

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: CITY CLERK'S OFFICE

AGENDA DATE: 11/16/2022

CONTACT PERSON NAME AND PHONE NUMBER: LAURA D. PRINE, (915) 212-1212

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: GOAL 6 SET THE STANDARD FOR SOUND GOVERNANCE AND FISCAL MANAGEMENT

SUBGOAL: 6.8 Support transparent and inclusive government.

SUBJECT:

Discussion and action on a Resolution canvassing the returns and declaring the results of the November 8, 2022 Bond Election and other matters in connection therewith.

BACKGROUND / DISCUSSION:

City Council ordered and adopted Ordinance No. 019367 on August 16, 2022 calling for the Community Progress Bond Election.

PRIOR COUNCIL ACTION:

Canvassing of the November 5, 2019 Bond Election results was conducted on November 18, 2019

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Laura D. Prine

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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

WHEREAS, the City Council (the “Council”) of the City of El Paso, Texas (the “City”) previously 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, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and such election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; 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:

CITY OF EL PASO, TEXAS PROPOSITION A

“SHALL the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$246,480,000 for permanent public improvements and public purposes, to wit: designing, acquiring, constructing, improving, resurfacing, repairing, extending, expanding, and enhancing streets, thoroughfares, alleys, sidewalks, bridges, streetscapes, screening walls, and other public ways, participation in joint projects with federal, state and local public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, necessary or incidental utility relocation, associated drainage improvements and acquiring land, easements, rights-of-way, and other real property interests necessary therefor; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”

CITY OF EL PASO, TEXAS PROPOSITION B

“SHALL the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$20,800,000 for permanent public improvements and public purposes, to wit: designing, acquiring, constructing, improving, renovating, repairing, extending, expanding, enhancing, furnishing, and equipping park and recreational facilities, including all abilities playgrounds, shade structures, and open spaces and acquiring land, easements, rights-of-way, and other real property interests necessary therefor; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”

CITY OF EL PASO, TEXAS PROPOSITION C

“SHALL the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$5,200,000 for permanent public improvements and public purposes, to wit: designing, constructing, improving, renovating, expanding, enhancing, and equipping existing City facilities for renewable energy and resource use efficiency improvements and planning, including photovoltaic and solar panel installations, urban heat, mobility and climate action planning, and modernizations to existing City facilities to meet green building standards and in connection with the foregoing, acquiring land, easements, rights-of-way, and other real property interests necessary therefor; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost 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 provided to the Council by the judges, clerks and administrator 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, the Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

CITY OF EL PASO, TEXAS PROPOSITION A

“THE ISSUANCE OF \$246,480,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS INCLUDING SIDEWALKS, STREETSCAPES, AND TRAFFIC CONTROLS AND PLANNING, AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	51,103	33,811
Election Day Votes	29,532	17,119
TOTAL	80,635	50,930

CITY OF EL PASO, TEXAS PROPOSITION B

“THE ISSUANCE OF \$20,800,000 GENERAL OBLIGATION BONDS FOR PARKS AND RECREATION FACILITIES AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	43,442	41,173
Election Day Votes	25,929	20,442
TOTAL	69,371	61,615

CITY OF EL PASO, TEXAS PROPOSITION C

“THE ISSUANCE OF \$5,200,000 GENERAL OBLIGATION BONDS FOR RENEWABLE ENERGY AND RESOURCE USE EFFICIENCY IMPROVEMENTS AND PLANNING AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	42,131	42,563
Election Day Votes	24,215	22,129
TOTAL	66,346	64,692

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS HEREBY FINDS, DECLARES AND RESOLVES 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, 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 have 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 the United States of America, and the order calling the election.

SECTION 2: A MAJORITY of the resident, qualified voters of the City voting in such election, having voted FOR the authorization and issuance of the 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 carried at the election, that the election was duly called, that proper notice was given, 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 applicable law.

SECTION 3: A MAJORITY of the resident, qualified voters of the City voting in such election, having voted FOR the authorization and issuance of the bonds and the levy and pledge of the tax in payment thereof as provided in Proposition B, the Council hereby finds and determines that Proposition B carried at the election, that the election was duly called, that proper notice was given, 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 applicable law

SECTION 4: A MAJORITY of the resident, qualified voters of the City voting in such election, having voted FOR the authorization and issuance of the bonds and the levy and pledge of the tax in payment thereof as provided in Proposition C, the Council hereby finds and determines that Proposition C carried at the election, that the election was duly called, that proper notice was given, 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 applicable law

SECTION 5: 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 6: 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 7: This Resolution shall be in force and effect from and after its final passage and it is so resolved.

PASSED, ADOPTED AND APPROVED on November 16, 2022.

CITY OF EL PASO, TEXAS

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

(SEAL)

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney