



**CITY OF FAIR OAKS RANCH**  
**CITY COUNCIL SPECIAL MEETING**

Thursday, February 08, 2024 at 5:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

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**AGENDA**

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**OPEN MEETING**

1. Roll Call - Declaration of a Quorum.
2. Pledge of Allegiance

**CITIZENS and GUEST FORUM**

*To address the Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.*

3. Citizens to be heard.

**PURPOSE OF SPECIAL CALLED MEETING**

4. Consideration and possible action approving a resolution ordering a General Election to be held May 4, 2024, for the election of Mayor and Council Member Place 1; to approve a Joint Election Agreement with Kendall County election, and to authorize the City Manager to sign the agreement.

Christina Picioccio, TRMC, City Secretary

5. Consideration and possible action approving a first reading of an ordinance calling the Special Election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets to be held on May 4, 2024.

Christina Picioccio, TRMC, City Secretary

6. Consideration and possible approval of an Ordinance calling a bond election to be held by the City of Fair Oaks Ranch, Texas.

Summer Fleming, Director of Finance  
Andrew T. Friedman, Senior Managing Director, SAMCO Capital

**ADJOURNMENT**

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**Signature of Agenda Approval:** s/ Gregory C. Maxton

Gregory C. Maxton, Mayor

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City’s website [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org), both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by **6:30 PM, February 5, 2024** and remained so posted continuously for at least 72 hours before said meeting was convened. A quorum of various boards, committees, and commissions may attend the City Council meeting.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary’s office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).




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**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**

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**AGENDA TOPIC:** Consideration and possible action approving of a resolution ordering a General Election to be held May 4, 2024, for the election of Mayor and Council Member Place 1; to approve a Joint Election Agreement with Kendall County election, and to authorize the City Manager to sign the agreement.

**DATE:** February 8, 2024

**DEPARTMENT:** City Secretary

**PRESENTED BY:** Christina Picioccio, TRMC, City Secretary

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**INTRODUCTION/BACKGROUND:**

The Texas Election Code requires City Council to order the election no later than the 78<sup>th</sup> day (February 16, 2024) before Election Day, May 4, 2024. This year, the Mayor and Council Place 1 are up for reelection. The City Secretary presented to the Council at the February 1, 2024 council meeting staff's plans to hold the city election in the Public Safety Training Room and to contract with Kendall County. With no objection, Council accepted staff's recommendation. Staff will proceed as planned and contract with Kendall County to run our city elections. Attached, you will find the resolution (**Attachment A**) and Joint Election Agreement (**Attachment B**).

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Affords the citizens the opportunity to elect their local government officials and complies with State Election Code and City Charter.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

\$32,000 budgeted for the May election, inclusive of:

- a general election for Mayor and Council Place 1, as noted above
- a special election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets
- a special election for the issuance of general obligation bonds for road projects

**LEGAL ANALYSIS:**

Approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve a resolution ordering a General Election to be held May 4, 2024 for the election of the Mayor and Council Member Place 1; to approve a Joint Election Agreement with Kendall County election, and to authorize the City Manager to sign the agreement.

**A RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 4, 2024 FOR THE ELECTION OF CERTAIN CITY OFFICERS; PROVIDING PROCEDURES AND DEADLINES FOR THE FILING OF CANDIDATE APPLICATIONS TO BE PLACED ON THE BALLOT; FOR THE LOCATION AND TIME FOR EARLY VOTING; AUTHORIZING CONTRACTS WITH THE ELECTION ADMINISTRATOR OF KENDALL COUNTY, TEXAS TO CONDUCT THE ELECTIONS; AUTHORIZING THE ELECTIONS TO BE HELD AS A JOINT ELECTION; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH ON BEHALF OF THE CITY OF FAIR OAKS RANCH; AND FOR NOTICE OF SAID ELECTIONS TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the laws of the State of Texas provide that on May 4, 2024, there shall be a general election for municipal officers; and,

**WHEREAS**, the City of Fair Oaks Ranch is a Home Rule municipality located in Bexar County, Comal County, and Kendall County, adopted as authorized by Article XI, Section 5, of the Texas Constitution; and

**WHEREAS**, Section 4.01 of the City’s Charter requires the City of Fair Oaks Ranch to conduct an election for city officers annually on an authorized uniform election date; and

**WHEREAS**, pursuant to Chapter 3 of the Texas Election Code, the City Council of the City of Fair Oaks Ranch, Texas hereby calls for the above general election for municipal officers and hereby sets forth the procedures and requirements for the conduct of said election as prescribed by the Texas Election Code; and

**WHEREAS**, pursuant to Chapter 271 of the Texas Election Code, the City will contract with the Kendall County Elections Administrator to conduct this election.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

**SECTION 1.** The City of Fair Oaks Ranch hereby orders a Municipal General Election to be held on May 4, 2024, an authorized uniform election date, for the purpose of:

- a. Electing Council Members for Mayor and Place 1.
  - i. The Mayor and Council Member elected to Place 1 shall serve a term of three years, with their terms terminating in 2027, or when their successors are duly elected;
  - ii. That at said election each of the aforementioned named City Council positions shall be voted upon separately and that the candidate receiving the majority votes for each said City Council position shall be elected to that office;
  - iii. That qualified persons desiring to be candidates in the aforementioned City Council Places shall file applications for candidacy with the City Secretary beginning at 8 AM on the 17th day of January and not later than 5:00 PM on the 16th day of February, 2024.

**SECTION 2.** All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

**SECTION 3.** Early voting in said elections shall be conducted during the early voting period designated as April 22 through April 30, 2024. The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in said election, as required by law. Applications for ballot by mail shall be mailed to:

Staci L. Decker, REO, Elections Administrator      [elections@co.kendall.tx.us](mailto:elections@co.kendall.tx.us)  
Kendall County Elections                                      Office Number: 830-331-8701  
221 Fawn Valley Dr., STE 100  
Boerne, TX 78006  
<https://www.co.kendall.tx.us/page/Elections>

**SECTION 4.** The main early polling place for the holding of said election shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 on the following dates and times; early voting will also be conducted in the Public Safety Training Room of the City of Fair Oaks Ranch Police Department, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78006 on the following dates and times; and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

Mon. April 22 – Fri. April 26..... 8:00 AM to 6:00 PM  
Sat. April 27 .....10:00 AM to 4:00 PM  
Sun. April 28 ..... Closed  
Mon. April 29 – Tue. April 30..... 7:00 AM to 7:00 PM

**SECTION 5.** The polling place on Election Day shall be open from 7:00 AM to 7:00 PM. The election day polling place by personal appearance shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 and the City of Fair Oaks Ranch Police Station, Public Safety Training Room, 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015.

**SECTION 6.** Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “**Station**”) as provided by Section 127.001, et seq., Texas Election Code, as amended. Kendall County Election Administrator Staci L. Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrator will appoint the Tabulation Supervisors which will also

serve as the Programmers for the Stations. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

**SECTION 7.** The City Secretary shall serve as the election officer of the May 4, 2024, General Election of the City of Fair Oaks Ranch as required and authorized by law.

**SECTION 8.** The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.

**SECTION 9.** The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.

**SECTION 10.** The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60<sup>th</sup> day before Election Day.

**SECTION 11.** The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.

**SECTION 12.** The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.

**SECTION 13.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Fair Oaks Ranch, Texas and made a part of this resolution for all purposes as findings of fact.

**SECTION 14.** All 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 15.** 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, Texas Government Code, as amended.

**SECTION 16.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

**APPROVED on this the 8th day of February 2024.**

\_\_\_\_\_  
Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Christina Picioccio, TRMC  
City Secretary

\_\_\_\_\_  
Denton Navarro Rodriguez Bernal Santee & Zech  
P.C., City Attorney

**EXHIBIT A**

**JOINT ELECTION AGREEMENT**

between **Kendall County** and the following Local Political Subdivision (LPS):

**City of Boerne, City of Fair Oaks, Boerne Independent School District, Kendall County Municipal Utility District No. 1, , Cow Creek Groundwater Conservation District and Miralomas Municipal Utility District**

This Agreement is entered into by and between the Kendall County Elections Administrator “ADMINISTRATOR” and the entities of Kendall County and City of Fair Oaks Ranch. They may be referred to, individually, as an “Entity” or, collectively, as the “Entities,” acting by and through their duly appointed and qualified representatives, pursuant to Texas Election Code Section 271.002(a).

It is agreed that the Entities will hold an election on **Saturday, May 4, 2024** (the “Joint Election”) under the following terms and conditions:

**I.**

Each Entity shall share the expense of the Main Early Voting and Election Day polling locations consisting of on-site voting equipment, payroll of election workers, and other costs common to each Entities election, as applicable to the specific Entity and agreed upon by the election services contract. Each Entity understands they will appear on a joint ballot and use joint forms and election materials, which will better serve the voters.

**II.**

The Entities agree that the Kendall County Elections Administrator, Staci L. Decker, will serve as the Early Voting Clerk and the Central Count Station Manager for the **May 4, 2024** election.

**III.**

The Entities agree that a single ballot, containing all the measures and offices to be voted on at a particular polling place, shall be used in this Joint Election.

**IV.**

Each Entity is responsible for giving notice of their election pursuant to Section 4.003 of the Texas Election Code.

**V.**

ADMINISTRATOR will tabulate the ballots and provide each entity a Certification of Election Results along with the returns of the election.



**VI.**

Each Entity will be responsible for canvassing its respective precinct returns for the Joint Election.

**VII.**

If an Entity cancels its election pursuant to section 2.053 of the election code, that Entity shall promptly notify ADMINISTRATOR. Cancellation of an Entities election shall not void this agreement for any remaining Entity conducting an election on **Saturday, May 4, 2024.**

**VIII.**

The undersigned persons are the duly authorized signatories of their Entities, and their signatures represent acceptance of the terms and conditions of this Agreement, as passed and approved by their respective governing bodies.

**IX.**

This Agreement may be executed in two or more counterparts. Together the counterparts shall be deemed an executed original instrument. An original signed copy of this agreement shall be provided to each entity who enters into contract with ADMINISTRATOR.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 been executed on behalf of Kendall County by the County Judge and the Elections Administrator pursuant to the Texas Election Code so authorizing;
- (2) It has on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 been executed on behalf of the City of Fair Oaks Ranch by its Presiding Officer or authorized representative, pursuant to an action by the City Council of the City of Fair Oaks Ranch.

ATTEST:

KENDALL COUNTY

\_\_\_\_\_  
Denise Maxwell, County Clerk

By \_\_\_\_\_  
Shane Stolarczyk, County Judge

ATTEST:

CITY OF FAIR OAKS RANCH

\_\_\_\_\_  
Christina Picioccio, City Secretary

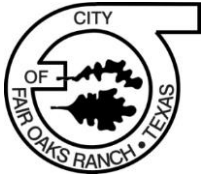
By \_\_\_\_\_  
Scott Huizenga, City Manager

CONTRACTING OFFICER

APPROVED AS TO FORM:

\_\_\_\_\_  
Staci L. Decker  
Elections Administrator

By \_\_\_\_\_  
Matthew Grove  
General Counsel




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## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

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AGENDA TOPIC: Consideration and possible action approving a first reading of an ordinance calling the Special Election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets to be held on May 4, 2024

DATE: February 8, 2024

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

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#### **INTRODUCTION/BACKGROUND:**

In 2008, pursuant to the Texas Tax Code Chapter 327, the citizens of Fair Oaks Ranch elected to impose a local sales and use tax rate of  $\frac{1}{4}$  of one percent for funds dedicated to street maintenance and repair. This tax expires four years after enactment but can be readopted upon a successful election prior to the expiration of the tax. In 2012, 2016 and 2020 citizens reauthorized, by election, the re-adoption of the street maintenance and repair tax.

Texas Tax Code Section 327.006 (a) states “An election to adopt the tax authorized by this chapter is called by the adoption of an ordinance by the governing body of the municipality. Section 327.007 (b) provides that “An election to reauthorize the tax is *called and held in the same manner* as an election to adopt the tax.” In 2008, the election was called under Ordinance 176. This agenda item is to order an election reauthorizing the sales and use tax for the maintenance and repair of municipal streets.

As presented at the February 1, 2024 workshop, staff will contract with Kendall County Elections to conduct this special election.

#### **POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

1. Re-adopting the quarter cent tax ensures the continuance of the City’s annual street maintenance and repair program.
2. Affords the opportunity for citizenry voice.

#### **LONG-TERM FINANCIAL & BUDGETARY IMPACT:**

\$32,000 budgeted for the May election, inclusive of:

- a general election for filling of Mayor and Council Place 1
- a special election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets, as noted above
- a special election for the issuance of general obligation bonds for road projects

**LEGAL ANALYSIS:**

Reviewed and approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve the first reading of an ordinance calling a Special Election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets.

**AN ORDINANCE**

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024 IN THE CITY OF FAIR OAKS RANCH, TEXAS, TO SUBMIT A PROPOSITION ON THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF FAIR OAKS RANCH, TEXAS AT THE RATE OF ONE FOURTH (1/4) OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS**

**WHEREAS**, the Texas Tax Code Chapter 327 authorizes cities to impose a local sales and use tax rate of one-fourth of one percent for funds dedicated to street maintenance and repair upon a properly held election approving same; and,

**WHEREAS**, the Texas Tax Code Chapter 327.007 (a) provides that “An election to adopt the tax authorized by this chapter is called by the adoption of an ordinance by the governing body of the municipality; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas, (City) hereby finds that a special election should be held for the purpose of submitting a proposition reauthorizing the levy and collection of the local sales and use tax in Fair Oaks Ranch, Texas, at the rate of one-fourth of one percent to continue to provide revenue for the maintenance and repair of municipal streets; and,

**WHEREAS**, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed two percent (2%); and,

**WHEREAS**, the City Council finds and determines that the holding of a special election on the date set forth below, a uniform election date, is in the public’s interest.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

**SECTION 1.** The City of Fair Oaks Ranch hereby orders a Municipal Special Election to be held on May 4, 2024 to determine whether or not there shall be a reauthorization of the local sales and use tax in in the City of Fair Oaks Ranch, Texas, at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

**SECTION 2.** The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit qualified voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

**PROPOSITION**

**Shall the City Council of the City of Fair Oaks Ranch, Texas, be re-authorized to continue a local sales and use tax in the City of Fair Oaks Ranch at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets?**

**SECTION 3.** All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

**SECTION 4.** Early voting in said elections shall be conducted during the early voting period designated as April 22 through April 30, 2024. The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in said election, as required by law. Applications for ballot by mail shall be mailed to:

Staci L. Decker, REO, Elections Administrator      [elections@co.kendall.tx.us](mailto:elections@co.kendall.tx.us)  
Kendall County Elections      Office Number: 830-331-8701  
221 Fawn Valley Dr., STE 100  
Boerne, TX 78006  
<https://www.co.kendall.tx.us/page/Elections>

**SECTION 5.** The main early polling place for the holding of said election shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 on the following dates and times; early voting will also be conducted in the Public Safety Training Room of the City of Fair Oaks Ranch Police Department, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78006 on the following dates and times; and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

Mon. April 22 – Fri. April 26..... 8:00 AM to 6:00 PM  
Sat. April 27 ..... 10:00 AM to 4:00 PM  
Sun. April 28..... Closed  
Mon. April 29 – Tue. April 30..... 7:00 AM to 7:00 PM

**SECTION 6.** The polling place on Election Day shall be open from 7:00 AM to 7:00 PM. The election day polling place by personal appearance shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 and the City of Fair Oaks Ranch Police Station, Public Safety Training Room, 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015.

**SECTION 7.** Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “**Station**”) as provided by Section 127.001, et seq., Texas Election Code, as amended. Kendall County Election Administrator Staci L. Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrator will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas

Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

- SECTION 8.** The City Secretary shall serve as the election officer of the May 4, 2024 Special Election of the City of Fair Oaks Ranch as required and authorized by law.
- SECTION 9.** The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.
- SECTION 10.** The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.
- SECTION 11.** The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60<sup>th</sup> day before Election Day.
- SECTION 12.** The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.
- SECTION 13.** The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.
- SECTION 14.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Fair Oaks Ranch, Texas and made a part of this ordinance for all purposes as findings of fact.
- SECTION 15.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.
- SECTION 16.** It is officially found, determined, and declared that the meeting at which this ordinance 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 ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.
- SECTION 17.** This ordinance shall be in force and effect from and after its final passage, and it is so ordained.

**PASSED AND APPROVED** on the first reading on the 8<sup>th</sup> day of February, 2024.

**PASSED, APPROVED, AND ADOPTED** on the second reading, this 15<sup>th</sup> day of February, 2024.

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, TRMC  
City Secretary

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Denton Navarro Rodriquez Bernal Santee & Zech  
P.C., City Attorney






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## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

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AGENDA TOPIC: Consideration and possible approval of an Ordinance calling a bond election to be held by the City of Fair Oaks Ranch, Texas.

DATE: February 8, 2024

DEPARTMENT: Finance

PRESENTED BY: Summer Fleming, Director of Finance  
Andrew T. Friedman, Senior Managing Director, SAMCO Capital

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#### **INTRODUCTION/BACKGROUND:**

The City Council reviewed the FY 2024-28 Proposed Capital Improvements Plan (CIP) during a budget workshop on July 20, 2023, and reviewed financing scenarios and a draft timeline for approving the plan.

On October 5, 2023, City Council approved a Resolution appointing members of the Capital Improvements Advisory Committee to serve as the ad hoc Bond Advisory Committee (BAC) to the Council and directed the City Manager to develop financing options by February 2024. In five open meetings held between October 2023 through January 2024, the BAC reviewed each project and presented its report and recommendation to City Council on January 18, 2024. The BAC recommended roadway projects be funded through the issuance of general obligation bonds authorized by an election.

This Ordinance calls a bond election on the uniform election date of May 4, 2024. The election would authorize the City to issue up to \$16 million in General Obligation Bonds to support four roadway projects: Dietz Elkhorn Road, Battle Intense at Trailside, Rolling Acres Trail, and Ammann Road. The Ordinance will become effective immediately upon adoption, pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, notwithstanding any provision in the City's Home Rule Charter to the contrary concerning a multiple reading requirement for the adoption of ordinances. This will be the first and final reading of the ordinance.

#### **POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

- Supports Priority 1.4 to Develop Sustainable Financing Strategies Aligned with Service Delivery Expectations of the Strategic Action Plan
- Supports Priority 3.4 to Enhance and Ensure Continuity of Reliable Roadway Improvement Initiatives of the Strategic Action Plan

#### **LONG-TERM FINANCIAL & BUDGETARY IMPACT:**

If passed through an election, the City would be authorized to issue up to \$16 million in bonds for the purpose of 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, acquiring lands and rights-of-

way necessary thereto or incidental therewith for the following street projects: Dietz Elkhorn, Battle Intense, Rolling Acres Trail, and Ammann Road.

Long-term financial impacts are based on a proposed roadway project schedule the City provided SAMCO Capital for the issuance of bonds over a five-year period. SAMCO estimates a maximum annual increase to the City's I&S tax rate of \$0.0194, or \$19.42 per \$100,000 of taxable value. Individual homeowner impacts range from an annual increase of \$77.68 for a home with net taxable value of \$400,000 to \$291.30 for a home with net taxable value of \$1,500,000.

**LEGAL ANALYSIS:**

Approved by legal.

**RECOMMENDATION/PROPOSED MOTION:**

I move that the City Council adopt an ordinance calling a bond election.

**ORDINANCE**

**AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF FAIR OAKS RANCH, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

\*\*\*\*\*

WHEREAS, the City Council (the *Council*) of the CITY OF FAIR OAKS RANCH, TEXAS (the *City*), located in Bexar, Comal and Kendall County, Texas (individually, the *County*, together the *Counties*), hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the City will contract with the elections administrator of Bexar County, or the elections administrator of Comal County, or the elections administrator of Kendall County (individually, the *Administrator*, together, the *Administrators*) to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with other political subdivisions (such other political subdivisions, collectively, the *Participants*) for whom the Counties are also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the Counties, and the Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code, or other applicable law, pursuant to which the Counties will conduct all aspects of the Election on the City’s behalf;

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF FAIR OAKS RANCH, TEXAS on the 4th day of May, 2024 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not less than 78 days nor more than 90 days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following measure to the qualified voters of the City:

MEASURE A

“Shall the City Council of the City of Fair Oaks Ranch, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$16,000,000 for the purpose of 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, acquiring lands and rights-of-way necessary thereto or incidental therewith, to wit:

- Dietz Elkhorn
- Battle Intense
- Rolling Acres Trail
- Ammann Road

such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, 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 City Council of the City 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 said 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?”

SECTION 2. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in Exhibit A to this Ordinance (which is incorporated herein by reference for all purposes). If any locations are changed, this will be reflected on each County elections website. At least 79 days prior to Election Day, or as soon thereafter as is reasonably practicable, the City, acting through the Mayor, the City Manager, or the designee thereof, in coordination with the Administrators, or the designee thereof, as necessary or desirable, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Administrator, the City, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the

absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

B. On Election Day, the polls shall be open as designated on Exhibit A.

Bexar County, Comal County, and Kendall County participate in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any City voter registered in Bexar County, Comal County, and Kendall County, respectively, can vote in the Election at any polling place identified in Exhibit A for that County.

C. The main early voting location is designated in Exhibit B to this Ordinance (which is hereby incorporated herein by reference for all purposes). If any locations are changed, this will be reflected on each County elections website. The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the City to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The City authorizes each Administrator to utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., Texas Election Code, as amended. The Administrators, or the designee thereof, are hereby appointed as their respective Manager of the Station, who will establish a written plan for the orderly operation of the Station in accordance

with the provisions of the Texas Election Code. The Council hereby authorizes the Administrator, or the designee thereof, to appoint the Presiding Judge of the Station, the Tabulation Supervisor, and the Programmer for their respective Stations and may appoint Station clerks as needed or desirable. The Administrator will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for their respective Stations in accordance with the provisions of the Texas Election Code.

SECTION 5. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid measure which shall appear on the ballot substantially as follows:

MEASURE A

“THE ISSUANCE OF NOT TO EXCEED \$16,000,000 OF CITY OF FAIR OAKS RANCH, TEXAS GENERAL OBLIGATION BONDS FOR DESIGNING, DEMOLISHING, CONSTRUCTING, RENOVATING, IMPROVING, EXTENDING AND MAKING PERMANENT STREET, SIDEWALK, DRAINAGE AND ANY RELATED IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS”

SECTION 6. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places set forth in Exhibit A. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Ordinance and the voter information attached as Exhibit C, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day; (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the City’s internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the City’s internet website not less than 21 days prior to Election Day.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the City, as of the date of this ordinance, had outstanding an aggregate principal amount of debt equal to \$4,530,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$329,210.50; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.0229 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Council’s adoption of this Ordinance, the maximum interest rate for any series of bonds authorized at the

Election is 5.25% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise overall a specified number of years (not more than 40 years from their date), as preserved by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 25-year period from their respective date of issue. The foregoing estimated maximum net effective interest rate and amortization period are only estimates, provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Council authorizes the Mayor, the City Manager, or their respective designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Administrators, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or their respective designee of either of such parties to make such technical modifications to this Ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same. By incorporating all essential terms necessary for a joint election agreement, this Ordinance is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the City Council. To the extent needed or desirable, the Administrator is hereby appointed joint custodian of voted ballots for the purposes of Section 31.096, as amended, Texas Election Code.

SECTION 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 11. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 14. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 15. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance 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.



PASSED AND APPROVED on the \_\_\_\_\_ day of February, 2024.

CITY OF FAIR OAKS RANCH, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

(CITY SEAL)

**Exhibit A**

**ELECTION DAY POLLING PLACES**

Election Day: May 4, 2024

Election Day Polling Places open from 7 a.m. to 7 p.m.

Presiding Judges: to be determined by the Administrator

City's website: <https://fairoaksranchtx.org/>

Kendall County's website: <https://www.co.kendall.tx.us/page/Elections>

City Hall (Training Room), 447 N. Main Street, Boerne, Texas 78006

City of Fair Oaks Ranch Police Department (Public Safety Training Room), 7286 Dietz Elkhorn,  
Fair Oaks Ranch, Texas 78015

*Subject to change. Check County's website.*

**Kendall County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters of Kendall County will be able to cast their Election Day ballots at any of the Vote Centers in Kendall County identified on that County's website.**

*[The remainder of this page intentionally left blank.]*

**Exhibit B**

**EARLY VOTING**

**KENDALL COUNTY**

Early Voting Clerk: Staci Decker, 221 Fawn Valley Drive, Suite 100, Boerne, Texas 78006.

Presiding Judge of the Early Voting Ballot Board: to be determined by the Administrator.

Kendall County Courthouse Annex, 221 Fawn Valley Drive, Boerne, Texas 78006 (Main)  
City of Fair Oaks Ranch Police Department (Public Safety Training Room), 7286 Dietz Elkhorn,  
Fair Oaks Ranch, Texas 78015 (Branch)

Monday, April 22, 2024 through Friday, April 26, 2024	8:00 a.m. – 6:00 p.m.
Saturday, April 27, 2024	10:00 a.m. – 4:00 p.m.
Monday, April 29, 2024 through Tuesday, April 30, 2024	7:00 a.m. – 7:00 p.m.

Subject to change. Check County's website.

**Kendall County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters of Kendall County will be able to cast their Election Day ballots at any of the Vote Centers in Kendall County identified on the County’s website.**

**Early Voting By Mail**

Applications for voting by mail should be received (not post marked) no later than the close of business (5:00 p.m.) on April 23, 2024. Applications should be sent to:

Elections Administrator  
Staci Decker  
P.O. Box 2384  
Boerne, Texas 78006  
fax: (830) 331-8295  
email: [elections@co.kendall.tx.us](mailto:elections@co.kendall.tx.us)

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

