

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

WHEREAS, the Board of Trustees (the *Board*) of the NEW CANEY INDEPENDENT SCHOOL DISTRICT (the *District*), located in Montgomery and Harris Counties, Texas (individually, the *County*, collectively, the *Counties*), 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 contract with the elections administrator of Montgomery County (the *Administrator*) to conduct all aspects of the Election for all registered voters of the District; and

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

WHEREAS, the Board hereby finds and determines that the necessity to construct various capital improvements within the District dictates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of 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 NEW CANEY INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1. The Election shall be held in the NEW CANEY INDEPENDENT SCHOOL DISTRICT on May 6, 2023 (*Election Day*), which is a uniform election date under the Code 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 New Caney Independent School District be authorized to issue and sell bonds of the District, in one or more series, in the aggregate principal amount not to exceed \$634,000,000 for the purposes of designing, constructing, renovating, improving, upgrading, updating, modernizing, acquiring, and equipping school facilities (and any necessary or related removal of existing facilities) and the purchase of the necessary sites for school facilities, 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?

### MEASURE B

Shall the Board of Trustees of the New Caney Independent School District be authorized to issue and sell bonds of the District, in one or more series, in the aggregate principal amount not to exceed \$61,000,000 for the purposes of designing, constructing, renovating, improving, upgrading, updating, acquiring, and equipping school recreational and extracurricular facilities, including baseball and softball and expanding the existing Ag Science Center, 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?

SECTION 2. One or more District 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 District election precincts as identified in Exhibit A to this Order (which is incorporated herein by reference for all purposes). In compliance with the Code, the Administrator will appoint Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election. The District's Superintendent of Schools, the President of the Board of Trustees, or their designees 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. To the extent required by the Code or other applicable law, the appointment of election officials must include a person fluent in Spanish, Chinese, and Vietnamese.

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. The main early voting location 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 Code.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained according to the 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 will be identified in Exhibit B hereto.

The Administrator is authorized to establish an Early Voting Ballot Board and to designate the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge of the Early Voting Ballot Board shall appoint two or more additional members to constitute the Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

SECTION 3. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance, and when required by the Code, at least one accessible voting system per polling place will be provided. Certain early voting may be conducted by mail according to the Code.

SECTION 4. The District is authorized to utilize a Central Counting Station (the *Station*) as provided by the 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 according to the 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 according to the Code.

SECTION 5. The official ballot shall be prepared according to the Code so as to permit voters to vote “FOR” or “AGAINST” the aforesaid measures that shall appear on the ballot substantially as follows:

PROPOSITION A

THE ISSUANCE OF \$634,000,000 OF BONDS BY THE NEW CANEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREOF. THIS IS A PROPERTY TAX INCREASE.

PROPOSITION B

THE ISSUANCE OF \$61,000,000 OF BONDS BY THE NEW CANEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL EXTRACURRICULAR FACILITIES, INCLUDING BASEBALL/SOFTBALL AND EXPANDING THE AG SCIENCE CENTER, 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 places. The Election shall be held and conducted according to the Code and other applicable law. To the extent required

by law, materials and proceedings relating to the Election shall be printed in English, Spanish, Chinese, and Vietnamese.

SECTION 7. Notice of election (including translations in English, Spanish, Chinese, and Vietnamese) 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 to and incorporated herein for all purposes (including translations in English, Spanish, Chinese, and Vietnamese) shall be posted (a) not less than 21 days prior to Election Day (1) on the bulletin board used for posting notices of Board meetings, (2) in three additional public places within the District's boundaries, (3) in a prominent location on the District's internet website, and (b) in a prominent location at each polling place on Election Day and during early voting. 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 date of this order, the District had outstanding an aggregate principal amount of debt equal to \$561,995,000 (including maintenance tax debt, if any); the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled \$357,060,318; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.50 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 4.50% (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 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 District's President of the Board of Trustees, the Superintendent of Schools, or their designees to negotiate and enter into one or more joint election agreements, election services contracts, and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or if required to comply with applicable law, as permitted and in accordance with the Code. In addition, the Board authorizes the President of the Board of Trustees, the Superintendent of Schools, or their designees 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 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.

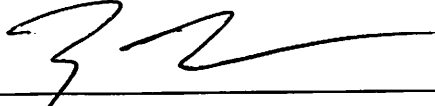
SECTION 14. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order 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.

\* \* \*

PASSED AND APPROVED on February 7, 2023.

NEW CANEY INDEPENDENT SCHOOL DISTRICT



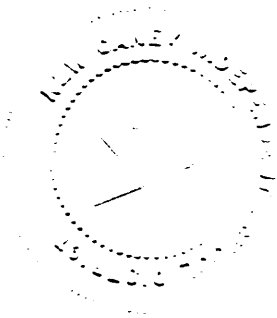
\_\_\_\_\_  
Ty Trout  
President, Board of Trustees

ATTEST:



\_\_\_\_\_  
Elizabeth Rhoden Harrell  
Secretary, Board of Trustees

(DISTRICT SEAL)



[Signature Page to Bond Election Order]

**Exhibit A**

**ELECTION DAY MAY 6, 2023**

District's website: <https://www.newcaneyisd.org/>

County's website: <https://elections.mctx.org/>

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

<b>District Precinct</b>	<b>Montgomery County Consolidated Precincts</b>	<b>Harris County Precinct</b>	<b>Polling Place</b>
1	07, 16, 53	–	New Caney Elementary School Gym 20501 FM 1485 New Caney, TX 77357
2	26, 52, 64, 93	–	East Montgomery County Fair Association Building, Main Room 21675A McCleskey Road New Caney, TX 77357
3	54	–	Peach Creek Baptist Church Fellowship Hall 25963 FM 1485 / 99 W New Caney, TX 77357
4	14, 36	–	Robert L. Crippen Elementary School Gym 18690 Cumberland Boulevard Porter, TX 77365
5	82, 94	–	Lone Star College – Kingwood Performing Arts Center, Room APA 119 500 Royston Drive Kingwood, TX 77339
6	37, 95	340, 948	Kings Manor Elementary School Gym 21111 Royal Crossing Drive Kingwood, TX 77339

Presiding Judges and Alternates: to be determined by the Administrator.

## **Exhibit B**

### **EARLY VOTING**

District's website: <https://www.newcaneyisd.org/>

County's website: <https://elections.mctx.org/>

#### **Early Voting by Personal Appearance**

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site, except the District's Harris County voters must vote at New Caney ISD Administration, 21580 Loop 494, New Caney, TX 77357.

April 24-29, 2023

8:00 am – 5:00 pm

May 1-2, 2023

7:00 am – 7:00 pm

#### **Main Early Voting Polling Place**

Central Library, Large Meeting Room, 104 I-45 North Conroe, TX 77301

#### **Branch Early Voting Polling Places**

New Caney ISD Administration, 21580 Loop 494, New Caney, TX 77357

East Montgomery County Fair Association Building, Main Room, 21675A McCleskey Rd., New Caney, TX 77357

North Montgomery County Community Center, Meador Room, 600 Gerald St., Willis, TX 77378

Lone Star Community Center, Cissy Boulware Room, 2500 Lone Star Pkwy., Montgomery, TX 77356

West Montgomery County Community Development Center, Green Room, 31355 Friendship Dr., Magnolia, TX 77355

Magnolia Event Center, Room LGI 1, 11659 FM 1488, Magnolia, TX 77354

The Woodlands Emergency Training Center, Room A/B, 16135 IH-45 South, Conroe, TX 77385

#### **Special Forms of Early Voting and Ballot by Mail Only**

Election Central, Lobby, 9159 Airport Rd., Conroe, TX 77303

#### **Early Voting By Mail**

Applications for voting by mail should be received no later than the close of business on April 25, 2023. Send applications to Early Voting Clerk: Suzie Harvey, Elections Administrator; mailing address: P.O. Box 2646, Conroe, TX 77305; physical address: 9159 Airport Road, Conroe, Texas 77303; phone: (936) 539-7843; fax: (936) 538-8143; email: [election.ballot@mctx.org](mailto:election.ballot@mctx.org).

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 business days after receiving the emailed or faxed copy.



**Exhibit C**

**VOTER INFORMATION DOCUMENT**

New Caney Independent School District Proposition A:

<input type="checkbox"/> FOR  <input type="checkbox"/> AGAINST	THE ISSUANCE OF \$634,000,000 OF BONDS BY THE NEW CANEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREOF. THIS IS A PROPERTY TAX INCREASE.	
principal of debt obligations to be authorized		\$634,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 4.50%		\$519,602,112
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized in multiple installments amortized over 30 years from issuance		\$1,153,602,112
as of the date the election was ordered, principal of all outstanding debt obligations		\$561,995,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations		\$357,060,318
estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 29 years		\$919,055,318
as of the date the election was ordered, the ad valorem debt service tax rate per \$100 of taxable assessed valuation		\$0.50
<p>estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved.</p> <p>This figure assumes application of a homestead exemption of \$40,000.</p> <p>As noted above, this figure makes conservative assumptions about the amortization period of the proposed debt and the interest to be paid.</p> <p>This figure makes the following presumptions about long term property values in the District: that every \$1 billion of net taxable value growth leads to more than \$100 million of additional bond capacity (interest figures above reflect approximate equal installments over 7 years). The District intends to issue the bonds in installments over time as the tax base growth and projected growth allow while maintaining the interest and sinking tax rate at the current \$0.50.</p>		\$0

**Exhibit D**

**VOTER INFORMATION DOCUMENT**

New Caney Independent School District Proposition B:

<input type="checkbox"/> FOR  <input type="checkbox"/> AGAINST	THE ISSUANCE OF \$61,000,000 OF BONDS BY THE NEW CANEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL EXTRACURRICULAR FACILITIES, INCLUDING BASEBALL/SOFTBALL AND EXPANDING THE AG SCIENCE CENTER, AND THE LEVYING OF A TAX IN PAYMENT THEREOF. THIS IS A PROPERTY TAX INCREASE.	
principal of debt obligations to be authorized		\$61,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 4.50%		\$49,993,263
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized in multiple installments amortized over <u>30</u> years from issuance		\$110,993,263
as of the date the election was ordered, principal of all outstanding debt obligations		\$561,995,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations		\$357,060,318
estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over <u>29</u> years		\$919,055,318
as of the date the election was ordered, the ad valorem debt service tax rate per \$100 of taxable assessed valuation		\$0.50
<p>estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved.</p> <p>This figure assumes application of a homestead exemption of \$40,000.</p> <p>As noted above, this figure makes conservative assumptions about the amortization period of the proposed debt and the interest to be paid.</p> <p>This figure makes the following presumptions about long term property values in the District: that every \$1 billion of net taxable value growth leads to more than \$100 million of additional bond capacity (interest figures above reflect approximate equal installments over 7 years). The District intends to issue the bonds in installments over time as the tax base growth and projected growth allow while maintaining the interest and sinking tax rate at the current \$0.50.</p>		\$0