

AN ORDER calling a bond election to be held in the New Diana Independent School District, making provision for the conduct of the election and resolving other matters incident and related to such election

WHEREAS, the Board of Trustees of the New Diana Independent School District hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said District in the amount and for the purposes hereinafter identified; now, therefore,

BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE NEW DIANA INDEPENDENT SCHOOL DISTRICT:

SECTION 1: An election shall be held on the 7th day of November, 2017, in the New Diana Independent School District, which date is seventy-eight (78) or more days from the date of the adoption hereof, and is a uniform election date pursuant to Texas Election Code, Section 41.001, for the purpose of submitting the following measure:

"SHALL the Board of Trustees of the New Diana Independent School District in Upshur and Harrison Counties, Texas be authorized to issue bonds of the District in the principal amount of \$5,500,000 for the construction, renovation, acquisition and equipment of school buildings in the District; and shall there be pledged and levied, assessed and collected annually 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 said bonds and the costs of any credit agreements executed in connection with the bonds; said bonds to mature serially or otherwise in accordance with the law, to be issued in one or more series at any price or prices, and to bear interest at such rate or rates (fixed, floating, variable or otherwise and not to exceed the maximum rate permitted by law at the time of issuance of the bonds) as in its discretion the Board of Trustees shall determine?"

SECTION 2: In accordance with the provisions of an election services contract with the Upshur County Elections Administrator (the "Upshur Contract") for that portion of the District located in Upshur County and an election services contract with the Harrison County Elections Administrator (the "Harrison Contract") for that portion of the District located in Harrison County, the election shall be conducted by the Upshur County Elections Administrator and the Harrison County Elections Administrator, respectively, on election day in accordance with the provisions of the respective election contracts or agreements (collectively, the "Contracts").

SECTION 3: The locations, dates and times for early voting for this election shall be as shown in **Exhibit A**, which is attached hereto and incorporated herein by reference as a part hereof for all purposes. Debbie Cobb, is hereby appointed early voting clerk and Diana Cooper and Gloria Rosser as deputy early voting clerks for this election.

The Presiding Judge for the Early Voting Ballot Board shall be appointed by separate order of the Board, which Presiding Judge shall appoint at least two other members to serve on the Early Voting Ballot Board for this election in accordance with Texas Election Code, Section 87.002.

SECTION 4: Pursuant to the provisions of the Contracts, the vote centers for voters in Upshur County and election precincts and polling location for voters in Harrison County are

shown in **Exhibit B** attached hereto and hereby incorporated herein by reference as a part hereof for all purposes. The election officers and maximum number of clerks for each polling place or voting center shall be determined and appointed in accordance with the provisions of the respective Contracts.

On election day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

SECTION 5: A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Ballots shall be prepared in accordance with the Texas Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

NEW DIANA INDEPENDENT SCHOOL DISTRICT PROPOSITION A

"THE ISSUANCE OF BONDS IN THE AMOUNT OF \$5,500,000 FOR THE CONSTRUCTION, RENOVATION, ACQUISITION AND EQUIPMENT OF SCHOOL BUILDINGS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF"

SECTION 6: With respect to the voters of the District residing in Upshur County, the Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Upshur County Elections Administration Office, Upshur County Courthouse, 2nd Floor, 100 West Tyler Street, Gilmer, Texas. With respect to the voters of the District residing in Harrison County, the Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Harrison County Elections Office, 415 East Burleson Street, Marshall, Texas.

The Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at each Central Counting Station shall be appointed and designated in accordance with the provisions of the respective Contract. The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Election Code.

SECTION 7: All resident qualified voters of the District shall be permitted to vote at said election and, on the day of the election, such voters shall vote at the designated polling places. This election shall be held and conducted in accordance with the Texas Election Code, except as modified by the provisions of the Texas Education Code, and to the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

SECTION 8: A substantial copy of this Order shall serve as proper notice of said election. Said notice shall be published at least one time not more than thirty (30) days or less than ten (10) days before the day of the election in a newspaper of general circulation in the District. Additionally, the notice shall be posted (i) on the bulletin board used for posting notices of Board meetings and at three public places within the District not later than twenty-one (21) days prior to election day, (ii) prominently on the District's Internet website during the twenty-one (21) days prior to election day, and (iii) in a prominent location at each polling place on the day of the election and during early voting.

SECTION 9: As required by and in accordance with Section 3.009(b)(5) through (9) of the Texas Election Code, the District, as of its fiscal year beginning July 1, 2017, had outstanding an aggregate principal amount of debt equal to \$2,850,000; the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled \$727,244; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.08 per \$100 of taxable assessed valuation. The District bonds that are the subject of the election shall mature serially or otherwise over a specified number of years (but not more than forty (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 26-year period from their respective date of issue. Based on the bond market conditions on the date of the Board's adoption of this Order, the maximum net effective interest rate for any series of bonds authorized at the Election is estimated to be 4.35%. Such maximum rate and amortization period are only estimates, provided for Texas statutory compliance, and 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 therefor.

SECTION 10: This Order hereby incorporates the provisions of the Contracts, and to the extent of any conflict between this Order and the Contracts, the provisions of the Contracts shall control. The Superintendent of Schools or his designee, is hereby authorized to correct, modify or change the information in this Order and the attached Exhibits, including the final locations, dates and times agreed upon by the Upshur County Elections Administrator and/or the Harrison County Elections Administrator and the District as well as incorporate additional voting locations as designated by the Upshur County Elections Administrator and/or the Harrison County Elections Administrator.

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PASSED AND APPROVED, this August 14, 2017.

NEW DIANA INDEPENDENT SCHOOL
DISTRICT



President, Board of Trustees

ATTEST:



Secretary, Board of Trustees

(District Seal)

**EXHIBIT A
EARLY VOTING LOCATIONS, DATES AND TIMES**

Early voting for this election shall begin on Monday, October 23, 2017 and end on Friday, November 3, 2017, and the dates and hours designated for early voting by personal appearance shall be as set forth below:

Main Early Voting Polling Place

New Diana ISD Administration Office
1373 U. S. Highway 259 South
Diana, Texas 75640

<u>Dates</u>	<u>Hours</u>
Monday, October 23, 2017 through Wednesday, October 25, 2017	8:00 a.m. to 4:00 p.m.
Thursday, October 26, 2017	8:00 a.m. to 7:00 p.m.
Friday, October 27, 2017	8:00 a.m. to 4:00 p.m.
Saturday, October 28, 2017	8:00 a.m. to 12:00 noon
Monday, October 30, 2017 through Thursday, November 2, 2017	8:00 a.m. to 4:00 p.m.
Friday, November 3, 2017	8:00 a.m. to 7:00 p.m.

Temporary Early Voting Polling Place for Harrison County Voters

Harrison County Elections Office
415 E. Burleson Street
Marshall, Texas 75671

Mailing Address:
Harrison County Elections Office
P. O. Box 8409
Marshall, Texas 75671

<u>Dates</u>	<u>Hours</u>
Monday, October 23, 2017 through Friday, October 27, 2017	8:00 a.m. to 5:00 p.m.
Monday, October 30, 2017 through Wednesday, November 1, 2017	8:00 a.m. to 5:00 p.m.
Thursday, November 2, 2017 and Friday, November 3, 2017	7:00 a.m. to 7:00 p.m.

EXHIBIT B
UPSHUR COUNTY ELECTION DAY VOTE CENTERS

<u>Polling Location</u>
Indian Rock Baptist Church 4944 State Hwy. 154 E. Gilmer, Texas 75645
East Mountain Community Center 103 Municipal Dr. Gilmer, Texas 75645
Glenwood Water Department 6792 FM 726 S. Gilmer, Texas 75645
Ashland Masonic Lodge #1138 10478 State Hwy. 154 Diana, Texas 75640
Assembly of God Church 1060 US Hwy. 271 N. Gilmer, Texas 75644
Walnut Creek Baptist Church 1969 N. Segoe Lily Rd. Diana, Texas 75640
Ore City Community Center 408 Althea Ore City, Texas 75683
Frontier Cowboy Church 2791 FM 593 Gilmer, Texas 75644
Big Sandy ISD #1 Wildcat Dr. Big Sandy, Texas 75755
Pritchett Community Center 1092 FM 1404 Big Sandy, Texas 75755
Gladewater Former Student Building 2509 Hendricks Gladewater, Texas 75647
Enon Community Center 5223 Armadillo Rd. Gilmer, Texas 75644
Oak Hill Baptist Church 3084 FM 2088 Gilmer, Texas 75644
Simpsonville Fire Station 10282 FM 556 Gilmer, Texas 75644
Rosewood Baptist Church 8261 Arrowwood Rd. Gilmer, Texas 75644
Upshur County Library 702 W. Tyler St. Gilmer, Texas 75644

HARRISON COUNTY ELECTION DAY POLLING PLACE

<u>Harrison County Election Precincts</u>	<u>Polling Location</u>
16 and 23	Harleton Civic Center 4335 Community Harleton, Texas