obligations secured by and payable from ad valorem taxes as of the beginning as of the date of this Ordinance is \$8,106,266.

(i) The ad valorem debt service tax rate for the City as of the date of this Ordinance is \$0.0396 per \$100 of taxable assessed valuation.

The information provided in this section is solely for purposes of compliance with Section 3.009(b) of the Code and is for illustration purposes only. The information is not a part of the proposition to be voted on and does not create a contract with the voters.

**Section 12. Posting and Publication Requirements.** The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Code and City Charter; provided that, pursuant to the Election Contract, the applicable election officials of the County shall have the duty and be responsible for organizing and conducting the election in compliance with the Code; and for providing all services specified to be provided in the Election Contract. The applicable election officials of the County shall give the notices required by the Code to be given for the election not required to be given by the City under the Election Contract.

In accordance with provisions of the Code, the form of voter information documents pertaining to the proposition to be voted on at the Election is attached hereto as Exhibit B (the "Voter Information Document"). A substantial copy of this Ordinance and the Voter Information Document (each as may be modified without further City Council action in a manner that is consistent with the calling of the Election and the election notice requirements of the Code applicable to the Election, including any proclamations by the Governor) shall serve as proper notice of the election and the voter information document required by Section 1251.052(b), Texas Government Code, respectively. The City Secretary is authorized to give or cause to be given the following to be posted and published in accordance with law:

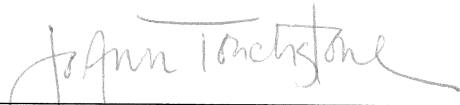
- (a) A substantial copy of this Ordinance, with such omissions authorized by law, shall be published in a newspaper of general circulation in the City, on the same day in each of two successive weeks with the first publication occurring not earlier than the thirtieth (30th) day or later than the fourteenth (14th) day prior to the day of the Election;
- (b) This Ordinance and the Voter Information Document shall be posted not later than the 21st day prior to the date set for the Election (i) on the bulletin board used for posting notices of meetings of the City Council (and also at City Hall if such bulletin board is located elsewhere) and (ii) at three other places in the City;
- (c) This Ordinance and the Voter Information Document shall be posted on election day and during early voting by personal appearance, in a prominent location at each polling place; and
- (d) This Ordinance, the Voter Information Document and any sample ballot prepared for the Election shall be posted during the 21 days before the election, prominently on the City's Internet website.

Each of this Ordinance and the Voter Information Document shall be published and/or posted, as provided above, in both English and Spanish translations. All notices provided as required by this Ordinance shall be modified as necessary to take into account any future proclamations issued by the Governor impacting the Election.

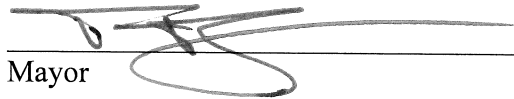
**PASSED AND APPROVED** on this the 15th day of August, 2022.

**ATTEST:**

**CITY OF LAKEWAY, TEXAS**

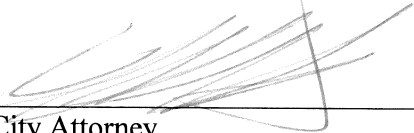


\_\_\_\_\_  
City Secretary



\_\_\_\_\_  
Mayor

**APPROVED AS TO FORM:**



\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**POLLING LOCATIONS, DATES AND HOURS**

To be provided by Travis County pursuant to each Election Contract

**EXHIBIT B**

**VOTER INFORMATION DOCUMENT  
(DOCUMENTO DE INFORMACIÓN PARA EL VOTANTE)**

City of Lakeway, Texas Proposition A:  
(Propuesta A del Ciudad de Lakeway, Texas:)

|  |  |  |
|--|--|--|
| <input type="checkbox"/> FOR<br>(a favor)<br><br><input type="checkbox"/> AGAINST<br>(en contra) | THE ISSUANCE OF \$17,500,000 BONDS BY THE CITY OF LAKEWAY, TEXAS, FOR STREETS, SIDEWALKS, PATHWAYS, BIKE AND PEDESTRIAN SYSTEM IMPROVEMENTS. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED. |  |
|--|--|--|

|  |              |
|--|--------------|
| principal of debt obligations to be authorized<br><i>(capital de obligaciones de deuda que se autorizará)</i>  | \$17,500,000 |
| estimated interest for the debt obligations to be authorized presuming an interest rate of 4.60%<br><i>(interés estimado para las obligaciones de deuda que se autorizarán asumiendo una tasa de interés del 4.60%)</i>  | \$15,369,724 |
| estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 30 years<br><i>(capital e intereses juntos estimados necesarios para pagar a tiempo y en su totalidad las obligaciones de deuda que se autorizarán amortizar durante 30 años)</i>   | \$32,869,724 |
| as of the date the election was ordered, principal of all outstanding debt obligations<br><i>(a partir de la fecha en que se ordenó la elección, el capital de todas las obligaciones de deuda pendientes)</i>   | \$27,720,000 |
| as of the date the election was ordered, the estimated interest on all outstanding debt obligations<br><i>(a partir de la fecha en que se ordenó la elección, el interés estimado de todas las obligaciones de deuda pendientes)</i>   | \$8,106,266  |
| estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 20 years<br><i>(capital e intereses juntos estimados necesarios para pagar a tiempo y en su totalidad las obligaciones de deuda pendientes amortizadas durante 20 años)</i>  | \$35,826,266 |
| estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved<br><i>(aumento anual máximo estimado de la cantidad de impuestos en una residencia principal con un valor estimado de \$100,000 para pagar las obligaciones de deuda que se autorizarán, si se aprueba)</i> | \$3.70       |



This figure assumes application of a homestead exemption of \$0. *(Esta cifra asume la aplicación de una exención de vivienda familiar de \$0)*

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. *(Esta cifra asume la amortización de las obligaciones de deuda del Ciudad, incluidas las obligaciones de deuda pendientes y la obligación de deuda propuesta; cambios en los valores tasados estimados futuros dentro del Ciudad; cambios en los valores tasados estimados futuros dentro de la subdivisión política; y la tasa de interés asumida sobre las obligaciones de deuda propuestas.)*