

(12)

BRACEWELL

1431150
02/25/2021 PERSONAL
\$0.00 MFR - NOTICE ELECT

February 25, 2021

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED #7014-0150-0000-2244-8237**

Ms. Teneshia Hudspeth
Harris County Clerk
P.O. Box 1525
Houston, Texas 77251-1525

**VIA E-MAIL: entity@vote.hctx.net
VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED #7014-0150-0000-2244-8244**

Ms. Isabel Longoria
Harris County Elections Administrator
201 Caroline Street, 4th Floor, Room 439
Houston, Texas 77002

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED #7014-0150-0000-2244-8220**

Ms. Ann Harris Bennett
Harris County Voter Registrar
P.O. Box 3527
Houston, Texas 77253-3527

Re: City of Deer Park, Texas – Notice of May 1, 2021 Bond Election

Dear Ms. Hudspeth, Ms. Bennett and Ms. Longoria:

As required by Section 4.008 of the Texas Election Code (the "Code") and on behalf of the City of Deer Park, Texas (the "City"), notice is hereby given that City will hold a bond election on May 1, 2021. Attached is a copy of the Ordinance Calling Bond Election adopted by the City Council of the City on February 2, 2021.

Pursuant to Section 4.003(b) of the Code, the County will be required to post on its website the City's notice of bond election (the "Notice") at least 21 days before Election Day. Electronic copies of the Notice in English, Spanish, Vietnamese and Chinese will be forwarded via email to the County Clerk's Office and the County Elections Office to post to the County website on or before April 10, 2021.

Lastly, in connection with the approval of any bonds authorized at the election, the Office of the Texas Attorney General will require certification from the County Elections Administrator that such posting was made. We will follow up with the County Elections Office regarding the process for obtaining such a certificate.

Please do not hesitate to call if you have any questions. My direct number is 713.221.3349.

Priscilla Kwan

T: 713.221.3349 F: 800.404.3970
711 Louisiana Street, Suite 2300, Houston, Texas 77002-2770
priscilla.kwan@bracewell.com

BRACEWELL

Ms. Teneshia Hudspeth, Ms. Ann Harris Bennett and Ms. Isabel Longoria
February 25, 2021
Page 2

Very truly yours,



Priscilla Kwan
Paralegal

Enclosure

cc: Gary Jackson
Donna Todd
James Stokes
Jim Fox
Shannon Bennett
Jonathan Frels

DM-#8015700

ORDINANCE NO. 4215

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF DEER PARK, TEXAS CALLING A BOND ELECTION TO BE HELD WITHIN SAID CITY; MAKING PROVISIONS FOR THE CONDUCT AND THE GIVING OF NOTICE OF THE ELECTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO

WHEREAS, the City Council (the "City Council") of the City of Deer Park, Texas (the "City") hereby finds and determines that it is necessary and advisable to call and hold an election for and within the City on the bond propositions hereinafter set forth (the "Propositions"); and

WHEREAS, the City Council hereby finds, determines and declares that said election shall be held on a uniform election date established by Section 41.001(a), Texas Election Code, as amended, as required by Texas law; and

WHEREAS, the City Council hereby finds, determines, and declares that the meeting at which this Ordinance is considered is open to the public, and that the public notice of the time, place and purpose of the meeting was given, as required by Chapter 551, Texas Government Code, as amended; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF DEER PARK, TEXAS:

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

Section 2. Election Ordered; Date; Propositions. An election (the "Election") shall be held for and within the City on Saturday, May 1, 2021 ("Election Day"), a uniform election date established by Section 41.001(a) of the Texas Election Code, as amended (the "Code"). At the Election the following propositions (the "Propositions") shall be submitted to the qualified voters of the City in accordance with law:

City of Deer Park, Texas – Proposition A

Shall the City Council of the City of Deer Park, Texas (the "City") be authorized to issue bonds of the City, which may be called City of Deer Park, Texas, General Obligation Bonds, in the amount of \$19,500,000 for the purpose of providing funds for the design, construction, acquisition, and equipment of drainage improvements and the acquisition of land, easements, and rights-of-way in connection therewith, said bonds to mature serially or otherwise not more than forty (40) years from their date or dates, to be issued in various issues or series, to be sold at any price or prices and to bear interest at any rate or rates, not to exceed the maximum rate now or hereafter authorized by law, all as shall be determined within the discretion of the City Council at the time of issuance under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds and the costs of any credit agreements by levying a tax upon all taxable property in the

City sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

City of Deer Park, Texas – Proposition B

Shall the City Council of the City of Deer Park, Texas (the “City”) be authorized to issue bonds of the City, which may be called City of Deer Park, Texas, General Obligation Bonds, in the amount of \$16,900,000 for the purpose of providing funds for the design, construction, acquisition, and equipment of fire department facilities, including a new Fire Station #1, Fire Station #2, and training room, said bonds to mature serially or otherwise not more than forty (40) years from their date or dates, to be issued in various issues or series, to be sold at any price or prices and to bear interest at any rate or rates, not to exceed the maximum rate now or hereafter authorized by law, all as shall be determined within the discretion of the City Council at the time of issuance under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds and the costs of any credit agreements by levying a tax upon all taxable property in the City sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

City of Deer Park, Texas – Proposition C

Shall the City Council of the City of Deer Park, Texas (the “City”) be authorized to issue bonds of the City, which may be called City of Deer Park, Texas, General Obligation Bonds, in the amount of \$7,200,000 for the purpose of providing funds for the design, construction, acquisition, and equipment of streets and sidewalks, including related storm drainage and paving improvements, and the acquisition of easements and rights-of-way in connection therewith, said bonds to mature serially or otherwise not more than forty (40) years from their date or dates, to be issued in various issues or series, to be sold at any price or prices and to bear interest at any rate or rates, not to exceed the maximum rate now or hereafter authorized by law, all as shall be determined within the discretion of the City Council at the time of issuance under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds and the costs of any credit agreements by levying a tax upon all taxable property in the City sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

City of Deer Park, Texas – Proposition D

Shall the City Council of the City of Deer Park, Texas (the “City”) be authorized to issue bonds of the City, which may be called City of Deer Park, Texas, General Obligation Bonds, in the amount of \$22,300,000 for the purpose of providing funds for the design, construction, acquisition, and equipment of a new Jimmy Burke Activity Center, which will include a visitor center and museum, said bonds to mature serially or otherwise not more than forty (40) years from their date or dates, to be issued in various issues or series, to be sold at any price or prices and to bear

interest at any rate or rates, not to exceed the maximum rate now or hereafter authorized by law, all as shall be determined within the discretion of the City Council at the time of issuance under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds and the costs of any credit agreements by levying a tax upon all taxable property in the City sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

Section 3. Official Ballot.

(a) Voting at the Election, and early voting therefor, shall be by the use of lawfully approved voting systems and ballots, including the E-Slate Machine.

(b) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid Propositions, which shall be set forth on the ballots substantially in the following form:

CITY OF DEER PARK, TEXAS – PROPOSITION A

- | | | |
|---------|---|---|
| FOR |) | THE ISSUANCE OF \$19,500,000 GENERAL OBLIGATION BONDS FOR THE DESIGN, CONSTRUCTION, ACQUISITION, AND EQUIPMENT OF DRAINAGE IMPROVEMENTS AND THE ACQUISITION OF LAND, EASEMENTS, AND RIGHTS- |
| AGAINST |) | OF-WAY IN CONNECTION THEREWITH, AND THE LEVYING OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS. |

CITY OF DEER PARK, TEXAS – PROPOSITION B

- | | | |
|---------|---|---|
| FOR |) | THE ISSUANCE OF \$16,900,000 GENERAL OBLIGATION BONDS FOR THE DESIGN, CONSTRUCTION, ACQUISITION, AND EQUIPMENT OF FIRE DEPARTMENT FACILITIES, INCLUDING A NEW FIRE STATION #1, FIRE STATION #2, |
| AGAINST |) | AND TRAINING ROOM, AND THE LEVYING OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS. |

CITY OF DEER PARK, TEXAS – PROPOSITION C

- FOR) THE ISSUANCE OF \$7,200,000 GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE DESIGN, CONSTRUCTION, ACQUISITION, AND EQUIPMENT OF STREETS AND SIDEWALKS, INCLUDING RELATED
- AGAINST) STORM DRAINAGE AND PAVING IMPROVEMENTS, AND THE ACQUISITION OF EASEMENTS AND RIGHTS-OF-WAY IN CONNECTION THEREWITH, AND THE LEVYING OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.

CITY OF DEER PARK, TEXAS – PROPOSITION D

- FOR) THE ISSUANCE OF \$22,300,000 GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE DESIGN, CONSTRUCTION, ACQUISITION, AND EQUIPMENT OF A NEW JIMMY BURKE ACTIVITY CENTER, WHICH WILL
- AGAINST) INCLUDE A VISITOR CENTER AND MUSEUM, AND THE LEVYING OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS.

Section 4. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 5. Election Precincts, Voting Locations and Voting Hours on Election Day. The City hereby designates voting precincts for the Election as set forth in **Exhibit A**, attached hereto and incorporated herein. Each City precinct shall consist of that portion of the respective Harris County voting precincts identified in **Exhibit A** that are within the boundaries of the City. The voting location for voting on Election Day for each City voting precinct shall be as set forth in **Exhibit A**, or at such other locations as hereafter may be designated by the City. The Mayor or his designee is hereby authorized to update **Exhibit A** to reflect the locations so designated. On Election Day the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 6. Early Voting Locations, Dates and Times.

(a) The main early voting polling place is designated on **Exhibit B** attached hereto. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth in **Exhibit B** attached hereto and incorporated herein, or at such other locations as hereafter may be designated by the City or as otherwise authorized by law. The Mayor or his designee is hereby authorized to update **Exhibit B** to reflect the locations so designated.

(b) The City Secretary, Shannon Bennett, is hereby appointed as the Early Voting Clerk. Sonia Acosta is hereby appointed as Deputy Early Voting Clerk. Applications for ballot by mail shall be sent to: Attn: Early Voting Clerk, Shannon Bennett, P.O. Box 700, Deer Park, TX 77536.

Section 7. Notice of Election. Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English, Spanish, Vietnamese and Chinese on the same day in each of two successive weeks, with the first publication not earlier than the thirtieth (30th) day before Election Day or later than fourteen (14) days before Election Day, in a newspaper published in the City (or that otherwise complies with State law), (ii) posting a copy of this Ordinance and the Voter Information Document (as hereinafter defined), in English, Spanish, Vietnamese and Chinese, on the bulletin board used for posting notices of meetings of the City Council (and City Hall, if the place of posting is different from City Hall) and in at least three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the Election, and (iii) posting a copy of this Ordinance and the Voter Information Document, in English, Spanish, Vietnamese and Chinese, on the City's website, prominently and together with the notice of the Election, the contents of the Propositions and any sample ballot prepared for the election, not later than the twenty-first (21st) day prior to the date set for the Election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance and the Voter Information Document shall be posted in a prominent location at each polling place. Notice of the Election shall also be provided to the county clerk and voter registrar of Harris County not later than the sixtieth (60th) day before the Election Day; which notice Harris County is hereby authorized and directed to post to its website not later than the twenty-first (21st) day prior to Election Day.

Section 8. Conduct of Election. The Election shall be held in accordance with the Code, except as modified by the Texas Government Code and the Federal Voting Rights Act of 1965, as amended.

Section 9. Additional Information Required by Section 3.009 of the Election Code.

(a) As of the date of this Ordinance, the aggregate principal amount outstanding of tax-supported debt of the City was \$74,295,000 and the aggregate amount of outstanding interest on such tax-supported debt was \$17,509,709.11. The City's total tax rate as of the date of this Ordinance is \$0.72 per \$100 of assessed valuation of taxable property in the City, which is made up of an operations and maintenance tax rate component of \$0.568794 per \$100 of assessed valuation and an ad valorem debt service tax rate component of \$0.151206 per \$100 of assessed valuation of taxable property in the City.

(b) The City intends to issue the bonds authorized by the Propositions over a period of years in a manner and in accordance with a schedule to be determined by the City Council based upon a number of factors, including, but not limited to, the then current needs of the City, demographic changes, prevailing market conditions, assessed valuations in the City and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations vary based upon a number of factors beyond the City's control, and therefore, the City cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the Propositions. As such, the information contained in

this paragraph is provided solely for illustrative purposes and does not establish any limitations or restrictions or create a contract with the voters. The estimate of the maximum interest rate expressed below is based on the blended interest rate (taking into account the impact of issue price premium) for a series of bonds. The City currently estimates that, if the Propositions are approved and all of the bonds proposed herein are authorized and issued in accordance with the City's current projected plan of financing, the maximum interest rate for a series of bonds is not expected to exceed 5.00%.

(c) Any additional information required by Section 3.009 of the Code is contained in Sections 2 and 3 of this Ordinance.

Section 10. Voter Information Documents. The Mayor or the City Manager, acting on behalf of the City Council, in consultation with the City attorney, bond counsel, and financial advisor, is hereby authorized and directed to provide with respect to each of the Propositions a voter information document, in the form prescribed by Section 1251.052(b), Texas Government Code (collectively, the "Voter Information Document").

Section 11. Necessary Actions. The Mayor, the City Manager, and City Secretary, or their designees, acting on behalf of the City Council, in consultation with the City's attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code, the Government Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 12. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 13. Effective Date. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall take effect immediately upon its approval.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, passed, approved and adopted on this the 2nd day of February, 2021 by a vote of 7 “Ayes” and 0 “Noes”.

/s/ Jerry Mouton, Jr.

Mayor
City of Deer Park, Texas

ATTEST:

/s/ Shannon Bennett

City Secretary
City of Deer Park, Texas

APPROVED:

/s/ Jim Fox

City Attorney

[SEAL]

EXHIBIT A

**Precinct Numbers and Election Day Voting Locations
May 1, 2021 Election**

All voting locations will be open from 7:00 a.m. to 7:00 p.m. on Election Day.

City of Deer Park Precinct	Physical Voting Address	Harris County Precinct Numbers Assigned to City of Deer Park Precinct
1	Deer Park Community Center RM. 12, 610 E. San Augustine, Deer Park, TX 77536	51, 84, 420, 470, 665, 673, 695, 704

UNOFFICIAL COPY

EXHIBIT B

Early Voting Dates and Polling Locations
May 1, 2021 Election

Main Early Voting Place

City Hall
City Secretary's Office
710 E. San Augustine
Deer Park, Texas 77536

Early Voting Locations

City Hall
City Secretary's Office
710 E. San Augustine
Deer Park, Texas 77536

Early Voting Dates & Times

Monday, April 19 – Tuesday, April 20	7:00 a.m. – 7:00 p.m.
Wednesday, April 21 – Friday, April 23	8:00 a.m. – 5:00 p.m.
Monday, April 26 – Tuesday, April 27	8:00 a.m. – 5:00 p.m.

BRACEWELL

Ms. Teneshia Hudspeth, Ms. Ann Harris Bennett and Ms. Isabel Longoria
February 24, 2021
Page 2

Enclosure

cc: Gary Jackson
Donna Todd
James Stokes
Jim Fox
Shannon Bennett
Jonathan Frels
#8015700.2

UNOFFICIAL COPY

FILED
2021 FEB 25 PM 3:54
JACOB
AUSTIN CLERK
HARRIS COUNTY TEXAS