

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY ON MAY 1, 2021; AND CONTAINING OTHER PROVISIONS INCIDENTAL THERETO.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Sweetwater, Texas (the "City") deems it advisable to call the election hereinafter ordered; and

**WHEREAS**, it is hereby officially found and determined that holding the hereinafter called election on the date set forth below is in the public interest; and 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.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS:**

**Section 1.** 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.** An election shall be held between the hours of 7:00 A.M. and 7:00 P.M. on May 1, 2021, for all qualified electors of the City at the following designated polling place:

Sweetwater ISD  
Middle School Gym  
305 Lamar Street  
Sweetwater, Texas

The following election officers are hereby appointed to hold the election at said polling place:

Presiding Judge:                      Gonzalo San Miguel

Alternate Presiding Judge:      Phillip Litton

**Section 3.** The Presiding Judge shall appoint not less than two nor more than five qualified election clerks to serve and assist in conducting the election; provided that if the Presiding Judge actually serves as expected, the Alternate Presiding Judge shall be one of such clerks.

**Section 4.** Early voting shall be conducted by personal appearance at:

Sweetwater City Hall  
City Council Chamber  
200 E. Fourth Street  
Sweetwater, Texas 79556

The last day to submit an application by personal delivery for a ballot to be voted by mail is April 16, 2021 and such application should be delivered to the above address.

During the period early voting is required or permitted by law, being weekdays, April 19, 2021 through April 27, 2021, the hours designated for early voting by personal appearance shall be from 8:00 A.M. to 5:00 P.M, except that early voting shall be conducted from 7:00 A.M. to 7:00 P.M on April 20, 2021 and April 27, 2021. No voting by personal appearance shall be held on Saturdays, Sundays and legal state holidays. The early voting clerks for the election shall be Patty Torres and Becky Jimenez, and said clerks shall keep the early voting place open during such hours for early voting by personal appearance.

To request by mail a ballot to be voted early, the request shall be sent to:

City of Sweetwater Early Voting Clerk  
P.O. Box 450  
Sweetwater, Texas 79556-0450

The last day to submit an application by mail for a ballot to be voted by mail is April 20, 2021.

**Section 5.** An early voting ballot board is hereby created to process early voting results, and Jena Moffitt is hereby appointed as the Presiding Judge of the board and Rhonda Keller shall be the Alternate Presiding Judge of the board. The Presiding Judge shall appoint at least two other members of the board; provided that if the Presiding Judge actually serves as expected, the Alternate Presiding Judge shall be one of such members.

**Section 6.** All resident, qualified electors of the City shall be entitled to vote at the election, as provided by the Texas Election Code (the “Code”).

**Section 7.** In accordance with provisions of the Code, a substantially complete voter information document pertaining to the Proposition to be voted on at the election are attached hereto as Exhibit “A” (the “Voter Information Document”). This ordinance (the “Bond Election Ordinance”) and the Voter Information Document, as may be modified without further Council action in a manner that is consistent with the calling of the election by the Council and the election notice requirements of the Code applicable to the election, shall serve as proper notice of the election and the voter information document required by Section 1251.052(b), Texas Government Code. The City Secretary shall cause the Bond Election Ordinance and the Voter Information Document to be posted and published as follows:

- (a) The Bond Election Ordinance shall be published twice on the same day in consecutive weeks, with the first publication to be not earlier than the 30th day or later than the 10th day prior to the date set for the election, in a newspaper published in the City or, if none is published in the City, in a newspaper of general circulation in the City;
- (b) The Bond Election Ordinance and the Voter Information Document shall be posted on the bulletin board used for posting notices of meetings of the City Council, and at three other places in the City, not later than the 21st day prior to the date set for the election;
- (c) The Bond Election 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) The Bond Election Ordinance and the Voter Information Document shall be posted during the 21 days before the election, on the City's Internet website.

Each of the Bond Election Ordinance and the Voter Information Document shall be published and/or posted, as provided above, in both English and Spanish translations.

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

CITY OF SWEETWATER, TEXAS SPECIAL ELECTION  
CITY OF SWEETWATER, TEXAS PROPOSITION A

Shall the City Council of the City of Sweetwater, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount of \$8,000,000, with the bonds of each such series or issue, respectively, to mature and be issued and sold in accordance with law at the time of issuance, and to be sold at such prices and bear interest at such rates as shall be determined within the discretion of the City Council for the purpose of constructing, improving, extending, expanding, upgrading and developing the streets and roads in the City, with such improvements to include any associated bridges and intersections, traffic signalization equipment, related drainage improvements, utility relocations, landscaping, curbs and sidewalks, traffic safety and operational improvements and interests in land as may be necessary for such purposes, and shall the City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes in an amount sufficient to pay the annual interest on the bonds, within the limits prescribed by law, to provide a sinking fund to pay the bonds at maturity and to pay the cost of any credit agreements executed in connection with the bonds?

**Section 9.** The official ballots for the election shall be prepared in accordance with the Code so as to permit the electors to vote "FOR" or "AGAINST" 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 SWEETWATER, TEXAS SPECIAL ELECTION  
CITY OF SWEETWATER, TEXAS PROPOSITION A

FOR ( ) THE ISSUANCE OF \$8,000,000 TAX BONDS BY THE CITY OF SWEETWATER, TEXAS FOR CONSTRUCTING IMPROVEMENTS TO STREETS IN THE CITY. TAXES SUFFICIENT TO PAY THE  
AGAINST ( ) PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED.

**Section 10.** In all respects, the election shall be conducted in accordance with the 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 individuals with disabilities, 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.

**Section 11.** 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 Section 8 hereof.
- (c) The principal amount of the bonds 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 the limits prescribed by law, to pay the annual principal of and interest on the bonds and provide a sinking fund to pay the bonds at maturity.
- (e) The estimated debt service tax rate of the City if the bonds are approved and issued is \$0.1138 per \$100 of taxable assessed valuation. Such estimate takes into account a number of factors, including the anticipated tax roll of the City in each year that the bonds are outstanding, the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. This estimated tax rate is provided as a matter of information, but is not a limitation on the tax rate for the bonds in any future year.
- (f) The bonds that are the subject of this election shall mature serially or otherwise over a specified number of years not exceeding the maximum number of years authorized by law, as prescribed by 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 date of issue.
- (g) The aggregate amount of the outstanding principal of the City's debt obligations (consisting of all debt that is secured by and payable from ad valorem taxes, other than debt

obligations that are self-supported by other revenues of the City) as of February 9, 2021 (the date this election was called) is \$0. The debt obligations that the City has designated as self-supporting from other revenues, such as water and sewer revenues, are listed on Annex A to this Ordinance.

(h) The aggregate amount of the outstanding interest of the City’s debt obligations (consisting of all debt that is secured by and payable from ad valorem taxes, other than debt obligations that are self-supported by other revenues of the City) as of February 9, 2021 (the date this election was called) is \$0. The debt obligations that the City has designated as self-supporting from other revenues such as water and sewer revenues are listed on Annex A to this Ordinance.

(i) The ad valorem debt service tax rate for the City for the 2020-2021 fiscal year is \$0.00 per \$100 of taxable assessed valuation.

**Section 12. Severability Provision.** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of the 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 of Ordinance.** In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council on first and final reading.

**Section 14.** The City Council hereby authorizes the City Manager or the City Secretary to execute or attest on behalf of the City a contract with Nolan County for election equipment, as needed.

=====

ANNEX A  
CITY OF SWEETWATER, TEXAS

Self-Supporting Debt

The City designates all of the following outstanding debt obligations of the City as self-supporting debt for purposes of Section 3.009, Texas Election Code, as amended, and Chapter 1251, Texas Government Code, Subchapter B, as amended.

1. City of Sweetwater, Texas Combination Tax and Revenue Certificates of Obligation, Series 2014.
2. City of Sweetwater, Texas Combination Tax and Revenue Refunding Bonds, Series 2015.
3. City of Sweetwater, Texas Combination Tax and Revenue Certificates of Obligation, Series 2016.

**EXHIBIT A**

**Voter Information Document**

**City of Sweetwater Special Election  
Proposition A**

**Ballot Information:** At the Election, the following language will appear on the ballot:

CITY OF SWEETWATER, TEXAS SPECIAL ELECTION  
CITY OF SWEETWATER, TEXAS PROPOSITION A

FOR ( ) THE ISSUANCE OF \$8,000,000 TAX BONDS BY THE CITY OF SWEETWATER, TEXAS FOR CONSTRUCTING IMPROVEMENTS TO STREETS IN THE CITY. TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE  
AGAINST ( ) IMPOSED.

**Estimated Debt Service Information:**

The following table sets forth the estimated principal amount of, and interest due to maturity on, the bonds to be issued if Proposition A passes, and all existing outstanding debt obligations of the City secured by and payable from ad valorem taxes, other than debt obligations that the City has designated as self-sufficient (payable from other revenues, such as water and sewer system revenues).

Principal Amount of Bonds to be authorized under Proposition A	Estimated interest for Bonds to be authorized under Proposition A <sup>(1)</sup>	Estimated combined principal and interest required to pay on time and in full the Bonds to be authorized under Proposition A <sup>(1)</sup>	Principal of City's Existing Outstanding Debt (as of 2/9/21) <sup>(2)</sup>	Remaining interest on City's Existing Outstanding Debt (as of 2/9/21) <sup>(2)</sup>	Combined Principal and Interest to timely pay City's Existing Outstanding Debt (as of 2/9/21) <sup>(2)</sup>
\$8,000,000	\$3,254,300	\$11,254,300	\$0	\$0	\$0

<sup>(1)</sup> Interest is estimated based on bond market conditions as of February 9, 2021. The interest on the proposed bonds under Proposition A was calculated at an average rate of 3.50% (which the City believes is a conservative estimate) based on market conditions as of February 9, 2021, and

therefore, the interest payable on such proposed bonds may be less than, or more than, the amounts set forth above based on market conditions at the time of the initial sale of the proposed bonds to be authorized under Proposition A.

<sup>(2)</sup> Excludes \$11,860,000 of City debt obligations that are secured by and payable from ad valorem taxes, but which the City has designated as self-sufficient as being paid from other City revenues, such as water and sewer system revenues.

Based on the information and assumptions provided in the table above, the City estimates that there will be a \$113.77 tax rate increase imposed on a residence homestead in the City with an appraised value of \$100,000 to repay the proposed bonds, if approved. That estimate assumes (i) that the bonds that may be approved under Proposition A would be sold with an annual amortization of 20 years, (ii) growth of City's taxable assessed valuation of 3% per years for five years beginning in tax year 2021 and no growth thereafter while the bonds are outstanding, (iii) that the average interest rate on the bonds does not exceed 3.50% and (iv) that the City collects taxes at a 98% collection rate each year.

The information provided in this Document is to comply with Tex. H.B. 477 86th Leg., R.S. (2019), which requires a voter information document for each proposition to be submitted to the voters.