

NOTICE OF ELECTION

THE STATE OF TEXAS	§
	§
COUNTY OF VAN ZANDT	§
	§
FRUITVALE INDEPENDENT SCHOOL DISTRICT	§

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TO THE RESIDENT, QUALIFIED VOTERS OF THE  
FRUITVALE INDEPENDENT SCHOOL DISTRICT

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TAKE NOTICE that an election will be held in the Fruitvale Independent School District on May 5, 2018 CONCERNING THE ISSUANCE OF SCHOOL BUILDING BONDS IN THE AMOUNT OF \$4,000,000 FOR THE PURPOSES OF DESIGNING, CONSTRUCTING, RENOVATING, IMPROVING, ACQUIRING, AND EQUIPPING SCHOOL FACILITIES, THE PURCHASE OF THE NECESSARY SITES FOR SCHOOL FACILITIES, AND THE PURCHASE OF NEW SCHOOL BUSES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, ALL in obedience to an order duly entered by the Board of Trustees of the Fruitvale Independent School District on January 18, 2018, which order reads substantially as follows:

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

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WHEREAS, the Board of Trustees (the *Board*) of the FRUITVALE INDEPENDENT SCHOOL DISTRICT (the *District*), located in Van Zandt 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, concurrently with the Election, the District is conducting an election for certain Board trustee positions; and

WHEREAS, Section 11.0581, as amended, Texas Education Code requires that an election for trustees positions, along with any other District election held concurrently therewith, be conducted jointly with a municipality including territory of the District on Election Day (defined herein); and

WHEREAS, the District anticipates conducting its Board election and the Election jointly with the City of Fruitvale, Texas (the *City*), which is a municipality within the District, on Election Day only (and unless the City cancels its election, in which case the District's compliance with Section 11.0581, as amended, Texas Education Code is no longer required because of, as described above, impossibility), in a manner permitted under applicable Texas law; 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 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 FRUITVALE INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: The Election shall be held in the FRUITVALE INDEPENDENT SCHOOL DISTRICT on the 5th day of May, 2018 (*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 proposition to the qualified voters of the District:

## PROPOSITION A

“Shall the Board of Trustees of the Fruitvale Independent School District be authorized to issue and sell bonds of the District in the principal amount not to exceed \$4,000,000 for the purposes of designing, constructing, renovating, improving, acquiring, and equipping school facilities (and any necessary or related removal of existing facilities), the purchase of the necessary sites for school facilities, and the purchase of new school buses, 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 Superintendent of Schools, or the respective designees thereof, in coordination with the City, will identify and formally approve the appointment of 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 and the City, 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.

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 Early Voting Clerk, 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 Early Voting Clerk, or the designee thereof, to appoint the Tabulation Supervisor and the Programmer for the Station and may appoint Station clerks as needed or desirable. The Early Voting Clerk 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. Lastly, the District hereby appoints the Secretary of the Board as the Presiding Judge of the Station.

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 proposition which shall appear on the ballot substantially as follows:

*[The remainder of this page intentionally left blank.]*

## PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$4,000,000 OF FRUITVALE INDEPENDENT SCHOOL DISTRICT SCHOOL BUILDING BONDS FOR THE PURPOSES OF DESIGNING, CONSTRUCTING, RENOVATING, IMPROVING, ACQUIRING, AND EQUIPPING SCHOOL FACILITIES, THE PURCHASE OF THE NECESSARY SITES FOR SCHOOL FACILITIES, AND THE PURCHASE OF NEW SCHOOL BUSES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

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: A substantial copy of this Order shall serve as proper notice of the Election. This notice, 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. Additionally, this notice, including a Spanish translation thereof, shall be posted (i) on the bulletin board used for posting notices of Board meetings not later than 21 days prior to Election Day, (ii) in three public places within the District’s boundaries not later than 21 days prior to Election Day, and (iii) in a prominent location at each polling place on Election Day and during early voting. In addition, during the 21 days prior to Election Day, the District shall, in a prominent manner, maintain such notice on its Internet website.

SECTION 8: As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the District, as of its fiscal year beginning September 1, 2017, had outstanding an aggregate principal amount of debt equal to \$2,180,000; the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled \$1,033,885; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.09 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Board’s adoption of this Order, the maximum interest rate for any series of bonds authorized at the Election is 5.5% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more than 40 years from their date), as prescribed by applicable Texas law, though the District estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated maximum net effective interest rate and amortization period are only estimates, provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION 9: 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 City if desired 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. By incorporating all essential terms necessary for a joint election agreement, this Order is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the Board of Trustees.

SECTION 10: 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 11: 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 12: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13: 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 14: 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 15: This Order shall be in force and effect from and after its final passage, and it is so ordered.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

/s/ Michael Hale  
Secretary, Board of Trustees  
Fruitvale Independent School District

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Exhibit A

**ELECTION DAY PRECINCT AND POLLING INFORMATION**

Election Day: May 5, 2018

Election Day Polling Locations open from 7 a.m. to 7 p.m.

Presiding Judge: Judy Woodrum.

<b>District Precinct</b>	<b>County Precincts</b>	<b>Polling Place</b>
1	1A, 1B, 1D	Fruitvale Independent School District High School Library 244 VZ CR 1910 Fruitvale, Texas 75127

*[The remainder of this page intentionally left blank.]*

**Exhibit B**

**EARLY VOTING**

Early voting begins Monday, April 23, 2018 and ends on Tuesday, May 1, 2018.

Early Voting Clerk: Early Voting Clerk and Physical Address  
Marsha Foster  
Administration Office  
244 VZ CR 1910  
Fruitvale, Texas 75127

Presiding Judge of the Early Voting Ballot Board: Judy Woodrum.

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site.

**Main Early Voting Polling Place, Dates, and Times**

Fruitvale Independent School District  
Administration Office  
244 VZ CR 1910  
Fruitvale, Texas 75127

**Dates**

Monday, April 23, 2018 through Friday, April 27, 2018  
Monday, April 30, 2018 through Tuesday, May 1, 2018

**Times**

8:00 a.m. – 4:00 p.m.  
8:00 a.m. – 4:00 p.m.

**Early Voting By Mail**

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Tuesday, April 24, 2018. Applications should be sent to:

Marsha Foster  
P.O. Box 77  
Fruitvale, Texas 75127  
fax: (903) 896-1011  
email: fosterm@fruitvaleisd.com

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

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