

AN ORDER CALLING A BOND ELECTION TO BE HELD BY THE MCMULLEN COUNTY INDEPENDENT SCHOOL DISTRICT, MAKING PROVISION FOR THE CONDUCTION OF THE ELECTION, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the Board of Trustees (the *Board*) of the MCMULLEN COUNTY INDEPENDENT SCHOOL DISTRICT (the *District*), located in McMullen County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the District shall be authorized to issue bonds of the District in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the District will conduct the Election in accordance with the laws of the State of Texas (the *State*) and applicable federal laws; and

WHEREAS, the Board hereby finds and determines that the necessity to construct various capital improvements within the District 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 Board hereby finds and determines that all facilities to be acquired, constructed, renovated, improved or equipped pursuant to Proposition A herein will be used predominantly for required classroom instruction and/or essential administrative operations for faculty and staff of the District and administrative purposes and are not the type of facilities described in Section 45.003(g)(1-6); and

WHEREAS, the District 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 District's behalf (being, particularly, the rental by the County to the District of electronic voting machines and provision of certain polling locations); and

WHEREAS, the Election may be held jointly with other political subdivisions (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of an election services agreement and/or a joint election or similar agreement between or among (as applicable) the District and any *Participants*, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code; and

WHEREAS, the Board hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the District; now, therefore,

BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE MCMULLEN COUNTY INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: The Election shall be held in the MCMULLEN COUNTY INDEPENDENT SCHOOL DISTRICT on the 4th day of May 2024 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is 78 or more days from the date of the adoption of this order (the *Order*), for the purpose of submitting the following measures to the qualified voters of the District:

MEASURE A

“Shall the Board of Trustees of the McMullen County Independent School District be authorized to issue and sell bonds of the District in the principal amount not to exceed \$12,000,000 for the purposes of designing, constructing, renovating, improving, upgrading, updating, acquiring, and equipping school facilities (and any necessary or related removal of existing facilities), the purchase of the necessary sites for school buildings, and the purchase of school buses and other vehicles for student transportation, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; any issue or series of such bonds to bear interest per annum at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of the Board of Trustees, provided that such rate or rates 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 such bonds; and shall the Board of Trustees of the District be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?”

SECTION 2: One or more school 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 school election precincts as identified in Exhibit A to this Order (which is incorporated herein by reference for all purposes). At least 79 days prior to the scheduled Election Day, or as soon thereafter as is reasonably practicable, the President, Board of Trustees, the Administrator, or the respective designees thereof, will appoint the Presiding Judge, 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 Order based upon the final locations and times agreed upon by the District, the Administrator, and the Participants, if any and as applicable, to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the District 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.

C. The main early voting location is designated in Exhibit B to this Order (which is 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 office or place 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 District 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 District shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas 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 District shall also 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 Board 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 provisions of the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid measures which shall appear on the ballot substantially as follows:

PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$12,000,000 OF MCMULLEN COUNTY INDEPENDENT SCHOOL DISTRICT SCHOOL BUILDING BONDS FOR THE PURPOSES OF DESIGNING, CONSTRUCTING, RENOVATING, IMPROVING, UPGRADING, UPDATING, ACQUIRING, AND EQUIPPING SCHOOL FACILITIES, THE PURCHASE OF THE NECESSARY SITES FOR SCHOOL BUILDINGS, AND THE PURCHASE OF SCHOOL BUSES AND OTHER VEHICLES FOR STUDENT TRANSPORTATION, AND THE LEVYING OF A TAX IN PAYMENT THEREOF. THIS IS A PROPERTY TAX INCREASE.”

SECTION 6: All resident, qualified voters of the District shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling place. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Education Code, as amended, and as may be required by law. To the extent required by law, all election 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 at least one time in a newspaper of general circulation in the District, with such publication occurring not more than 30 days and not less than 10 days before Election Day. Moreover, a substantial copy of this Order and the voter information attached as Exhibit C, including a Spanish translation thereof, shall be posted (i) on the bulletin board used for posting notices of Board meetings not less than 21 days prior to Election Day, (ii) in three additional public places within the District’s boundaries not later 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 District’s internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the District’s internet website not less than 21 days prior to Election Day.

SECTION 8: As of the effective date of this Order, the District's aggregate principal amount of outstanding tax-supported debt was \$7,101,000 and the aggregate amount of outstanding interest on such tax-supported debt was \$253,295. The District's total ad valorem tax rate for the current fiscal year was \$0.9131, which is comprised of a maintenance and operations tax rate component of \$0.7353 per \$100 of taxable assessed valuation and a debt service tax rate of \$0.1778 per \$100 of assessed valuation. The District's taxable assessed valuation for calendar year 2024, as of the date that the current tax rate was established, is \$4,166,509,828.

SECTION 9: The District may determine to issue the bonds authorized by the Propositions in one or more series of bonds over a period of years in a manner and in accordance with a schedule to be determined by the Board based upon a number of factors, including, but not limited to, the then current needs of the District, demographic changes, prevailing market conditions, assessed

valuations of property in the District and management of the District's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations of property vary based upon a number of factors beyond the District's control, and therefore, the District 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 District estimates that, based on the District's current taxable assessed valuation, current market conditions and estimated future growth in the District's taxable assessed valuation, if all of the bonds authorized by the Propositions were issued in accordance with the District's current project finance plan, the maximum interest rate on the bonds is not expected to exceed 5.00%.

SECTION 10: The Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either of such parties, to negotiate and enter into one or more joint election agreements, election services contracts, and/or similar contracts or agreements with the District or if required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either of such parties to make such technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

SECTION 11: (a) This Resolution is a declaration of intent to establish the District's reasonable, official intent under section 1.150-2 of the Treasury Regulations and Section 1201.042 of the Texas Government Code to reimburse itself from certain of the proceeds of the Bonds in the maximum amount provided and for any capital expenditures, each as described in Measures A and B provided in Section 1 hereof, respectively, which are previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the each respective project from the lawfully-available general funds or other funds of the Issuer.

(b) With respect to the proceeds of the Bonds allocated to reimburse the District for prior expenditures, the District shall not employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Bonds in a manner that results in the creation of replacement proceeds, as defined in Treasury Regulation Section 1.148-1, of the Bonds or another issue of tax-exempt obligations or refundable tax credit obligations.

SECTION 12: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 13: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 14: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 15: It is officially found, determined, and declared that the meeting at which this Order 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 Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 16: If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 17: This Order shall be in force and effect from and after its final passage, and it is so ordered.

* * *

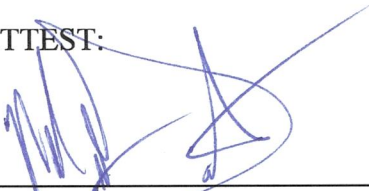
PASSED AND APPROVED, this the 15th day of February, 2024.

MCMULLEN COUNTY INDEPENDENT SCHOOL
DISTRICT



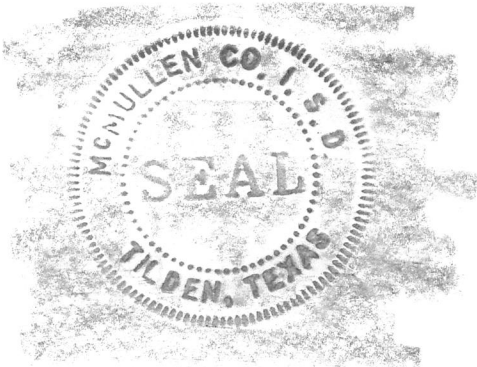
McMullen County Independent School District
President, Board of Trustees

ATTEST:



McMullen County Independent School District
Secretary, Board of Trustees

(DISTRICT SEAL)



[Signature Page to
McMullen County Independent School District
Bond Election Order]

Exhibit A

ELECTION DAY PRECINCT AND POLLING INFORMATION

District's website: <https://www.mcisd.us>

County's website: <https://www.mcmullencounty.org> or
<https://www.mcmullencounty.org/elections/>

Election Day: Tuesday, May 4, 2024

Election Day Polling Locations: OPEN : 7:00 a.m. , CLOSE: 7:00 p.m.

Presiding Judge(s), Alternate Judge(s) : To Be Appointed by County Elections Officer

ELECTION DAY POLLING LOCATION:

Countywide (Precincts 1 through 4)

McMullen County Courthouse
501 River Street
Tilden, Texas 78702

Presiding Judge: _____

Clerk: _____

[The remainder of this page intentionally left blank.]

Major Assumptions for Statement 7 Above:

- (1) Assumed amortization of the District's debt obligations, including outstanding debt obligations and the proposed debt obligations: 10 years
- (2) Assumed changes in estimated future appraised values within the District: 0% increase for FYE 2024 and 0.0% thereafter
- (3) Assumed tax collection percentage: 98%
- (4) Assumed a single bond issue that will occur prior to August 31, 2024.
- (5) Assumed interest rate on the proposed debt obligations: 4.50% (Not to exceed 5.00%)
- (6) Assumes some potential use of Interest and Sinking Fund balance.
- (7) Assumes the availability of the Permanent School Fund Guarantee for each series of the proposed debt obligations.
- (8) Assumes no material change in the prevailing market and economic conditions at the times of issuance of the proposed debt obligations.
- (9) Assumes the proposed debt obligations are paid on time and in full.

The estimates contained in this voter information document are (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time(s) of issuance of the bonds) and derived from projections obtained from the District's financial advisor, (ii) subject to change to the extent that actual facts, circumstances and conditions prevailing at the time that the bonds are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 1251.052, Texas Government Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to and do not give rise to a contract with voters or limit the authority of the District to issue bonds in accordance with the Propositions submitted by the District's Election Order.

[The remainder of this page intentionally left blank.]