

ORDINANCE NO. 23108-02-2018

AN ORDINANCE ORDERING AN ELECTION BY THE QUALIFIED VOTERS OF THE CITY OF FORT WORTH, TEXAS, ON MAY 5, 2018, ON THE QUESTION OF THE ISSUANCE OF AD VALOREM TAX SUPPORTED PUBLIC SECURITIES FOR THE 2018 CAPITAL IMPROVEMENT PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

**SECTION 1.
ELECTION ORDERED**

That the City Council hereby orders that an election be held on Saturday, May 5, 2018. The City Council hereby finds that the date at which said election shall be held is not less than fifteen (15) days nor more than ninety (90) days from the date this Ordinance is adopted.

**SECTION 2.
PROPOSITIONS**

That at said election, the following propositions shall be submitted in accordance with law:

FORT WORTH PROPOSITION A

Shall the City Council of the City of Fort Worth be authorized to issue the public securities of said City as authorized by law at the time of issuance, in one or more series or issues, in the aggregate principal amount of \$261,630,080, with said public securities of each such series or issue, respectively, to mature at the date or dates specified in the issuing instruments, with no such date to exceed forty years from the date of such issuance, and to be sold at such prices and bear interest at such rates as shall be determined by the City Council, for the following streets and mobility infrastructure related purposes, to-wit: constructing permanent street and drainage improvements; reconstructing, rehabilitating, restructuring, and extending the streets, thoroughfares, intersections, park roads and parking lots, sidewalks, bridges, pedestrian ways, bicycle ways, streetscapes, collectors, signalization, signage, other traffic and signal controls, street lighting, and median improvements, and the acquisition of land therefor in said City; and improvements related to all of the foregoing; and/or contributing toward the funding of any or all of the foregoing;

and shall said 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 said public securities and provide a sinking fund to pay said public securities at maturity?

FORT WORTH PROPOSITION B

Shall the City Council of the City of Fort Worth be authorized to issue the public securities of said City as authorized by law at the time of issuance, in one or more series or issues, in the aggregate principal amount of \$84,180,600, with said public securities of each such series or issue, respectively, to mature at the date or dates specified in the issuing instruments, with no such date to exceed forty years from the date of such issuance, and to be sold at such prices and bear interest at such rates as shall be determined by the City Council, for the following parks and recreation purposes, to-wit: constructing new parks, recreation, and community center facilities; purchasing land; improving land; constructing new facilities; renovating existing facilities; enlarging other such facilities; constructing, renovating, or enlarging playgrounds, roadways, parking, drainage, or other supportive infrastructure facilities at or integrated into parks and recreation facilities; and the acquisition of land therefor in said City; and improvements related to all of the foregoing; and/or contributing toward the funding of any or all of the foregoing; and shall said 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 said public securities and provide a sinking fund to pay said public securities at maturity?

FORT WORTH PROPOSITION C

Shall the City Council of the City of Fort Worth be authorized to issue the public securities of said City as authorized by law at the time of issuance, in one or more series or issues, in the aggregate principal amount of \$9,868,500, with said public securities of each such series or issue, respectively, to mature at the date or dates specified in the issuing instruments, with no such date to exceed forty years from the date of such issuance, and to be sold at such prices and bear interest at such rates as shall be determined by the City Council, for the following public library related purposes, to-wit: expanding the City's library system by constructing and equipping new library facilities; renovating and/or expanding existing library facilities; and the acquisition of land therefor in said City; and improvements related to all of the foregoing; and/or contributing toward the funding of any or all of the foregoing; and shall said 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 said public securities and provide a sinking fund to pay said public securities at maturity?

FORT WORTH PROPOSITION D

Shall the City Council of the City of Fort Worth be authorized to issue the public securities of said City as authorized by law at the time of issuance, in one or more series or issues, in the aggregate principal amount of \$11,975,820, with said public securities of each such series or issue, respectively, to mature at the date or dates specified in the issuing instruments, with no such date to exceed forty years from the date of such issuance, and to be sold at such prices and bear interest at such rates as shall be determined by the City Council, for the following fire safety related purposes, to wit: constructing and equipping new fire stations; renovating existing fire stations and fire apparatus; and the acquisition of land therefor in said City; and improvements related to all of the foregoing; and/or contributing toward the funding of any or all of the foregoing; and shall said 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 said public securities and provide a sinking fund to pay said public securities at maturity?

FORT WORTH PROPOSITION E

Shall the City Council of the City of Fort Worth be authorized to issue the public securities of said City as authorized by law at the time of issuance, in one or more series or issues, in the aggregate principal amount of \$13,770,000, with said public securities of each such series or issue, respectively, to mature at the date or dates specified in the issuing instruments, with no such date to exceed forty years from the date of such issuance, and to be sold at such prices and bear interest at such rates as shall be determined by the City Council, for the following animal care and shelter facility related purposes, to-wit: constructing and equipping new animal care and shelter facilities; renovating and/or expanding existing animal care and control facilities; and the acquisition of land therefor in said City; and improvements related to all of the foregoing; and/or contributing toward the funding of any or all of the foregoing; and shall said 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 said public securities and provide a sinking fund to pay said public securities at maturity?

FORT WORTH PROPOSITION F

Shall the City Council of the City of Fort Worth be authorized to issue the public securities of said City as authorized by law at the time of issuance, in one or more series or issues, in the aggregate principal amount of \$18,075,000, with said public securities of each such series or issue, respectively, to mature at the date or dates specified in the issuing instruments, with no such date to exceed forty years from the date of such issuance, and to be sold at such prices and bear interest at such rates as shall be determined by the City Council, for the following police facility related purposes, to-wit: constructing and equipping new police facilities; renovating and/or expanding existing police facilities; and the acquisition of land therefor in said City; and improvements related to all of the foregoing; and/or contributing toward the funding of any or all of the foregoing; and shall said 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 said public securities and provide a sinking fund to pay said public securities at maturity?

**SECTION 3.
BALLOT**

That the official ballots to be used in such election shall be prepared in accordance with Sections 52.072 and 52.073 of the Texas Election Code, as amended. The ballots shall permit the electors to vote "For" or "Against" the aforesaid issuance of public securities and shall be set forth in substantially the following form:

FORT WORTH PROPOSITION A

- | | |
|----------------------------------|---|
| <input type="checkbox"/> FOR | THE ISSUANCE OF TAX-SUPPORTED PUBLIC SECURITIES FOR STREETS AND MOBILITY |
| <input type="checkbox"/> AGAINST | INFRASTRUCTURE IMPROVEMENTS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$261,630,080 |

FORT WORTH PROPOSITION B

- | | |
|----------------------------------|---|
| <input type="checkbox"/> FOR | THE ISSUANCE OF TAX-SUPPORTED PUBLIC SECURITIES FOR PARKS AND RECREATION |
| <input type="checkbox"/> AGAINST | IMPROVEMENTS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$84,180,600 |

FORT WORTH PROPOSITION C

- FOR THE ISSUANCE OF TAX-SUPPORTED PUBLIC SECURITIES FOR PUBLIC LIBRARY IMPROVEMENTS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$9,868,500
- AGAINST

FORT WORTH PROPOSITION D

- FOR THE ISSUANCE OF TAX-SUPPORTED PUBLIC SECURITIES FOR FIRE SAFETY IMPROVEMENTS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$11,975,820
- AGAINST

FORT WORTH PROPOSITION E

- FOR THE ISSUANCE OF TAX-SUPPORTED PUBLIC SECURITIES FOR ANIMAL CARE AND SHELTER FACILITY IMPROVEMENTS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$13,770,000
- AGAINST

FORT WORTH PROPOSITION F

- FOR THE ISSUANCE OF TAX-SUPPORTED PUBLIC SECURITIES FOR POLICE FACILITY IMPROVEMENTS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$18,075,000
- AGAINST

**SECTION 4.
PUBLIC ART**

- (a) In respect to Fort Worth Proposition A (Streets and Mobility Infrastructure) submitted to the voters, it shall be a part of the contract with the voters that should the proposition be approved at said election, the City Council may determine to expend up to 1% of the aggregate proceeds of the public securities authorized and sold for projects approved by the voters as described in such proposition for public art/enhanced design specifically related to transportation and mobility infrastructure, consistent with the public art ordinance approved by the City Council and in effect at the time of the expenditure, and to the extent permitted by law.

- (b) In respect to Propositions B through F submitted to the voters, it shall be a part of the contract with the voters that should any of the propositions be approved at said election, the City Council may determine to expend up to 2% of the aggregate proceeds of the public securities authorized and sold for projects approved by the voters as described in each such proposition for public art/enhanced design specifically related to one or more of the projects described in such proposition, consistent with the public art ordinance approved by the City Council and in effect at the time of the expenditure, and to the extent permitted by law.

**SECTION 5.
ADDITIONAL TAX AND FINANCIAL INFORMATION**

That the following statements are made in accordance with Section 3.009(b) of the Texas Election Code and provide the information required under that Section that is not otherwise addressed in this ordinance:

- (a) Taxes sufficient to pay the annual principal of and interest on the debt obligations may be imposed.

- (b) Based upon the bond market conditions on the date this Ordinance is approved, the maximum interest rate for any series of the debt obligations authorized to be sold by the voters is estimated to be 5%, as calculated in accordance with applicable law. Such estimate

takes into account a number of factors, including the timing of the issuance of debt obligations approved by the voters, the maturity schedule for debt obligations issued by the City, and the expected credit ratings of the proposed debt obligations. The estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the debt obligations, or any series thereof, may be sold.

- (c) As of the beginning of the City's current fiscal year (October 1, 2017), the aggregate amount of outstanding principal of the City's ad valorem supported obligations is \$720,525,000.00.
- (d) As of the beginning of the City's current fiscal year (October 1, 2017), the aggregate amount of outstanding interest on the City's ad valorem supported obligations is \$202,457,682.13.
- (e) As of the date of this Ordinance, the ad valorem debt service tax rate of the City of Fort Worth is \$0.1635 per \$ 100.00 valuation of taxable property.

**SECTION 6.
EARLY VOTING CLERKS**

- (a) That Karen Lawrence, Interim Tarrant County Elections Administrator, or her successor, shall serve as the early voting clerk for the Tarrant County portion of the election.
- (b) Frank Phillips, Denton County Elections Administrator, shall serve as the early voting clerk for the Denton County portion of the election.
- (c) Don Markum, Parker County Elections Administrator, shall serve as the early voting clerk for the Parker County portion of the election.
- (d) Applications from Tarrant County residents for early voting ballots to be voted by mail should be forwarded as follows:

Mailing address:	Early Voting Clerk Tarrant County Elections P.O. Box 961011 Fort Worth, TX 76161-0011
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Express Courier Delivery:	Early Voting Clerk Tarrant County Elections 2700 Premier St. Fort Worth, TX 76111-3011
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Email: votebymail@tarrantcounty.com
Fax: (817) 831-6188

- (e) Applications from Denton County residents for early voting ballots to be voted by mail should be forwarded as follows:

Mailing address: Early Voting Clerk
Denton County Elections
P.O. Box 1720
Denton, Texas 76202

Express Courier Delivery: Early Voting Clerk
Denton County Elections
701 Kimberly Dr., Suite A101
Denton, Texas 76208

Email: Elections@dentoncounty.com
Fax: (940) 349-3201

- (f) Application from Parker County residents for early voting ballots to be voted by mail should be forwarded as follows:

Mailing address: Early Voting Clerk
Parker County Elections
1112 Santa Fe Dr.
Weatherford, Texas 76086

Express Courier Delivery: Early Voting Clerk
Parker County Elections
1112 Santa Fe Dr.
Weatherford, Texas 76086

Email: Elections@parkercountytexas.com
Fax: (817) 598-6183

- (g) Applications for early voting ballots by mail must be received no later than the close of business on April 24, 2018.

**SECTION 7.
EARLY VOTING**

- (a) That Early Voting by personal appearance of Fort Worth residents shall be conducted beginning April 23, 2018, and continue through May 1, 2018.
- (b) The main Early Voting locations and times for Fort Worth residents are:
- (1) Voters residing in Tarrant County:

Location: Tarrant County Elections Center
2700 Premier St.
Fort Worth, Texas 76111

Times:

April 23 – 27	Monday-Friday	8:00 a.m – 5:00 p.m.
April 28	Saturday	7:00 a.m – 7:00 p.m.
April 29	Sunday	11:00 a.m – 4:00 p.m.
April 30 – May 1	Monday – Tuesday	7:00 a.m – 7:00 p.m.

- (2) Voters residing in Denton County:

Location: Denton County Elections
701 Kimberly Dr.
Denton, Texas 76208

Times:

April 23 - 28	Monday-Saturday	8:00 a.m – 5:00 p.m.
April 30-May 1	Monday – Tuesday	7:00 a.m – 7:00 p.m.

(3) Voters residing in Parker County:

Location: Parker County Courthouse Annex
Annex Kitchen
1112 Santa Fe Dr.
Weatherford, Texas 76086

Times:

April 23	Monday	8:00 a.m – 5:00 p.m.
April 24	Tuesday	7:00 a.m – 7:00 p.m.
April 25	Wednesday	8:00 a.m – 5:00 p.m.
April 26	Thursday	7:00 a.m – 7:00 p.m.
April 27	Friday	8:00 a.m – 5:00 p.m.
April 30	Monday	8:00 a.m – 5:00 p.m.
May 1	Tuesday	8:00 a.m – 5:00 p.m.

- (c) The locations and times at which early voting shall be conducted at branch early voting polling locations are contained in: Exhibit A-1, Tarrant County residents; Exhibit A-2, Denton County residents; and Exhibit A-3, Parker County residents, attached hereto. The City Secretary may change the places and/or times contained in Exhibits A-1, A-2, and A-3 without further City Council action or approval after consulting with the respective County Elections Administrator and determining that a change in place and/or time is necessary.

**SECTION 8.
VOTING SYSTEM**

- (a) That an electronic voting system, as defined in Chapter 121 of the Texas Election Code, shall be used for voting at the regular polling places for said election and for counting the ballots and for tabulating the results. The conduct of the election and the use of the electronic voting system shall be in accordance with the Texas Election Code.
- (b) Central Counting Stations:
- (1) The Office of the Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas, is established as the Central Counting Station for the ballots cast in Tarrant County in said election.

- (2) The Office of the Denton County Elections Administrator, 701 Kimberly Drive, Denton, Texas, is established as the Central Counting Station for the ballots cast in Denton County in said election.
 - (3) The Office of the Parker County Elections Administrator, 1112 Santa Fe Drive, Weatherford, Texas, is established as the Central Counting Station for the ballots cast in Parker County in said election.
- (c) Each of the above-named Central Counting Stations shall appoint an individual, having knowledge and experience in the conduct of elections with the electronic voting system for which each Central Counting Station is established, as Manager of the respective Central Counting Station. The Manager shall be in charge of overall administration of the individual County's Central Counting Station and the general supervision of the personnel working at the Station.
 - (d) Each of the Counties named in sub-section (b) above shall appoint an individual trained in the operation of the automatic tabulating equipment as Tabulation Supervisor. The Tabulation Supervisor shall be in charge of the operation of the automatic tabulating equipment in the respective county.
 - (e) Each of the Counties named in sub-section (b) above shall appoint an individual as Assistant to the Tabulation Supervisor. Such Assistant shall assist the Tabulation Supervisor in the operation of the automatic tabulating equipment as directed by the Tabulation Supervisor.
 - (f) Each of the Counties named in sub-section (b) above shall appoint an individual as Presiding Judge of the Central Counting Station. The Presiding Judge shall maintain order at the Central Counting Station and shall have such authority as may be prescribed by the Texas Election Code.
 - (g) The Tarrant, Denton, and Parker County polling places shall be kept open on May 5, 2018, from 7:00 a.m. to 7:00 p.m., and due returns shall be made to the City Council showing the number of votes cast "For" and "Against" Fort Worth Propositions A through F, inclusive.
 - (h) The locations of the election day polling places for the election are contained in: Exhibit B-1, Tarrant County Election Day Polling Sites; Exhibit B-2, Denton County Election Day Polling Sites; and Exhibit B-3, Parker County Election Day Polling Sites, attached hereto. The City Secretary may change the places and/or times contained in Exhibits B-1, B-2, and B-3 without further City Council action or approval after consulting with the respective

County Elections Administrator and determining that a change in place and/or time is necessary.

**SECTION 9.
NOTICE AND PUBLICATION**

- (a) That a substantial copy of this Ordinance shall serve as proper notice of said election, which notice shall be given by posting substantial copies of this Ordinance in English, Spanish, and Vietnamese on the bulletin board at the City Hall of the City of Fort Worth used for the posting of notices of meetings of the City Council of the City and at three (3) other public places within the City not later than the twenty-first (21st) day prior to the date upon which said election is to be held; and substantial copies of this Ordinance in English, Spanish, and Vietnamese shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the date of the first publication to be not less than fourteen (14) days nor more than thirty (30) days prior to the date of said election, with publication in Vietnamese required only in Tarrant County.
- (b) No later than the twenty-first (21st) day before the election, a complete copy of this Ordinance shall be posted on the City's official website together with the notice of the election and the contents of the Propositions and shall remain so posted through the date of the election.
- (c) A complete copy of this Ordinance shall be posted on election day and during early voting by personal appearance in a prominent location at each polling place at which this election is conducted.
- (d) The City Secretary is directed to certify compliance with subsections (a) and (b) and to obtain certification from the relevant election authorities regarding compliance with subsection (c).

**SECTION 10.
CONTROLLING LAW**

That in all respects, said election shall be conducted in accordance with the Texas Election Code and the Charter of the City of Fort Worth, Texas.

**SECTION 11.
OPEN MEETING COMPLIANCE**

That it is hereby officially found and determined that the meeting at which this Ordinance was adopted and said election was called was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

**SECTION 12.
EFFECTIVE DATE**

That this Ordinance, election order, proclamation and notice shall take effect upon adoption.

Betsy Price
Mayor of the City of Fort Worth

ATTEST:
Mary J. Kayser, City Secretary

APPROVED AS TO FORM AND LEGALITY:
Sarah J. Fullenwider, City Attorney

ADOPTED and EFFECTIVE: February 6, 2018