

ORDER CALLING BOND ELECTION

THE STATE OF TEXAS §
COUNTY OF SMITH §
TYLER INDEPENDENT SCHOOL DISTRICT §

WHEREAS, the Board of Trustees (the "Board") of the Tyler Independent School District (the "District") has, among others, the power to issue bonds for the construction and equipment of school buildings in the District (including the rehabilitation, renovation, improvement and repair thereof) and the purchase of the necessary sites therefor; and

WHEREAS, the Board hereby finds and determines that it is in the public interest to call and conduct a bond election at the earliest practicable date to authorize the issuance of the general obligation bonds to construct various capital improvements within the District as hereinafter identified; and

WHEREAS, the Board has determined that November 4, 2008, would constitute an appropriate date for such an election; and,

WHEREAS, the Board also has the authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with the other political subdivisions also holding a general or special election on the same date.

IT IS, THEREFORE, ORDERED BY THE BOARD OF TRUSTEES OF THE TYLER INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. A special election (the "Election") shall be held on Tuesday, November 4, 2008 which is Seventy (70) or more days from the date of the adoption of this order (the "Order") within and throughout the territory of the District at which all resident, qualified electors of the District shall be entitled to vote. The Board hereby finds that holding the Election on such date is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m.

Section 2. Voting Precincts; Polling Places; Election Judges, Alternates, Clerks and other Election Officials. Except as otherwise provided herein, the boundaries and territory of the respective existing Smith County Election Precincts, wholly or partially within the territorial boundaries of the District, are hereby designated as the voting precincts of the District for the Election. The precinct numbers for the District's election precincts shall be the corresponding Smith County Election Precinct Number of each precinct.

The Board will appoint the persons to serve as the Presiding Election Judge, and Alternate Presiding Election Judge for each respective voting precinct for the Election as well as other required Election Officials and will establish the rate of compensation for such officials at a subsequent meeting of the Board of Trustees.

Section 3. Proposition. At the Election there shall be submitted to the resident, qualified electors of the District the following proposition (the "Proposition"):

PROPOSITION

SHALL THE BOARD OF TRUSTEES (THE "BOARD") OF THE TYLER INDEPENDENT SCHOOL DISTRICT (THE "DISTRICT") BE AUTHORIZED TO ISSUE BONDS OF THE DISTRICT IN THE AMOUNT OF \$124,877,000.00 FOR THE PURPOSE OF THE CONSTRUCTION, ACQUISITION, RENOVATION AND EQUIPMENT OF SCHOOL BUILDINGS IN THE DISTRICT INCLUDING THE ACQUISITION OF COMPUTERS AND RELATED TECHNOLOGY EQUIPMENT FOR THE BUILDINGS AND THE PURCHASE OF NECESSARY SITES THEREFOR, WHICH BONDS MAY BE ISSUED IN VARIOUS SERIES OR ISSUES, MAY BE SOLD AT ANY PRICE OR PRICES, SHALL MATURE SERIALLY OR OTHERWISE NOT MORE THAN 40 YEARS FROM THEIR DATE OR DATES AND BEAR INTEREST AT SUCH RATE OR RATES (FIXED, VARIABLE, FLOATING, ADJUSTABLE OR OTHERWISE) AS SHALL BE DETERMINED BY THE BOARD WITHIN ITS DISCRETION AT THE TIME OF ISSUANCE, BUT NOT TO EXCEED THE MAXIMUM RATE NOW OR HEREAFTER AUTHORIZED BY LAW; AND SHALL THE BOARD 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 AS THEY BECOME DUE, AND THE COSTS OF ANY CREDIT AGREEMENTS EXECUTED IN CONNECTION WITH THE BONDS, ALL AS AUTHORIZED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) SUBCHAPTER A OF CHAPTER 45 OF THE TEXAS EDUCATION CODE, TOGETHER WITH ALL AMENDMENTS AND ADDITIONS THERETO, AND OF THE UNITED STATES OF AMERICA?

Section 4. Ballots. The ballots shall be suitable for use with an electronic voting system, and shall otherwise conform to the requirements of the Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid measures which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

PROPOSITION NO. 1

- FOR THE ISSUANCE OF \$124,877,000.00 SCHOOL BUILDING BONDS FOR CONSTRUCTION, ACQUISITION, RENOVATION AND EQUIPMENT OF SCHOOL BUILDINGS IN THE DISTRICT INCLUDING THE ACQUISITION OF COMPUTERS AND RELATED TECHNOLOGY EQUIPMENT FOR THE BUILDINGS AND THE PURCHASE OF NECESSARY SITES THEREFOR, AND THE LEVYING OF THE TAX IN PAYMENT THEREOF
- AGAINST

Section 5. Conduct of Election and Joint Election Agreement. The Election shall be conducted by election officers, in accordance with the Texas Education Code, the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. An electronic voting system, as defined and described in Title 8 of the Texas Election Code, shall be utilized for the Election.

Pursuant to Chapter 271 of the Texas Election Code, the Board orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections (the "Joint Agreement"), which agreement shall be presented to the Board for its approval at a subsequent meeting. Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in elections precincts that can be served by common polling places, and the Board is expressly authorizing this action.

Section 271.003 of the Texas Election Code provides that voters of a particular election precinct or a political subdivision may be served in a joint election by a common polling place located outside the boundary of the election precinct or political subdivision if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the elections. To the extent that any polling place for any election precinct used by the District in the conduct of the Election is located outside the boundaries of the election precinct or the District, the Board specifically finds that the polling place selected by the Joint Agreement is convenient and will adequately serve the voters of the school district.

Section 6. Appointment of Custodian of Records. To the extent not otherwise provided for in Election Services Agreement, or in any Joint Election Agreement, the Board appoints Gina Orr, an employee of the District, as the Custodian of Records ("Custodian") to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning the third day after the approval of this order and ending not earlier than the fortieth (40th) day after the day of the Election. In particular, the Custodian shall accept and maintain records regarding campaign expenditures that may be filed with the District.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of AISD that are required by the Texas Election Code.

Section 7. Election information to be provided in Spanish. The Superintendent and all other election officers appointed by the Board responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Superintendent and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 8. Notice of Election. Notice of the Election, stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within the District's territory at least 10 days and no more than 30 days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the Board's meetings no later than the 21st day before the Election.

Section 9. Authority of the Superintendent. The Superintendent shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed.

Section 10. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 11. Inconsistent Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

Section 12. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13. Severability. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

Section 14. Notice of Meeting. The Board officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on a bulletin board located at a place convenient to the public at the District's administrative offices for at least 72 hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the District in connection with providing such notice, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon.

Section 15. Authorization to Execute. The President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the President of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 16. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED August 12, 2008.



President, Board of Trustees

ATTEST:



Secretary, Board of Trustees

(SEAL)