

ORDINANCE NUMBER 1020

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION AND OTHER MATTERS IN CONNECTION THEREWITH

* * * * *

WHEREAS, on February 15, 2022, the Board of Commissioners (the *Board*) of the City of Burk Burnett (the *City*) ordered an election to be held on May 7, 2022 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

WHEREAS, the Board hereby canvasses the returns of this election, at which there were submitted to all resident, qualified voters of the City for their action thereupon, the following propositions:

PROPOSITION A

“Shall the Board of Commissioners of the City of Burk Burnett, 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 \$2,680,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the Board of Commissioners, for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, renovating, improving, resurfacing, reconstructing, restructuring, equipping, extending and expanding Roller Road, including completing adjacent infrastructure projects in connection therewith, constructing and improving related curbs, gutters, and sidewalks, drainage and utility infrastructure improvements, completing necessary or incidental utility relocation and drainage in connection with the foregoing, and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and shall the Board of Commissioners of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

PROPOSITION B

“Shall the Board of Commissioners of the City of Burk Burnett, 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 \$730,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the Board of Commissioners, for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, renovating, improving, resurfacing, reconstructing, restructuring, equipping, extending and expanding Meadow Drive and Dell Street, including completing adjacent infrastructure projects in connection therewith, constructing and improving related curbs, gutters, and sidewalks, drainage and utility infrastructure improvements, completing necessary or incidental utility relocation and drainage in connection with the foregoing, and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and shall the Board of Commissioners of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

PROPOSITION C

“Shall the Board of Commissioners of the City of Burk Burnett, 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 \$1,735,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the Board of Commissioners, for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, renovating, improving, resurfacing, reconstructing, restructuring, equipping, extending and expanding Kramer Road and Ameron Road, including completing adjacent infrastructure projects in connection therewith, constructing and improving related curbs, gutters, and sidewalks, drainage and utility infrastructure improvements, completing necessary or incidental utility relocation and drainage in connection with the foregoing, and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and shall the Board of Commissioners of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

PROPOSITION D

“Shall the Board of Commissioners of the City of Burk Burnett, 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 \$1,120,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the Board of Commissioners, for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, renovating, improving, resurfacing, reconstructing, restructuring, equipping, extending and expanding County Road and Williams Drive, including completing adjacent infrastructure projects in connection therewith, constructing and improving related curbs, gutters, and sidewalks, drainage and utility infrastructure improvements, completing necessary or incidental utility relocation and drainage in connection with the foregoing, and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and shall the Board of Commissioners of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

PROPOSITION E

“Shall the Board of Commissioners of the City of Burk Burnett, 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 \$4,395,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the Board of Commissioners, for the purpose of making permanent public improvements or for other public purposes, to wit: planning, designing, constructing, renovating, improving, resurfacing, reconstructing, restructuring, equipping, extending and expanding Jan Lee Subdivision streets, including Sioux Lane, Chaparral Road, Hiawatha Lane, Red Fox Lane, and Pawhuska Lane, including completing adjacent infrastructure projects in connection therewith, constructing and improving related curbs, gutters, and sidewalks, drainage and utility infrastructure improvements, completing necessary or incidental utility relocation and drainage in connection with the foregoing, and the acquisition of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and shall the Board of Commissioners of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed

by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

and

WHEREAS, the Board has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Board by the judges and clerks holding and conducting such election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, this Board hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

PROPOSITION A

"THE ISSUANCE OF NOT TO EXCEED \$2,680,000 OF CITY OF BURKBURNETT, TEXAS GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO ROLLER ROAD, AND RELATED UTILITY AND DRAINAGE IMPROVEMENTS, THE ACQUISITION OF REAL PROPERTY NECESSARY OR INCIDENTAL FOR SUCH PURPOSES, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS."

	<u>For</u>	<u>Against</u>
Early Votes	228	714
Mail Votes	12	16
Election Day Votes	101	217
TOTAL	341	947

PROPOSITION B

"THE ISSUANCE OF NOT TO EXCEED \$730,000 OF CITY OF BURKBURNETT, TEXAS GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO MEADOW DRIVE AND DELL STREET, AND RELATED UTILITY AND DRAINAGE IMPROVEMENTS, THE ACQUISITION OF REAL PROPERTY NECESSARY OR INCIDENTAL FOR SUCH PURPOSES, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS"

	<u>For</u>	<u>Against</u>
Early Votes	213	727
Mail Votes	17	12
Election Day Votes	106	209
TOTAL	336	948

PROPOSITION C

“THE ISSUANCE OF NOT TO EXCEED \$1,735,000 OF CITY OF BURKBURNETT, TEXAS GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO KRAMER ROAD AND AMERON ROAD, AND RELATED UTILITY AND DRAINAGE IMPROVEMENTS, THE ACQUISITION OF REAL PROPERTY NECESSARY OR INCIDENTAL FOR SUCH PURPOSES, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes	269	672
Mail Votes	16	13
Election Day Votes	115	201
TOTAL	400	886

PROPOSITION D

“THE ISSUANCE OF NOT TO EXCEED \$1,120,000 OF CITY OF BURKBURNETT, TEXAS GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO COUNTY ROAD AND WILLIAMS DRIVE, AND RELATED UTILITY AND DRAINAGE IMPROVEMENTS, THE ACQUISITION OF REAL PROPERTY NECESSARY OR INCIDENTAL FOR SUCH PURPOSES, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes	223	717
Mail Votes	16	13
Election Day Votes	102	212
TOTAL	341	942

PROPOSITION E

“THE ISSUANCE OF NOT TO EXCEED \$4,395,000 OF CITY OF BURKBURNETT, TEXAS GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO SIOUX LANE, CHAPARRAL ROAD, HIAWATHA LANE, RED FOX LANE, AND PAWHUSKA LANE, AND RELATED UTILITY AND DRAINAGE IMPROVEMENTS, THE ACQUISITION OF REAL PROPERTY NECESSARY OR INCIDENTAL FOR SUCH PURPOSES, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes	225	710
Mail Votes	9	19
Election Day Votes	94	220
TOTAL	328	949

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS THAT:

SECTION 1: The Board officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Board has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

SECTION 2: A MAJORITY of the resident, qualified voters of the City of Burk Burnett, Texas voting in such election, having voted AGAINST the authorization and issuance of \$2,680,000 bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Board hereby finds and determines that Proposition A failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 3: A MAJORITY of the resident, qualified voters of the City of Burk Burnett, Texas voting in such election, having voted AGAINST the authorization and issuance of \$730,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition B, the Board hereby finds and determines that Proposition B failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 4: A MAJORITY of the resident, qualified voters of the City of Burk Burnett, Texas voting in such election, having voted AGAINST the authorization and issuance of

\$1,735,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition C, the Board hereby finds and determines that Proposition C failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 5: A MAJORITY of the resident, qualified voters of the City of Burk Burnett, Texas voting in such election, having voted AGAINST the authorization and issuance of \$1,120,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition D, the Board hereby finds and determines that Proposition D failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 6: A MAJORITY of the resident, qualified voters of the City of Burk Burnett, Texas voting in such election, having voted AGAINST the authorization and issuance of \$4,395,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition E, the Board hereby finds and determines that Proposition E failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 7: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 8: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 9: This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10: If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11: It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12: This Ordinance shall be in force and effect from and after its final passage and it is so resolved.

PASSED, ADOPTED, AND APPROVED on May 16, 2022, the date of the canvassing meeting.

CITY OF BURKBURNETT, TEXAS

Mayor

ATTEST:

City Clerk

(CITY SEAL)