

CERTIFICATE FOR ORDER

FILED FOR RECORD
HOPKINS COUNTY, TEXAS

We, the undersigned officers of the Board of Trustees of the Cumby Independent School District (the "District"), hereby certify as follows:

2021 FEB 22 P 2:29

1. The Board of Trustees of the District (the "Board") convened in a regular meeting on the 11th day of February 2021 at the regular designated meeting place (the "Meeting"), and the roll was called of the duly constituted officers and members of the Board, to-wit:

Jason Hudson	President
Marsha Krotky	Vice President
David Tremor	Secretary
Kyle Pettit	Trustee
Jody Jarvis	Trustee
Tony Aguilar	Trustee
Kenny Campbell	Trustee

BY JODY JARVIS DEPUTY

and all of said persons were present, except the following absentees: Jody Jarvis, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting—a written order entitled:

ORDER BY THE BOARD OF TRUSTEES OF THE CUMBY INDEPENDENT SCHOOL DISTRICT CALLING A BOND ELECTION TO BE HELD WITHIN SAID DISTRICT; MAKING PROVISIONS FOR THE CONDUCT AND THE GIVING OF NOTICE OF THE ELECTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO

(the "Order") was duly introduced for the consideration of the Board. It was then duly moved and seconded that the Order be passed; and, after due discussion, said motion, carrying with it the passage of the Order, prevailed and carried by the following votes:


AYES: 6

NOES: 0

ABSTENTIONS: 0

2. A true, full, and correct copy of the Order passed at the Meeting is attached to and follows this Certificate; the Order has been duly recorded in the Board's minutes of the Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of the Meeting pertaining to the passage of the Order; the persons named in the above and foregoing paragraph are the duly elected, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting, and that the Order would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public, and public notice of the time, place, and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

SIGNED AND SEALED this 11th day of February 2021.

A handwritten signature in cursive script, appearing to read "Marsha Krotky", written over a horizontal line.

Marsha Krotky
Vice President, Board of Trustees

(District Seal)

ORDER BY THE BOARD OF TRUSTEES OF THE CUMBY INDEPENDENT SCHOOL DISTRICT CALLING A BOND ELECTION TO BE HELD WITHIN SAID DISTRICT; MAKING PROVISIONS FOR THE CONDUCT AND THE GIVING OF NOTICE OF THE ELECTION, AND CONTAINING OTHER PROVISIONS RELATING THERETO

FOR RECORD
HARRIS COUNTY, TEXAS

FEB 22 P 2:30

TRACY SMITH
COUNTY CLERK

WHEREAS, the Board of Trustees (the "Board") of the Cumby Independent School District (the "District") finds and determines that it is necessary and advisable to call and hold an election (the "Election") for and within the District on the proposition hereinafter set forth; and

WHEREAS, it is hereby officially found and determined that the Election shall be held on a uniform election date established by Section 41.001(a), Texas Election Code, as amended, as required by laws of the State of Texas (the "State"); and

WHEREAS, the Board finds and declares that the meeting at which this Order is considered is open to the public, and that the public notice of the time, place, and purpose of the meeting was given, as required by Chapter 551, Texas Government Code, as amended.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF THE CUMBY INDEPENDENT SCHOOL DISTRICT:

Section I. Findings.

- (a) The statements contained in the preamble of this Order are true and correct and are hereby adopted as findings of fact and as a part of the operative provisions hereof.
- (b) As of the beginning of the District's current fiscal year:
 - (i) The aggregate amount of outstanding principal of the District's voted debt obligations was \$1,323,000;
 - (ii) The aggregate amount of outstanding interest on the District's voted debt obligations was \$282,163; and
 - (iii) The District's ad valorem debt service tax rate as of the date of adoption of this Order is \$0.13 per \$100 of taxable assessed valuation.
- (c) If the issuance of bonds is authorized by voters, taxes sufficient to pay the annual principal of and interest on the bonds and the costs of any credit agreements may be imposed.
- (d) If the bonds are authorized, the estimated total tax rate of the District is expected to be \$1.____ per \$100 of taxable assessed valuation, representing the sum of (i) the most recently adopted tax rate for maintenance and operations, which is \$1.0194 per \$100 of taxable assessed valuation, plus (ii) the estimated tax rate for voted debt obligations of the District, including the bonds, which is estimated to be \$0.____ per \$100 of taxable assessed valuation, for a total estimated debt service tax rate of \$0.____ per \$100 of taxable assessed valuation. This estimated total tax rate is derived from projections obtained from the District's financial advisor and the appraisal

district and is provided without any assurance that such projections will be realized. At the time the bonds are issued, the actual total tax rate will depend upon, among other factors, prevailing interest rates, the assessed value of real property in the District, the availability of the Permanent School Fund Guarantee Program, and general market conditions.

The statements contained in these findings: (i) are based on information available to the District on the date of adoption of this Order, including projections obtained from the District's financial advisor; (ii) necessarily consist of estimates and projections that are subject to change based on facts, circumstances, and conditions existing at the time the bonds approved pursuant to this Order are issued; and (iii) are not intended to limit the authority of the Board to issue bonds in accordance with other terms contained in this Order. Accordingly, actual tax rates, interest rates, maturity dates, aggregate outstanding indebtedness, and interest on such debt will vary and will be established after the bonds are issued. To the extent of any conflict between this Subsection and other provisions of this Order, such other provisions control.

Section 2. **Election Ordered; Date; Proposition.** The Election shall be held for and within the District on Saturday, May 1, 2021 (the "*Election Day*"), in accordance with the Texas Election Code. At the Election the following propositions (the "*Propositions*") setting forth the purposes, the principal amount, and the maximum maturity date for the bonds to be authorized shall be submitted to the qualified voters of the District in accordance with law:

CUMBY INDEPENDENT SCHOOL DISTRICT – PROPOSITION A

SHALL THE BOARD OF TRUSTEES OF THE CUMBY INDEPENDENT SCHOOL DISTRICT (THE "DISTRICT") BE AUTHORIZED TO ISSUE AND SELL AT ANY PRICE OR PRICES THE BONDS OF THE DISTRICT IN THE AMOUNT OF \$7,340,000 FOR THE CONSTRUCTION, ACQUISITION, RENOVATION, AND EQUIPMENT OF SCHOOL BUILDINGS IN THE DISTRICT, INCLUDING CONSTRUCTION AND EQUIPMENT OF A NEW HIGH SCHOOL, NEW CLASSROOMS AND LAB FACILITIES, RENOVATIONS TO EXISTING FACILITIES, AND SECURITY UPGRADES, WHICH BONDS MAY BE ISSUED IN VARIOUS ISSUES OR SERIES, SHALL MATURE SERIALLY OR OTHERWISE NOT MORE THAN 40 YEARS FROM THEIR DATE, AND SHALL BEAR INTEREST AT SUCH RATE OR RATES NOT TO EXCEED THE MAXIMUM RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED BY THE BOARD OF TRUSTEES OF THE DISTRICT WITHIN THE DISCRETION OF THE BOARD AT THE TIME OF ISSUANCE; AND SHALL THE BOARD OF TRUSTEES 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, AND 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 OR AUTHORIZED IN ANTICIPATION OF, IN RELATION TO, OR IN CONNECTION WITH THE BONDS; SAID BONDS TO BE ISSUED AND SAID TAXES TO BE LEVIED, PLEDGED, ASSESSED, AND COLLECTED UNDER THE CONSTITUTION AND

LAWS OF THE STATE OF TEXAS INCLUDING THE TEXAS EDUCATION CODE?

CUMBY INDEPENDENT SCHOOL DISTRICT – PROPOSITION B

SHALL THE BOARD OF TRUSTEES OF THE CUMBY INDEPENDENT SCHOOL DISTRICT (THE "DISTRICT") BE AUTHORIZED TO ISSUE AND SELL AT ANY PRICE OR PRICES THE BONDS OF THE DISTRICT IN THE AMOUNT OF \$600,000 FOR THE CONSTRUCTION, RENOVATION, AND IMPROVEMENT OF ATHLETIC FACILITIES IN THE DISTRICT, INCLUDING CONSTRUCTION OF A NEW TRACK, WHICH BONDS MAY BE ISSUED IN VARIOUS ISSUES OR SERIES, SHALL MATURE SERIALY OR OTHERWISE NOT MORE THAN 40 YEARS FROM THEIR DATE, AND SHALL BEAR INTEREST AT SUCH RATE OR RATES NOT TO EXCEED THE MAXIMUM RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED BY THE BOARD OF TRUSTEES OF THE DISTRICT WITHIN THE DISCRETION OF THE BOARD AT THE TIME OF ISSUANCE; AND SHALL THE BOARD OF TRUSTEES 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, AND 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 OR AUTHORIZED IN ANTICIPATION OF, IN RELATION TO, OR IN CONNECTION WITH THE BONDS; SAID BONDS TO BE ISSUED AND SAID TAXES TO BE LEVIED, PLEDGED, ASSESSED, AND COLLECTED UNDER THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS INCLUDING THE TEXAS EDUCATION CODE?

Section 3. Official Ballot.

(a) Voting at the Election, and early voting therefor, shall be by the use of the lawfully approved voting systems and ballots.

(b) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the Propositions which shall be set forth on the ballots substantially in the following form:

CUMBY INDEPENDENT SCHOOL DISTRICT – PROPOSITION A

- ☐ FOR) “THE ISSUANCE OF \$7,340,000 OF BONDS FOR THE CONSTRUCTION, ACQUISITION, RENOVATION, AND EQUIPMENT OF SCHOOL BUILDINGS IN THE DISTRICT, INCLUDING CONSTRUCTION AND EQUIPMENT OF A NEW HIGH SCHOOL, NEW CLASSROOMS AND LAB FACILITIES, RENOVATIONS TO EXISTING FACILITIES, AND SECURITY UPGRADES; AND THE LEVYING OF A TAX SUFFICIENT, WITHOUT LIMIT AS TO RATE OR AMOUNT, TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND TO PAY THE COSTS OF ANY CREDIT AGREEMENTS EXECUTED OR AUTHORIZED IN ANTICIPATION OF, IN RELATION TO, OR IN CONNECTION WITH THE BONDS; THIS IS A PROPERTY TAX INCREASE.”
- ☐ AGAINST)

CUMBY INDEPENDENT SCHOOL DISTRICT – PROPOSITION B

- ☐ FOR) “THE ISSUANCE OF \$600,000 OF BONDS FOR THE CONSTRUCTION, RENOVATION, AND IMPROVEMENT OF ATHLETIC FACILITIES IN THE DISTRICT, INCLUDING CONSTRUCTION OF A NEW TRACK; AND THE LEVYING OF A TAX SUFFICIENT, WITHOUT LIMIT AS TO RATE OR AMOUNT, TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND TO PAY THE COSTS OF ANY CREDIT AGREEMENTS EXECUTED OR AUTHORIZED IN ANTICIPATION OF, IN RELATION TO, OR IN CONNECTION WITH THE BONDS; THE ISSUANCE OF BONDS UNDER THIS PROPOSITION “B” SHALL BE CONTINGENT UPON APPROVAL AND PASSING OF PROPOSITION “A”; THIS IS A PROPERTY TAX INCREASE.”
- ☐ AGAINST)

Section 4. **Persons Qualified to Vote.** All resident, qualified electors of the District shall be eligible to vote at the Election.

Section 5. **Election Precincts, Voting Locations and Voting Hours on Election Day.** The election precincts for the Election shall consist of the territory within the boundaries of the District situated within one or more City election precincts, which bear the precinct numbers set forth in Exhibit A, attached hereto and incorporated herein by reference. The voting location for voting on the Election Day for each election precinct shall be as set forth in Exhibit A, or at such other locations as may be designated by the District. The Superintendent or his designee is hereby authorized to update Exhibit A to reflect the designated locations, and such locations are hereby approved. The polling places for voting on the Election Day shall be open from 7:00 a.m. to 7:00 p.m.

Section 6. Early Voting Locations, Dates and Times.

(a) Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth in Exhibit B, attached hereto and incorporated herein by reference, or at such other locations as may be designated by the District. The Superintendent or his designee is hereby authorized to update Exhibit B to reflect the designated locations, and such locations are hereby approved.

(b) Cindy Mannon, is hereby appointed as the Early Voting Clerk for Cumby Independent School District for the Election. Applications for ballot by mail shall be sent to: Cindy Mannon, Early Voting Clerk ("District Early Voting Clerk") at Cumby ISD Administration Building, 301 Donelton Street, Cumby, Texas 75433. The Early Voting Clerk is hereby authorized to appoint the deputy early voting clerk, as necessary for the Election.

(c) Pursuant to Section 84.007(b)(4) of the Texas Election Code, the District Early Voting Clerk shall receive applications for ballots by mail via electronic transmission. Persons wishing to apply by electronic transmission must e-mail their scanned application containing an original signature to the following e-mail address: cindy.mannon@cumbyisd.net. Applications for ballots made by electronic transmission and containing an original signature must also be mailed to and be received by the District Early Voting Clerk not later than the fourth (4th) business day after the transmission by facsimile or electronic transmission is received at the mailing address provided in Subsection (b), above.

(d) Applications for ballots by mail via post or electronic submission must be received no later than 5:00 p.m. on April 20, 2021.

Section 7. Appointment of Election Officers.

(a) The election judges, alternate judges, clerks, members of the early voting ballot board, the central counting station officials, and other personnel necessary for conducting the Election shall be appointed; election judges and alternate judges may be changed; polling places may be combined for some precincts; and the central counting station shall be established and staffed, all as determined by the Superintendent of the District, and such actions are hereby approved.

(b) The Election shall be conducted by election officers, including the presiding judges and alternate presiding judges appointed by the Superintendent of the District, in accordance with the Texas Education Code, the Texas Election Code, and the Constitution and laws of the State of Texas, the United States of America, and the Election Agreement. The presiding judges shall appoint not less than two (2) nor more than five (5) qualified election clerks for the conduct of the Election. The Board hereby authorizes the Superintendent of the District to appoint any such other officials, as are necessary and appropriate to conduct the Election in accordance with the Texas Election Code.

Section 8. Notice of Election. Notice of the Election shall be given by: (i) publishing a substantial copy of this Order, in English and Spanish, one time not earlier than the thirtieth (30th) day nor later than the tenth (10th) day prior to the date set for the Election, in a newspaper published in the District (or otherwise complies with State law); (ii) by posting a copy of this

Order, in English and Spanish, on the bulletin board used for posting notices of meetings of the Board, not later than the twenty-first (21st) day prior to the date set for the Election and in at least three (3) public places in the boundaries of the District, not later than the twenty-first (21st) day prior to the date set for the Election; and (iii) by posting a copy of this Order, in English and Spanish, on the District's website, prominently and together with the notice of the Election and the contents of the Proposition, not later the twenty-first (21st) day prior to the date set for the Election through the Election Day. Additionally, on the Election Day and during early voting by personal appearance, this Order shall be posted in a prominent location at each polling place. Notice of the Election shall also be provided to the county election officer and voter registrar of each county in which the District is located not later than the sixtieth (60th) day before the Election Day, Tuesday, March 2, 2021.

Section 9. **Conduct of Election.** The Election shall be held in accordance with the Texas Election Code, except as modified by the Texas Education Code, the Federal Voting Rights Act of 1965, as amended ("*The Voting Rights Act*"), and the provisions of Chapter 272 of the Texas Election Code pertaining to bilingual election materials requirements.

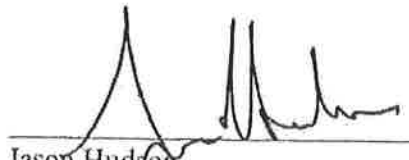
Section 10. **Necessary Actions.** The Superintendent or his designee, acting on behalf of the Board, in consultation with the District's legal counsel and co-bond counsel is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and the Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including, but not limited to, making changes or additions to polling places or procedures to the extent necessary.

Section 11. **Severability.** If any provision, section, subsection, sentence, clause, or phrase of this Order, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Order nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the Board in adopting this Order that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidability, invalidity, or unenforceability of any other portion herein, and all provisions of this Order are declared to be severable for that purpose.

Section 12. **Effective Date.** This Order shall take effect immediately upon its approval by the Board.


[Execution Page to Follow]

PASSED AND APPROVED by the Board of Trustees of the Cumby Independent School District this 11th day of February 2021.



Jason Hudson
President, Board of Trustees

ATTEST:



Marsha Krotky
Vice President, Board of Trustees

(District Seal)

Signature Page

Order Calling Bond Election