

NOTICE OF ELECTION

THE STATE OF TEXAS

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COUNTY OF EL PASO

LOWER VALLEY WATER DISTRICT

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TO THE RESIDENT, QUALIFIED VOTERS OF THE

LOWER VALLEY WATER DISTRICT

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ADDITIONAL INFORMATION REGARDING THE ELECTION HEREINAFTER
DESCRIBED CAN BE FOUND AT:

<https://www.lvwd.org/>
<https://epcountyvotes.com/>

TAKE NOTICE that an election will be held in the Lower Valley Water District Texas on May 4, 2024, CONCERNING THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$35,000,000 FOR WATERWORKS, SANITARY SEWER, STORM SEWER, AND SOLID WASTE DISPOSAL SYSTEMS AND THE LEVYING OF A TAX IN PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, ALL in obedience to a resolution duly entered by the Lower Valley Water District Texas on February 8, 2024, which resolution reads substantially as follows:

A RESOLUTION CALLING A BOND ELECTION TO BE HELD BY THE LOWER VALLEY WATER DISTRICT MAKING PROVISION FOR THE CONDUCT OF THE ELECTION, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the Board of Directors (the *Board*) of the LOWER VALLEY WATER DISTRICT (the *District*) located in El Paso County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the District shall be authorized to issue bonds of the District in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the District is a municipal utility district created under article XVI, section 59 of the Texas Constitution and operating under chapters 49 and 54, Texas Water Code; and

WHEREAS, the Board will approve an engineer's report covering the land, improvements, facilities, plants, equipment, and appliances to be purchased or constructed from proceeds of the proposed bonds and their estimated cost, together with maps, plats, profiles, and data fully showing and explaining the report. The engineer's report is not part of the measure or measures to be voted on, or a contract with the voters. The engineer's report will be filed in the office of the District and open to inspection by the public; and

WHEREAS, such engineer's report, as may be supplemented, contains an estimate of the cost of acquiring and constructing the proposed improvements, facilities, plants, equipment, and appliances as set forth below;

WHEREAS, additional costs and expenses will be incurred by the District incidental to its operation and the financing of its proposed improvements, and the Board has arrived at an estimate of such additional costs and expenses as set forth below; and

WHEREAS, the District will contract with the elections administrator (the *Administrator*) of the County to conduct all aspects of the Election; and

WHEREAS, the Election will be conducted by the County and held jointly with other political subdivisions (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of an election services agreement and/or a joint election or similar agreement between or among (as applicable) the District, the County, and any Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code; and

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

BE IT RESOLVED BY THE BOARD OF LOWER VALLEY WATER DISTRICT, TEXAS THAT:

- A. The aforementioned estimates are as follows:

Gateway West	\$3,691,002.00
Mesa Verde	984,143.00
Lift Station No. 18	7,577,685.00
Athena West North and Lift Station No. 19	5,463,271.00
Valle Bonito	6,451,627.00
Hacienda Real	592,290.62
Wildhorse	848,077.00
North Loop Sewer Line	4,789,396.04
Total Construction Costs	<u>\$30,397,491.66</u>
Contingency	3,902,508.34
Fiscal, Fiscal, and Legal Closing Costs	<u>700,000.00</u>
Total Bond Election Amount	\$35,000,000.00

B. All prerequisites to adoption of this Resolution and to the holding of the election called hereby in accordance with law, other than the notice of such election, have been met.

BE IT RESOLVED BY THE BOARD THAT:

SECTION 1. The Election shall be held in the LOWER VALLEY WATER DISTRICT on the 4th day of May, 2024 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is 78 or more days from the date of the adoption of this resolution (the *Resolution*), for the purpose of submitting the following proposition to the qualified voters of the District:

PROPOSITION A
LOWER VALLEY WATER DISTRICT

“Shall the Board of Directors of LOWER VALLEY WATER DISTRICT be authorized to issue and sell bonds of the District in the principal amount not to exceed \$35,000,000 for the purposes of purchasing, constructing, acquiring, owning, operating, repairing, improving, or extending any District works, improvements, facilities, plants, equipment, and appliances needed to accomplish the purposes set forth in section 54.012, Texas Water Code, as amended, for which the District was created, including works, improvements, facilities, plants, equipment, and appliances needed to provide a waterworks system, sanitary sewer system, storm sewer system, and solid waste disposal system; such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; any issue or series of such bonds to bear interest per annum at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of the Board of Directors, provided that such rate or rates 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 such bonds; and shall the Board of Directors of the District be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?”

SECTION 2. One or more District 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 County election precincts as identified in Exhibit A to this Resolution (which is incorporated herein by reference for all purposes). If any locations are changed, this will be reflected on the County election website. At least 79 days prior to the scheduled Election Day, or as soon thereafter as is reasonably practicable, the District, acting through the President of the Board of Directors, the General Manager, or their designees, in coordination with the Administrator, or the designee thereof, will appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this Election, together with any other necessary changes to election precincts and procedures and can correct, modify, or change the Exhibits to this Resolution based upon the final locations and times agreed upon by the Administrator, the District, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two 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.

The County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any County voter can vote in the Election at any polling place identified in Exhibit A.

C. The main early voting location is designated in Exhibit B to this Resolution (which is incorporated herein by reference for all purposes). If any locations are changed, this will be reflected on the County election 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 office or place 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 County 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 County 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. 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 District is authorized to utilize a Central Counting Station (the Station) as provided by Section 127.001, et seq., as amended, Texas Election Code. The Administrator, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Board hereby appoints the Administrator, or the designee thereof, as the Tabulation Supervisor and the Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

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

LOWER VALLEY WATER DISTRICT PROPOSITION A

“THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$35,000,000 FOR WATERWORKS, SANITARY SEWER, STORM SEWER, AND SOLID WASTE DISPOSAL SYSTEMS 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 District shall be permitted to vote at the Election, and, on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Government Code, as amended, and as may be required by law. To the extent required by law, all Election materials and proceedings shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published in a newspaper of general circulation in the District not more than 30 days, and not less than 10 days, prior to Election Day.

Moreover, a substantial copy of this Resolution and the voter information attached as Exhibit C, including a Spanish translation thereof, shall be posted at least 21 days prior to Election Day (i) on the bulletin board used for posting notice of the Board; (ii) at three additional public places within the District, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the District's internet website. A sample ballot shall be posted on the District'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 District, as of the date of this resolution, had outstanding an aggregate principal amount of debt equal to \$24,995,000; the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled \$10,198,300; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.047965 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Board's adoption of this Resolution, the maximum interest rate for any series of bonds authorized at the Election is 5.50% (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 over a specified number of years (but not more 40 years from their date), as prescribed by applicable Texas law, though the District estimates that, based on current bond market conditions, such bonds will amortize over a 30-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 Board authorizes its President or General Manager, or the designees thereof, to negotiate and enter into a joint election agreement or agreements with any other political subdivisions with territory within the County who are also conducting elections on Election Day in accordance with the provisions of the Texas Election Code, as amended, as determined to be necessary or desirable, and to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board is evidenced herein. In addition, the District authorizes its President or General Manager, or the designees thereof, to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 11. 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 12. This Resolution 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 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 14. 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 Board hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 15. This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

//s// Henry Trujillo, Secretary, Board of Directors, Lower Valley Water District

Exhibit A

ELECTION PRECINCT AND ELECTION DAY POLLING LOCATION

Election Day: May 4, 2024

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

Presiding Judge(s) and Alternate(s): To be determined by the Administrator

VOTE CENTER	ADDRESS
El Paso County Northwest Annex	435 E. Vinton Rd. 79821
Canutillo Middle School	7311 Bosque Rd. 79835
Canutillo Elementary School	651 Canutillo Ave. 79835
Clint ISD Early College Academy	13100 Alameda Ave. 79836
Rio Valle Woman's Club	521 Mike Maros St. 79838
City of San Elizario Municipal Court	12004 Socorro Rd. Suite B, 79849
W.E. Neill Community Center	19210 Cobb Ave. 79853
Enrique Moreno County Courthouse	500 E. San Antonio Ave. 79901
Congressman Silvestre & Carolina Reyes School	7440 Northern Pass Dr. 79911
H.D. Hilley Elementary School	693 N. Rio. Vista Rd. 79927
Chayo Apodaca Community Center	341 N. Moon Rd. 79927
Robert R. Rojas Elementary School	500 Bauman Rd. 79927
Escontrias Elementary School	205 Buford Rd. 79927
Campestre Elementary School	11399 Socorro Rd. 79927
Desert Wind K-8 School	1100 Colina De Paz Dr. 79928
Dr. Sue A Shook Elementary School	13777 Paseo Del Este Blvd. 79928
Eastlake High School	13000 Emerald Pass Ave. 79928
Agua Dulce Community Center	15371 Kentwood Ave. 79928
Fire Station #2	111 E. Borderland Rd. 79932

Subject to change. Check County's website.

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

Exhibit B

EARLY VOTING

Early voting begins April 22, 2024 and ends on April 30, 2024

Early Voting Clerk: Lisa Wise, 500 E. San Antonio, Suite 314, El Paso, Texas 79901.

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

Main Early Voting Polling Location, Dates, and Times

Dates

Monday, April 22, 2024 through Friday, April 26, 2024
Saturday, April 27, 2024
Monday, April 29, 2024 through Tuesday, April 30, 2024

Times

8:00 a.m. – 5:00 p.m.
12:00 a.m. – 5:00 p.m.
8:00 a.m. – 5:00 p.m.

Subject to change. Check County's website.

El Paso County Courthouse
500 E. San Antonio Ave
El Paso, Texas 79901

Branch Early Voting Polling Place, Dates, and Times

VOTE CENTER	ADDRESS
Enrique Moreno County Courthouse	500 E. San Antonio Ave, El Paso, Texas 79901
Canutillo Nutrition Center	7351 Bosque Rd. Canutillo, Texas 79835
City of San Elizario Municipal Court	12004 Socorro Rd., Suite B San Elizario, Texas 79849
Eastlake High School	13000 Emerald Pass Ave. El Paso, Texas 79928
El Paso County Northwest Annex	435 Vinton Rd. Vinton, Texas 79821
W.E. Neill Community Center	19210 Cobb Ave. Tornillo, Texas 79853

Dates

Monday, April 22, 2024 through Friday, April 26, 2024
Saturday, April 27, 2024
Monday, April 29, 2024 through Tuesday, April 30, 2024

Times

8:00 a.m. – 5:00 p.m.
12:00 a.m. – 5:00 p.m.
8:00 a.m. – 5:00 p.m.

VOTE CENTER	ADDRESS
Chayo Apodaca Community Center	341 N. Moon Rd. Socorro, Texas 79927
Fabens Community Center	201 NE Camp St. Fabens, Texas 79838

Dates

Monday, April 22, 2024 through Friday, April 26, 2024
Saturday, April 27, 2024
Monday, April 29, 2024 through Tuesday, April 30, 2024

Times

9:00 a.m. – 6:00 p.m.
12:00 a.m. – 5:00 p.m.
9:00 a.m. – 6:00 p.m.

Early Voting By Mail

Applications for voting by mail should be mailed to be received no later than the close of business (5:00 p.m.) on Tuesday, April 23, 2024. Applications should be sent to:

Lisa Wise
Early Voting Clerk
County Courthouse Elections Department
500 E. San Antonio, Suite 314
El Paso, Texas 79901
fax: (915) 546-2220
email: ballotrequests@epcounty.com

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.

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Exhibit C
VOTER INFORMATION DOCUMENT
 Lower Valley Water District Proposition A:

<input type="checkbox"/> FOR <input type="checkbox"/> AGAINST	“THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$35,000,000 FOR WATERWORKS, SANITARY SEWER, STORM SEWER, AND SOLID WASTE DISPOSAL SYSTEMS AND THE LEVYING OF A TAX IN PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS.”
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principal of debt obligations to be authorized	\$35,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 5.50%	\$36,903,992
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 30 years	\$71,903,992
as of the date the election was ordered, principal of all outstanding debt obligations	\$24,995,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations	\$10,198,300
estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 24 years	\$35,193,300
estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved This figure makes conservative assumption about the amortization period of the debt obligations and the estimated interest rate; and presumes growth in taxable value of 3% in 2025-27, 2% in year 2028-35, and 0% thereafter.	\$32.04

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