

**NOTICE OF A SPECIAL MEETING OF THE COMMISSIONERS COURT
OF CALDWELL COUNTY, TEXAS**



Notice is hereby given that an open meeting of the Caldwell County Commissioners Court will be held on Friday, November 15, 2024 at 9:00 AM in 110 S Main St. 2nd Floor, Lockhart, Texas at which time the following subjects will be discussed, considered, passed or adopted, to wit:

A. CALL MEETING TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS:

(Texas Pledge: Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.)

D. ANNOUNCEMENTS:

Items or comments from Court members or staff.

E. CITIZENS' COMMENTS:

At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Commissioners Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day.) Citizens' Comments may be submitted to the Court by using the form found at: <http://www.co.caldwell.tx/us/page/caldwell.CommissionersCourtForm>

F. DISCUSSION/ACTION ITEMS:

F.1 To canvass the Caldwell County November 2024 election. Speaker: Judge Haden/Devante Coe; Backup: TBD; Cost: \$0.00

F.2 Consideration and approval of a resolution canvassing the returns and declaring the results of a bond election; and other matters in connection therewith. Speaker: Judge Haden/Matt Lee/Stephanie Leibe; Backup: 15; Cost: \$0.00

G. ADJOURNMENT:

As authorized by Chapter 551 of the Texas Government Code, the Commissioners Court of Caldwell County, Texas, reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above. The Court may adjourn for matters that may relate to: Texas Government Code Section 551.071(1) (Consultation with Attorney about Pending or Contemplated Litigation or Settlement Offers); Texas Government Code Section 551.071(2) (Consultation with Attorney when the Attorney's Obligations Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Conflicts with Chapter 551 of the Texas Government Code); Texas Government Code Section 551.072 (Deliberations about Real Property); Texas Government Code Section 551.073 (Deliberations about Prospective Gift Donations); Texas Government Code Section 551.074 (Deliberations about Personnel Matters); Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government Code Section 551.076 (Deliberations about Security Devices or Security Audits); Texas Government Code Section 551.084 (Exclusion of Witness from Hearing); Texas Government Code Section 551.087 (Deliberations about Economic Development Negotiations); and Texas Government Code Section 551.089 (Deliberations about Security Devices or Security Audits). In the event that the Court adjourns into Executive Session, the Court will announce the section of the Government Code the Commissioners Court is using as its authority to enter into an Executive Session. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the County Judge's Office at 512-398-1808 for further information.

Notice: Any documents linked to this Agenda are subject to change both after posting and/or after discussion and vote during the Commissioner's Court meeting. A copy of this Notice has been placed on the outside bulletin board of the Caldwell County Courthouse, 110 S. Main St., Lockhart, TX 78644. Said place is readily accessible to the general public at all times and said Notice shall remain posted continuously for at least 72 hours preceding this scheduled time of said Meeting. For your convenience, you may visit the county's website at:
<https://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtAgendaMinutesandVideo>

Caldwell County Agenda Item

AGENDA DATE: November 15, 2024

Type of Agenda Item: Texas Local Government Code

Subject: To canvass the Caldwell County November 2024 election.

Costs: \$0.00

Agenda Speakers: Judge Haden/Devante Coe

Backup Materials: To Be Distributed

Total # of Pages: TBD

Caldwell County Agenda Item

AGENDA DATE: November 15, 2024

Type of Agenda Item: Texas Local Government Code

Subject: Consideration and approval of a resolution canvassing the returns and declaring the results of a bond election; and other matters in connection therewith.

Costs: \$0.00

Agenda Speakers: Judge Haden/Matt Lee/Stephanie Leibe

Backup Materials: Attached

Total # of Pages: 15

November 5, 2024

Via E-Mail and Federal Express

Honorable Hoppy Haden
County Judge
Caldwell County, Texas
110 South Main Street
Lockhart, Texas 78644

Norton Rose Fulbright US LLP
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701-4255
United States

Stephanie V. Leibe
Partner

Direct line +1 512 536 2420
stephanie.leibe@nortonrosefulbright.com

Tel +1 512 474 5201
Fax +1 512 536 4598
nortonrosefulbright.com

Re: Caldwell County, Texas Bond Election – November 5, 2024

Dear Judge Haden:

Please note that the above-captioned election should be canvassed between Friday, November 8, 2024 and Tuesday, November 19, 2024. The canvass must occur during this statutory period, regardless of the election's outcome.

I enclose the following documents for execution at the November 15, 2024 special meeting of the Commissioners Court to canvass the election results:

1. Resolution Canvassing the results of the Bond Election (two originals and five signature pages).

Please add the final vote totals to the Canvassing Resolution. If you do not have totals for a particular category identified on the Canvassing Resolution, you can leave that category blank. The Canvassing Resolution should be signed by the Judge when the Judge is available even if the Judge did not participate in the meeting.

2. Certificate of County Clerk pertaining to the Canvassing Resolution (two originals and five signature pages).

Please fill in the blanks. The Certificate should be signed and dated by the County Clerk when the County Clerk is available even if the County Clerk did not participate in the meeting.

3. Waiver of Notice and Consent to Special Meeting (five copies). This must be signed by every member of the Commissioners Court that misses the meeting.

Please note that **two** members of the Commissioners Court constitute a quorum for the limited purpose of canvassing election results.

Please return one completed copy of the Clerk's Certificate and all executed signature pages to me. The completed copies of the aforementioned documents should be retained for the County's files.

I also enclose for your convenience as Exhibit A to this letter the agenda item to be utilized in preparing the agenda for the canvassing meeting. Thank you for ensuring that this agenda item is posted in accordance with the provisions of the Texas Open Meetings Act. Lastly, I enclose as Exhibit B to this letter the motion "language" that can be utilized for this item.

Exhibits A and B are also enclosed in Word format for your convenience.

Thank you, in advance, for your prompt attention to this matter. If I can provide any additional assistance concerning this matter, please do not hesitate to contact me.

Very truly yours,



Stephanie V. Leibe

SVL/lc

Enclosures

cc: Mr. Richard Sitton (Caldwell County, Texas)
Ms. Danie Teltow (Caldwell County, Texas)
Ms. Ezzy Chan (Caldwell County, Texas)
Ms. Stephanie McKee (Caldwell County, Texas)
Mr. Devante Coe (Caldwell County, Texas)
Ms. Jennifer Ritter (Specialized Public Finance Inc.)
Mr. Jeff Garland (Specialized Public Finance Inc.)
Mr. Cole Gilmore (Specialized Public Finance Inc.)
Mr. Matthew A. Lee (Firm)
Mr. Chris Guevara (Firm)

EXHIBIT A

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

EXHIBIT B

I MOVE THAT THE COMMISSIONERS COURT ADOPT A RESOLUTION
CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND
ELECTION



RESOLUTION NO. 05-2025

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

WHEREAS, on August 13, 2024, the Commissioners Court (the *Court*) of Caldwell County, Texas (the *County*) ordered an election to be held on November 5, 2024 for the purpose of determining whether the resident, qualified voters of the County would authorize the issuance of general obligation bonds by the County; and

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

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

PROPOSITION A

“Shall the Commissioners Court of Caldwell County, Texas be authorized to issue and sell one or more series of general obligation bonds of the County in the aggregate principal amount of not more than \$150,000,000 for the purposes of designing, acquiring, demolishing, constructing, developing, extending, expanding, upgrading, renovating, improving, repairing, and maintaining roads, bridges, and highways within Caldwell County, including city, state and county streets, roads, highways, and bridges and the acquisition of land and rights-of-way therefor, traffic signalization and control equipment, lighting, necessary utility relocation and drainage improvements related thereto and including participation in joint projects with federal, state, and local public entities and agencies, with priority given to the following street projects:

- W. San Antonio Street – corridor study from SH 130 to US 183
- Borchert Drive/Loop – SH 142 to Black Ankle Road

- City Line Road – W. San Antonio to Old Fentress Road
- SH 142 – SH 130 to TX 80
- SH 142 – SH 130 to Windsor Boulevard
- FM 20 / US 183 – S. Medina Street to S. Commerce Street
- William Pettus Road (CR 238) – SH 21 to SH 142
- US 183 Turn Lane Addition – Magnolia Avenue to Plum Creek
- Bridge Replacements – Countywide
- Low Water Crossings – Countywide
- Bridle Path – US 183 to FM 2984
- FM 2720 at Grist Mill Road – SH 21 to FM 2720
- Rocky Road at SH 21 – SH 21 to Misty Drive
- Schuelke Road at SH 21 – SH 21 to Schuelke Road
- Holz Lane at SH 21 – SH 21 to reconnection at Holz Lane
- N. Hackberry Avenue Truck Route (Alt) – SH 80 to E. Pierce Street
- N. Magnolia Avenue (US 183) Turn Lane Addition – SH 80 to E. Pierce Street
- NW River Road (CR 103) – SH 80 to Quail Run

- Niederwald Transportation Plan
- Luling Transportation Plan
- CR 174, CR 179 and CR 182
- SH 80 – corridor study from County Line to US 183 (Magnolia Avenue – Luling)

and in providing for the above public improvements, the Commissioners Court shall have the option to (i) utilize other funds available for such purposes and (ii) abandon such indicated public improvements that are reliant, in part, on external sources of funding that (for whatever reason) do not materialize or because unforeseen changes in fact or circumstance make the anticipated expenditure no longer wise or necessary (as determined by the Commissioners Court), 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 Commissioners Court may, in its discretion, use any excess funds for designing, acquiring, demolishing, constructing, developing, extending, expanding, upgrading, renovating, improving, repairing, and maintaining roads, bridges, and highways within Caldwell County, including city, state and county streets, roads, highways, and bridges and the acquisition of land and rights-of-way therefor, traffic signalization and control equipment, lighting, necessary utility relocation and drainage improvements related thereto and including participation in joint projects with federal, state, and local public entities and agencies ;such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with the law; and any issue or series of such bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the Commissioners Court, 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 Commissioners Court of the County 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 the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

and

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

PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$150,000,000 OF CALDWELL COUNTY, TEXAS GENERAL OBLIGATION BONDS FOR DESIGNING, ACQUIRING, DEMOLISHING, CONSTRUCTING, DEVELOPING, EXTENDING, EXPANDING, UPGRADING, RENOVATING, IMPROVING, REPAIRING, AND MAINTAINING ROADS, BRIDGES, AND HIGHWAYS WITHIN CALDWELL COUNTY, AND THE LEVYING OF A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS, WITH PRIORITY GIVEN TO THE FOLLOWING:

W. San Antonio Street – corridor study from SH 130 to US 183; Borchert Drive/Loop – SH 142 to Black Ankle Road; City Line Road – W. San Antonio to Old Fentress Road; SH 142 – SH 130 to TX 80; SH 142 – SH 130 to Windsor Boulevard; FM 20 / US 183 – S. Medina Street to S. Commerce Street; William Pettus Road (CR 238) – SH 21 to SH 142; US 183 Turn Lane Addition – Magnolia Avenue to Plum Creek; Bridge Replacements – Countywide; Low Water Crossings – Countywide; Bridle Path – US 183 to FM 2984; FM 2720 at Grist Mill Road – SH 21 to FM 2720; Rocky Road at SH 21 – SH 21 to Misty Drive; Schuelke Road at SH 21 – SH 21 to Schuelke Road; Holz Lane at SH 21 – SH 21 to reconnection at Holz Lane; N. Hackberry Avenue Truck Route (Alt) – SH 80 to E. Pierce Street; N. Magnolia Avenue (US 183) Turn Lane Addition – SH 80 to E. Pierce Street; NW River Road (CR 103) – SH 80 to Quail Run; Niederwald Transportation Plan; Luling Transportation Plan; CR 174, CR 179 and CR 182; SH 80 – corridor study from County Line to US 183 (Magnolia Avenue – Luling)”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)		
Election Day Votes		
TOTAL		

NOW, THEREFORE,

IT IS ACCORDINGLY FOUND, DECLARED, AND RESOLVED BY
THE COMMISSIONERS COURT OF
CALDWELL COUNTY, TEXAS THAT:

SECTION 1: The Court 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 County were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Court 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 Caldwell County, Texas voting in such election, having voted [FOR/AGAINST] the authorization and issuance of \$150,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Court 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 Court 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 Court.

SECTION 4: All orders 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 Court 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.

* * *

PASSED AND APPROVED, THIS THE 15TH DAY OF NOVEMBER, 2024.

COUNTY OF CALDWELL, TEXAS

Hoppy Haden
Caldwell County Judge

B.J. Westmoreland
Commissioner, Precinct 1

Rusty Horne
Commissioner, Precinct 2

Ed Theriot
Commissioner, Precinct 3

Dyral Thomas
Commissioner, Precinct 4

ATTEST:

Teresa Rodriguez
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Caldwell County,
Texas

(SEAL OF COMMISSIONERS COURT)

CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS

§

COUNTY OF CALDWELL

§

§

THE UNDERSIGNED HEREBY CERTIFIES that:

On the 15th day of November, 2024, the Commissioners Court (the *Court*) of Caldwell County, Texas (the *County*) convened in a special session at its regular meeting place in the County Courthouse (the *Meeting*), which Meeting was at all times open to the public, the duly constituted officers and members of the Court being as follows:

Hoppy Haden	County Judge
B.J. Westmoreland	Commissioner, Precinct No. 1
Rusty Horne	Commissioner, Precinct No. 2
Edward Theriot	Commissioner, Precinct No. 3
Dyral Thomas	Commissioner, Precinct No. 4

and all of such persons were present at the Meeting, except the following: _____, thus constituting a quorum. Among other business considered at the Meeting, the attached Resolution (the *Resolution*) entitled:

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

was introduced and submitted to the Court for passage and adoption. After presentation and discussion of the Resolution, a motion was made by Commissioner _____ that the Resolution be finally passed and adopted. The motion was seconded by Commissioner _____ and carried by the following vote:

___ voted "For" ___ voted "Against" ___ abstained

all as shown in the official Minutes of the Court for the Meeting.

The attached Resolution is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Court on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Court was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the Commissioners Court, this 15th day of November, 2024.

County Clerk and Ex-Officio Clerk of the
Commissioners Court of Caldwell County, Texas

(SEAL OF COMMISSIONERS COURT)

WAIVER OF NOTICE AND CONSENT TO SPECIAL MEETING

WE, the undersigned members of the Commissioners Court of the Caldwell County, Texas HEREBY WAIVE NOTICE and CONSENT to the holding of a special meeting of the Commissioners Court to be held on the 15th day of November, 2024, at 9:00 a.m., in the regular meeting place of the Commissioners Court for the purpose of passing, adopting, or otherwise acting upon

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

and for the purpose of acting upon such other matters as may properly come before such meeting.

_____ Dated	_____ Absent Commissioner's Name	_____ Absent Commissioner's Signature
_____ Dated	_____ Absent Commissioner's Name	_____ Absent Commissioner's Signature
_____ Dated	_____ Absent Commissioner's Name	_____ Absent Commissioner's Signature
_____ Dated	_____ Absent Commissioner's Name	_____ Absent Commissioner's Signature
_____ Dated	_____ Absent Commissioner's Name	_____ Absent Commissioner's Signature

* * * *

EXHIBIT A

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

EXHIBIT B

I MOVE THAT THE COMMISSIONERS COURT ADOPT A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION