

RESOLUTION NO. 1331

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

* * * * *

WHEREAS, on August 22, 2022, the City Council (the *Council*) of the City of Kyle, Texas (the *City*) ordered an election to be held on November 8, 2022 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

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

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

PROPOSITION A

“Shall the City Council of the City of Kyle, Texas be authorized, in accordance with applicable law, to issue and sell one or more series of general obligation bonds of the City, in the aggregate principal amount of not more than \$294,000,000 with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed 40 years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for the purpose of making permanent public improvements or for other public purposes, to wit: designing, demolishing, constructing, renovating, improving, reconstructing, restructuring and extending streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, landscape, signage, upgrading technology and traffic signals, acquiring lands and rights-of-way necessary thereto or incidental therewith and installing related public art, with priority given to the following street projects:

- Bebee Road
- Bunton Creek Road
- Center Street
- Center Street (On-System)
- Kohler’s Overpass
- Kyle Parkway (Lehman Extension)
- Marketplace Avenue
- Old Stagecoach Road

- Windy Hills Road

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above or determining that the public improvement project will not proceed for a reason heretofore described, the City Council may, in its discretion, use any excess funds for constructing, reconstructing, restructuring, and extending other streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, landscape, signage, acquiring lands and rights-of-way necessary thereto or incidental therewith; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, within the limitations prescribed by law, annual ad valorem taxes on all taxable property in the City sufficient to pay the annual interest and sinking fund to pay the bonds at maturity and to pay th costs of any credit agreements executed in connection with the bonds?"

and

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council 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 Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

PROPOSITION A

“THE ISSUANCE OF BONDS IN THE AMOUNT OF \$294,000,000 FOR STREETS, BRIDGES, AND SIDEWALKS AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	6204	3275
Election Day Votes	2371	1405
TOTAL	8575	4680

NOW, THEREFORE,

IT IS ACCORDINGLY FOUND, DECLARED, AND RESOLVED BY
THE CITY COUNCIL OF
THE CITY OF KYLE, TEXAS THAT:

SECTION 1: The Council 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 City were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Council 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 the City of Kyle, Texas voting in such election, having voted FOR/AGAINST the authorization and issuance of \$294,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Council hereby finds and determines that Proposition A [passed/failed] 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 Council 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 Council.

SECTION 4: All ordinances 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 Council 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: Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Resolution shall be effective immediately upon adoption, notwithstanding any provision in the City's Home Rule Charter to the contrary concerning a multiple reading requirement for the adoption of ordinances or resolutions.

* * *

PASSED, ADOPTED AND APPROVED on November 15, 2022, the date of the canvassing meeting.

CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary

(CITY SEAL)