

RESOLUTION
ORDER OF ELECTION FOR BORGER ISD
VOTER-APPROVAL TAX RATE ELECTION (VATRE) on NOVEMBER 5, 2024

THE STATE OF TEXAS
COUNTY OF HUTCHINSON
BORGER INDEPENDENT SCHOOL DISTRICT

WHEREAS, the Board of Trustees (the "Board") of the Borger Independent School District (the "District") has adopted an Order setting a tax rate for tax year 2024-25 that exceeds the District's voter-approval tax rate; and

WHEREAS, under Section 26.08 of the Texas Tax Code the adoption of such a tax rate may be submitted to the registered voters of the District at an election for the purpose of determining whether such voters approve the adopted tax rate election (the "Election"); and

WHEREAS, Section 26.08 of the Tax Code provides that the Board shall order that the Election be held on the next uniform election date prescribed by Section 41.001, Election Code, that occurs after the date of this Order and that allows sufficient time to comply with the requirements of other law.

WHEREAS, the Board adopted its Order setting the tax rate on August 19, 2024 which date of such Order is more than seventy-one (71) days before November 5, 2024; and

WHEREAS, the Board has the authority under Chapters 42 and 85 of the Texas Election Code to designate voting locations for election day and early voting locations, dates, and times; and

WHEREAS, the Board has the authority pursuant to Chapter 271, Texas Election Code to enter into joint election agreements with other political subdivisions also holding an election on the same date in all or part of the same territory; and

WHEREAS, the Hutchinson County Elections Administrator and the District have the authority pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code to enter into a contract for election services for the Hutchinson County Elections Administrator to conduct the District's election; and

WHEREAS, November 5, 2024, is the next uniform election date under Section 41.001, which date is more than seventy-eight (78) days from the date of this Order and sufficient time remains for the District to comply with the requirements of other law related to the conduct of the Election.

IT IS, THEREFORE, ORDERED BY THE BOARD OF TRUSTEES OF THE BORGER INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. The Election shall be held on Tuesday, November 5, 2024, which is seventy-eight (78) or more days from the date of adoption of this Order. This Order calls the Election within and throughout the territory of the District at which all residents, qualified electors of the District, shall be entitled to vote. The Board hereby finds that holding the Election on such date is in the public interest. The hours during which the polling places are to be

FILED
KELLY RATLIFF
COUNTY CLERK

AUG 19 2024
1:56 pm
HUTCHINSON COUNTY, TEXAS
BY K. Ratliff DEPUTY

open on election day shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m. The voting locations for election day are attached as Exhibit "A" to this Order and incorporated by reference herein.

Section 2. Conduct of Election; Joint Election Agreement; Contract for Election

Services. The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and of the United States of America.

Pursuant to Chapter 31 of the Texas Election Code, the Board orders that the Election be conducted under a Contract for Election services with Hutchinson County, which will be presented to the Board for its consideration and approval when available.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all, or part of the same territory may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Board is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code the Board hereby denies that this Election be conducted under the terms and conditions of one or more agreements to conduct joint elections, which will be presented to the Board for its consideration and approval when available.

The District will utilize the DS200 voting system, which has been approved for use by the Texas Secretary of State for early voting by personal appearance, on election day, and for early voting by mail.

Section 3. Voting Precincts; Election Judges and Clerks and other Election Officials.

Except as otherwise provided herein, the presently existing boundaries and territory of the Hutchinson County election precincts that are wholly or partially within the District are hereby designated as the voting precincts of the District for the Election. The precinct numbers for the District's election precincts shall be the corresponding Hutchinson County precinct number of each precinct that is wholly or partially within the District.

The Board approves the appointment of persons designated by the Hutchinson County Elections Administrator to serve as election workers both during early voting by personal appearance and on election day. Such proposed presiding judges, alternate judges, and clerks shall meet the eligibility requirements of Chapter 32, Subchapter C of the Texas Election Code. The rate of pay for judges, alternates and clerks of the election shall be determined by the Hutchinson County Elections Administrator. The Board approves the appointment of persons designated by the Hutchinson County Elections Administrator to serve on the early voting ballot board, at the central counting station, or in any other capacity needed in order to conduct the Election. Instruction for all election workers shall occur as provided in the Joint Election Agreement(s) and/or Contracts for Election Services.

In the event that the Superintendent or the Board's Agent (as defined in Section 6 below) shall determine from time to time that (a) the polling places hereby established and designated shall become unavailable or unsuitable for such use, or it would be in the District's best interests to relocate the polling places, or (b) that the Presiding Election Judge or Alternate Presiding Judge hereby appointed shall become disqualified or unavailable, the Superintendent or the Board's Agent is hereby authorized to designate and appoint in writing a substitute polling place, Presiding

Election Judge or Alternate Presiding Election Judge, giving such notice as is required by the Election Code and as deemed sufficient. Furthermore, the Superintendent or the Board's Agent is hereby authorized to allow the Presiding Election Judge or Alternate Presiding Election Judge, upon request, to designate and appoint such additional clerks as may be required from time to time to assist at the polling places in order to efficiently carry out the duties of the office, giving such notice as is required by the Election Code and as deemed sufficient.

Section 4. Ballots. The ballots shall be suitable for use with the DS200 voting system and shall otherwise conform to the requirements of the Election Code so as to permit the electors to vote "FOR" or "AGAINST" the measure which shall appear on the ballot. The ballot shall propose the adoption of a tax rate that exceeds the voter-approval tax rate. The ballot language is expected to be substantially similar to the following:

OFFICIAL BALLOT

PROPOSITION

|| FOR

RATIFYING THE AD VALOREM TAX RATE OF \$1.1321 IN BORGER INDEPENDENT SCHOOL DISTRICT FOR THE CURRENT YEAR, A RATE THAT WILL RESULT IN AN INCREASE OF 11.1 PERCENT IN MAINTENANCE AND OPERATIONS TAX REVENUE FOR THE DISTRICT FOR THE CURRENT YEAR AS COMPARED TO THE PRECEDING YEAR, WHICH IS AN ADDITIONAL \$522,500.

|| AGAINST

Section 5. Election information to be provided in Spanish. The Superintendent and all other election officers appointed by the Board responsible for the preparation of notices, instructions, orders, ballots, and other written material pertaining to the Election shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Superintendent and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 6. Approval of Appointment of Agent. The Secretary to the Board has appointed Shannon Trenfield, an employee of the District, as the Secretary's agent ("Agent") to perform the duties of the Secretary related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning three days after the effective date of this Order and ending not earlier than the fortieth (40th) day after the day of the Election. Shannon Trenfield is authorized to designate staff in the District to perform any or all of the various responsibilities of the Board's Agent.

The Agent shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Agent shall maintain in their office, the documents, records, and other items relating to the

Election and shall be the Agent designated to receive documents on behalf of the District that are required by the Texas Election Code.

The Agent shall post notice of the location and hours of their office as required by the Texas Election Code.

Section 7. Early Voting. The Early Voting Clerk for the District will be the Hutchinson County Elections Administrator. Applications for ballot by mail shall be mailed to the Early Voting clerk at the following address:

Applications for ballots by mail for Hutchinson County voters shall be mailed to:

Early Voting Clerk, 500 Main Street Room 211, PO Box 1186, Stinnett, TX 79083

The Early Voting Clerk shall forward those ballots by mail applications or ballots voted by mail received by the District to the Hutchinson County Elections Administrator. Early voting for the Election shall be conducted jointly with other entities. The Hutchinson County Elections Administrator shall serve as the Early Voting Clerk and shall appoint any necessary deputy early voting clerks. If a voter submits an application for ballot by mail by fax or email, the original, hard copy of the application MUST be mailed and received by the regular early voting clerk no later than the 4th business day after it was originally submitted.

For the use of voters who are entitled by law to vote early by mail, the regular early voting clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote for each candidate or measure on the same ballots utilized for early voting by personal appearance at the Election. An application for a ballot by mail must be received by October 25, 2024 (mere postmarking by the deadline is insufficient).

Early Voting by Personal Appearance

The dates, hours and locations for early voting by personal appearance, as well as the voting locations for election day are attached as Exhibit "A" to this Order and incorporated by reference herein.

Section 8. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. In accordance with the requirements of the Texas Election Code, after the close of voting on Election Day, the presiding election judge for each respective election precinct shall deliver the ballot boxes and other materials for their respective precinct to the return center or central counting station, as applicable. The early voting ballot board, at a time and in the manner permitted under the Texas Election Code shall tabulate the early voting ballots and deliver the results to the central counting station or return center, as applicable. Further, the early voting ballot board shall reconvene, as necessary, to make a determination in relation to provisional ballots as required by the Texas Election Code. The Hutchinson County Elections Administrator shall make a written return of the Election results to the Board in accordance with the Election Code. The Board shall canvass the returns and declare the results of the Election.

In accordance with Sections 26.08 (c) and (d) of the Tax Code, if a majority of the resident, qualified electors of the District voting at the Election, including those voting early, shall vote in favor of the Proposition, then the tax rate for the current year is the rate that was adopted by the Board. If the Proposition is not approved, the Board may not adopt a tax rate for the District for the current year that exceeds the District's voter-approval tax rate.

Section 9. Notice of Election. Notice of the Election, stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within the District's territory at least 10 days and no more than 30 days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the Board's meetings, and on the District's website no later than the 21st day before the Election.

Section 10. Authority of the Superintendent and Director of Finance. The Superintendent shall have the authority to take, or cause to be taken, all actions reasonable and necessary to ensure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed.

Section 11. Preamble Incorporation. 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 12. Inconsistent Provisions. 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 13. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 14. Severability. 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. Notice of Meeting. The Board officially finds, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted in compliance with the Texas Open Meetings Act for at least 72 hours preceding the scheduled time of the meeting; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and finally acted upon.

Section 16. Authorization to Execute. The President of the Board is authorized to execute, and a Member of the Board is authorized to attest this Order on behalf of the Board; and the President of the Board and the Superintendent are authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 17. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED this 19th day of August 2024 by the Board of Trustees for the Borger Independent School District.



Payton Lumpkin, President of the Board of Trustees

Borger Independent School District

Attest:



Keegan Neill, Member of the Board of Trustees

Borger Independent School District

EXHIBIT A



November 5, 2024 General Election

Early Voting Polling Places

Borger Early Voting Hutchinson County Annex Building
1400 Veta St. Room 116
Borger, Texas

October 21, 2024 – October 25, 2024
October 28, 2024 – November 1, 2024
8:00 a.m. – 6:00 p.m.

Fritch Early Voting Fritch Library Community Room
205 N. Cornell, Fritch, Texas

October 21, 2024 – October 25, 2024
October 28, 2024 – November 1, 2024
8:00 a.m. – 6:00 p.m.

Stinnett Early Voting Hutchinson County Courthouse
Main Early Voting Location
500 Main St., Stinnett, Texas

October 21, 2024 – October 25, 2024 8am to 6pm
October 26, 2024 (Sat) 7am to 7pm **
October 27, 2024 (Sun) 9am to 3pm **
October 28, 2024 - November 1, 2024 7am to 7pm **

****EXTENDED TIMES ARE ONLY AT THE COURTHOUSE**



November 5, 2024

GENERAL ELECTION

Polling Places

7:00 A.M. – 7:00 P.M.

PRECINCT #11

GRACE FELLOWSHIP CHURCH
401 GARDNER ST., BORGER

PRECINCT #14

FAIRLANES BAPTIST CHURCH
3000 FAIRLANES BLVD., BORGER

PRECINCT #21

FRITCH SCHOOL ADMIN. BLDG
540 EAGLE BLVD., FRITCH

PRECINCT #23

ST. ANDREW METHODIST CHURCH
100 AMARYLLIS, BORGER

PRECINCT #31

WTHS COMMONS ROOM
600 STEWART AVE., STINNETT

PRECINCT #33

SOUTHWEST DRILLING SERVICE
901 S. OPAL, Room 118 BORGER

PRECINCT #41

HOLT COMMUNITY BUILDING
11911 CO. RD. 22, SPEARMAN

PRECINCT #42

BORGER SCHOOL ADMIN. BLDG.
200 E. 9TH, BORGER

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE BORGER INDEPENDENT
SCHOOL DISTRICT AUTHORIZING A
JOINT ELECTION AND
ELECTION SERVICES AGREEMENT
WITH HUTCHINSON COUNTY, TEXAS**

The Borger Independent School District Board of Trustees does hereby make the following Resolution regarding the joint election to be conducted with Hutchinson County, Texas, as more fully described in the Joint Election and Election Services Agreement (the "Agreement") attached hereto as Exhibit "A" and fully incorporated as if set forth herein:

WHEREAS, Texas Election Code§ 271.002(a) authorizes the governing bodies of political subdivisions to enter into an agreement to hold joint elections and share common polling places; and,

WHEREAS, the Borger Independent School District ("District") and Hutchinson County ("County") are each political subdivisions of the State of Texas; and,

WHEREAS, the District has territory within the County and they have common voters; and

WHEREAS, the County will conduct an election on November 5, 2024; and,

WHEREAS, the District intends to conduct an election on November 5, 2024 and,

WHEREAS, because the County is conducting an election on the November 5, 2024 uniform Election Day, the Texas Election Code requires the District to use for its Special election the County precincts and common polling places for those District voters residing in the County; and,

WHEREAS, the governing bodies of the District and the County desire to hold a joint election as set forth in the Agreement; and,

WHEREAS, the District and the County have agreed to use polling places as permitted by Texas Election Code§ 271.003; and,


WHEREAS, the County and the District have common voters, and it would be to the benefit of the County, the District, and the resident voters thereof, to share joint polling places, and for the County to provide election services and conduct the election on behalf of the District, as set forth in the Agreement and the Parties' Election Orders.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees Borger Independent School District hereby adopts the above recitals as findings of fact and operative provisions hereof the same as if set out in full; and,

RESOLVED FURTHER, that District's election shall be held jointly with Hutchinson County, Texas, as permitted under Texas Election Code Chapter 271, and as set forth in the Agreement attached hereto; and,

RESOLVED FURTHER, that the Board authorizes the Superintendent to enter into the attached Agreement, and that the Board President or Superintendent are authorized to take such further actions and execute such other documents as are necessary to implement the actions that are contemplated by this Resolution, whether or not expressly authorized herein.

PASSED AND APPROVED, this 19th day of August, 2024 by the Board of Trustees of the Borger Independent School District.



President, Board of Trustees

ATTEST:



Member, Board of Trustees