

**Resolution 2015-38**

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN CONNECTION THEREWITH**

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WHEREAS, on August 20, 2015, the Commissioners Court (the *Court*) of Comal County, Texas (the *County*) ordered an election to be held on November 3, 2015 for the purpose of determining whether the resident, qualified voters of the County would authorize the issuance of general obligation bonds by the County; and

WHEREAS, the Court has reviewed and investigated all matters pertaining to this election, including the resolving, notices, election officers, holding, and returns thereof; and

WHEREAS, the Court hereby canvasses the returns of this election, at which there was submitted to all resident, qualified voters of the County for their action thereupon, the following proposition:

**PROPOSITION**

“Shall the Commissioners Court of Comal County, Texas be authorized to issue and sell general obligation bonds of the County in the principal amount of \$76,000,000 for the purpose of acquiring, designing, purchasing, renovating, constructing, reconstructing, improving or equipping a building or buildings, purchasing technology, and the purchase and improvement of the necessary sites therefor, that will be utilized for jail facilities, related administrative facilities, and Sheriff’s Office facilities; such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with the law; and any issue or series of such bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the Commissioners Court, provided that such rate 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 said bonds; and shall the Commissioners Court of the County be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreement executed in connection with the bonds?”;

and

WHEREAS, the Court has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Court by the judges and clerks holding and conducting such election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, this Court hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the County:

PROPOSITION

“THE ISSUANCE OF \$76,000,000 OF GENERAL OBLIGATION BONDS TO ACQUIRE, DESIGN, PURCHASE, RENOVATE, CONSTRUCT, RECONSTRUCT, IMPROVE OR EQUIP A BUILDING OR BUILDINGS, PURCHASE TECHNOLOGY, AND PURCHASE AND IMPROVE THE NECESSARY SITES THEREFOR, THAT WILL BE UTILIZED FOR JAIL FACILITIES, RELATED ADMINISTRATIVE FACILITIES, AND SHERIFF’S OFFICE FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

	<u>For</u>	<u>Against</u>
Early Votes		
Provisional Votes		
Election Day Votes		
TOTAL		

NOW, THEREFORE,

IT IS ACCORDINGLY FOUND, DECLARED, AND ORDAINED BY  
THE COMMISSIONERS COURT OF  
COMAL COUNTY, TEXAS THAT:

SECTION 1: The Court officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the County were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Court has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

SECTION 2: A MAJORITY of the resident, qualified voters of Comal County, Texas voting in such election, having voted FOR the authorization and issuance of \$76,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in the Proposition, the Court hereby finds and determines that the Proposition carried at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law, and that the Court is hereby accordingly authorized to issue the bonds and to levy the tax in accordance with the authority granted in the Proposition and with law.

SECTION 3: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Court.

SECTION 4: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 6:** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Court hereby declares that this Resolution would have been enacted without such invalid provision.

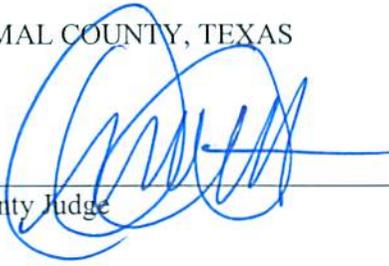
**SECTION 7:** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 8:** This Resolution shall be in force and effect from and after its final passage and it is so resolved.

\* \* \*

PASSED, ADOPTED AND APPROVED this, the 12th day of November, 2015.

COMAL COUNTY, TEXAS

  
\_\_\_\_\_  
County Judge

ATTEST:

  
\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
Commissioners Court



**EXHIBIT A**

**CONSIDERATION AND APPROVAL OF A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN CONNECTION THEREWITH**

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EXHIBIT B

A MOTION BY COMMISSIONER Eccleston AND SECONDED BY  
COMMISSIONER Haag THAT THE COMMISSIONERS COURT ADOPT  
A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE  
RESULTS OF A BOND ELECTION

\* \* \* \*

CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS                   §  
  §  
COUNTY OF COMAL                   §  
  §  
COMMISSIONERS COURT OF           §  
COMAL COUNTY, TEXAS               §

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the 12<sup>th</sup> day of November, 2015, the Commissioners Court (the *Court*) of Comal County, Texas (the *County*) convened in Regular session at its regular meeting place in the Court in the County Courthouse (the *Meeting*), the duly constituted members of the Court being as follows:

Sherman Krause	County Judge
Donna Eccleston	Commissioner, Precinct 1
Scott Haag	Commissioner, Precinct 2
Kevin Webb	Commissioner, Precinct 3
Jen Crownover	Commissioner, Precinct 4

and all of such persons were present at the Meeting, except the following: n/a, thus constituting a quorum. Among other business considered at the Meeting, the attached resolution (the *Resolution*) entitled:

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN CONNECTION THEREWITH

was introduced for the due consideration of the Court. After presentation and discussion of the Resolution, a motion was made by Commissioner Eccleston that the Resolution be passed and adopted. The motion was seconded by Commissioner Haag and carried by the following vote:

5 voted "For" 0 voted "Against" 0 abstained

all as shown in the official Minutes of the Court for the Meeting.

2. The attached Resolution is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Court on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Court was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the Commissioners Court, this 12<sup>th</sup> day of November, 2015.

County Clerk and Ex-Officio Clerk of the  
Commissioners Court of Comal County, Texas

*Patrick Kemp*

