

BOARD OF TRUSTEES Regular Meeting (\* All Meetings Are Posted at Buckholts USPS and the BISD Board Bulletin 72 Hours before all Meetings\*)  
Buckholts Elementary School Library, 203 S. 10th Street, Buckholts, TX 76518  
Buckholts Independent School District

### **DISTRICT VISION**

Every graduate ready for college, career, and life. Real school. Every day.

### **DISTRICT MISSION**

Buckholts Independent School District is rich in culture, heritage, and tradition. BISD will provide an educational environment that will enable all students to develop essential academic skills for a lifetime. We will produce well-educated students who can pursue higher educational opportunities and who will become responsible citizens in a changing global society by teaching ALL students so that they may learn at their maximum potential.

### **AGENDA**

**Friday, February 2, 2024 at 6:15 PM**

- I. Call to Order
- II. Declaration of Quorum
  - A. Announcement by President as to the presence of quorum, that this is a special board meeting and the notice of the meeting was posted in the time and manner required.
- III. Pledge/Invocation
- IV. Public Comments-pursuant to Board Policy BED (LOCAL)
- V. Action Items
  - A. Consider and take action to adopt a Resolution to Approve an Engagement Letter with Leon Alcala, PLLC to Serve as Bond Counsel, a law firm with substantial experience serving as bond counsel; finding that such services are specialized and cannot be adequately performed by District personnel or other counsel and that a contingency fee contract is in the best interest of the District because no amount will be paid unless a transaction is completed.
  - B. Consider and take action to adopt an Order Calling School Building Bond Election.
  - C. Approving and authorizing agreement between the Buckholts Independent School District and Live Oak Public Finance, LLC for Financial Advisory Services and all matters related thereto.

D. Consideration and possible action to select a program management firm for potential projects.

VI. Adjourn

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting accordance with the Texas Open Meetings Act, Tex: Gov't Code, Chapter 551, Subchapters D and E, and Tex. Education Code, Chapter 21.556.

I, the undersigned, do hereby certify that this Notice was posted on the bulletin board of the main entrance of the Buckholts ISD Administration Building and at the Buckholts Post Office at , which is at least 72 hours prior to the date and time of the scheduled meeting.



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Mr. Ricky McCall  
Board President

# LEON | ALCALA

ATTORNEYS AT LAW

**To:** Board of Trustees, Buckholts Independent School District  
**From:** Leon Alcala, PLLC  
**Subject:** Legal and Ethical Guidelines Relating to Bond Elections

Now that the Board has called a bond election, the District is charged with conducting its election in accordance with state legal requirements, which include a prohibition against certain forms of advocacy with respect to each ballot measure. This memorandum provides an overview of legal and ethical guidelines that will impact members of the District's Board of Trustees when sharing information about the bond election.

1. The District and its officials are responsible for informing the public about the bond measure and to encourage voter registration and participation. District resources **may** be used to satisfy this obligation. These communications must be factual in nature only; even indirect messages, such as using language or images that indirectly support the bond measure, may run afoul of ethics rules. We are happy to review any proposed communications before they are posted or published.
2. Public funds, including District employees' time on the job, **may not** be used to promote or discourage the passage of this bond measure (referred to as "electioneering"). The term "public funds" is construed broadly and includes use of school district resources such as copiers, email servers, bulletin boards, and school district letterhead/logos.
3. Because Board Members are elected, uncompensated representatives of the District, they have more flexibility with respect to electioneering than paid District employees. Trustees acting in their individual capacities may communicate with constituents about the bond election, including advocating for the passage of the bond measure, so long as the trustee: (1) makes clear that he or she is acting in the capacity of a citizen rather than a school board trustee, and (2) does not use District resources in connection with such communications.
4. Because the election has been called, each Board Member, when sitting at the dais and acting in an official capacity, must remain purely factual and refrain from advocating for or against the passage of the bond election. Board Members should refrain from engaging in electioneering in District facilities to avoid concerns about improper use of public funds.
5. As a Board Member, you can comfortably express your support for the bond measure (which includes asking citizens to vote "yes") while OFF campus (that is, not in District-owned facilities).
  - a. Board Members may display political signs on property they own.
  - b. Board Members may attend community events that are hosted off District property and publicly advocate for the bond measure.
  - c. Board Members may talk to the media – radio/newspapers/television – and ask people to support the bond, so long as it does not occur on school property or at a school function.

Additionally, Board Members can write “letters to the editor” and identify themselves as Board Members, even if the message supports the bond measure, so long as the publisher receives no consideration from the District for the publication. (Advertisements must be paid from private funds, which may be personal funds of the Board Member, and Board Members should be cognizant that certain statutory requirements may apply to such advertising and that the District and its counsel may not advise Board Members on matters related to such advertising).

- d. Board Members may post pro-bond messages to their personal social media (including blogs, micro-blogs, networking sites, wikis, and photo/video sharing sites) but should do so off (and not otherwise utilizing) District-owned property. If you have an official school trustee social media platform, do not use it for advocacy. Board Members may want to add a disclaimer to their personal email or social media postings: “Please note this message is personal, rather than official school district business, and was created using personally owned equipment and accounts.”
  - e. Under no circumstances may District resources (including email accounts, laptops, printers, copiers, etc.) be utilized to produce or disseminate a message of advocacy.
6. Providing voters with factual information and encouraging people to exercise their right to vote are not considered electioneering and can occur both on and off school property.

If you have any questions at all about the bond election process or potential communications related to the election, please do not hesitate to call. We are happy to work with the District to ensure compliance with these rules.

## MEMORANDUM

**To:** All Staff Members, Buckholts Independent School District  
**From:** Dr. Remy Godfrey, Superintendent of Schools  
**Subject:** Legal and Ethical Guidelines on Bond Elections

The Board of Trustees have acted to call a Bond Election. Now that the Bond Election has been called, the District has a responsibility to inform all voters about the Election. It is important that the District lead an “information-only” effort with the following guidelines:

1. It is our responsibility to inform the public about each bond measure and to encourage voter registration and participation.
  - The District may prepare informational materials that contain pertinent facts regarding the Election. These materials will be reviewed by the District’s counsel and may be shared whether or not District resources are used in their preparation or distribution.
2. By contrast, District resources (including your time on the job) must not be used in any way to advocate--that is, to either promote or discourage--the passage of this bond proposal. This means that:
  - Advocacy letters, emails, etc. cannot be prepared during an employee’s workday.
  - School-owned copy machines, printers, e-mail addresses, school district letterhead/logos, e-mail servers or any other school district property may not be used to either advocate for or against the bond proposal.
  - During work hours, individuals can be encouraged to vote, but they cannot be encouraged to vote either “yes” or “no”.
  - During work hours, do not advocate for or against the bond on social media. Also, note that Texas law prohibits “ballot selfies” at polling locations.
3. Material that advocates must be paid for by individuals or citizen advocacy groups. Such individuals/groups will be responsible for ensuring compliance with statutes related to political advertising.
4. If you do wish to advocate on your own time, consider adding a disclaimer to your personal emails/social media postings: “Please note this message is personal, rather than official school district business, and was created using personally owned equipment and accounts on my own time.”

A violation of ethics rules by a school district employee can result in an ethics complaint against the employee and/or the District. The most common type of ethics complaint filed involves improper use of school district resources for advocacy campaigns. If you have any questions at all about the Bond Election, particularly about whether a particular communication concerning the Election is acceptable, please do not hesitate to contact me.

# LEON | ALCALA

ATTORNEYS AT LAW

## SCHEDULE OF EVENTS FOR SCHOOL DISTRICT BOND ELECTIONS MAY 4, 2024

FEBRUARY 2024						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY 2024						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

<u>Date</u>	<u>Event</u>
Friday, February 16, 2024	Deadline for Board of Trustees (the “Board”) to adopt an order calling the Bond Election (the “Election Order”). <sup>(1)</sup>
Tuesday, March 5, 2024	Deadline for the District to deliver Notice of Election to the County Clerk and Voter Registrar in each County in which the District is located. <sup>(2)</sup>
Thursday, April 4, 2024	First day to publish Notice of Election (in English and Spanish)* in a newspaper of general circulation published in the District. Notice must be published at least once. <sup>(3)</sup>  Last day to register to vote in the Election.

\* Note that some districts (particularly those located fully or partially within Dallas, Harris or Tarrant Counties) may be required to provide notices in additional languages.

<u>Date</u>	<u>Event</u>
Saturday, April 13, 2024	<p>Deadline for posting Notice of Election on the website of each County in which the District is located. The Notice of Election must remain posted through Election Day.<sup>(4)</sup></p> <p>Deadline for posting Election Order (in English and Spanish) (i) in three (3) public places within the boundaries of the District; and (ii) on the District’s website (together with the Notice of Election, the contents of the proposition(s), and any sample ballots for the Election). The Election Order and other postings must remain posted through Election Day.<sup>(5)</sup></p> <p>Deadline for posting Voter Information Document (if not included within the Election Order) (i) on the District’s website and (ii) in three (3) public places within the boundaries of the District. Such postings must remain in place through Election Day.<sup>(6)</sup></p> <p>Once the Notice of Election has been posted on the District’s website and on the website of each County in which the District is located, the District should provide Bond Counsel the applicable web addresses (URLs).</p> <p>To the extent not included within other website postings, deadline for the District to post the date of the Election, the location of each polling place, and each measure on the ballot.<sup>(6)</sup></p>
Monday, April 22, 2024	<p>First day to vote early by personal appearance.<sup>(7)</sup></p> <p>Election Order and Voter Information Document (if not included in the Election Order) must be posted (in English and Spanish) in a prominent location at each polling place during early voting period.<sup>(6)(8)</sup></p>
Wednesday, April 24, 2024	<p>Deadline for publication (in English and Spanish) Notice of Election in a newspaper of general circulation published in the District.<sup>(3)</sup></p>
Tuesday, April 30, 2024	<p>Last day to vote early by personal appearance.<sup>(7)</sup></p>
<b>Saturday, May 4, 2024 Election Day</b>	<p>Polls open from 7:00 a.m. to 7:00 p.m.<sup>(9)</sup></p> <p>Election Order and Voter Information Document (if not included in the Election Order) must be posted in a prominent location at each polling place.<sup>(6)(8)</sup></p>
Sunday, May 5, 2024	<p>First day for the filing of an Election contest.<sup>(10)</sup></p>
Tuesday, May 7, 2024	<p>First day for the Board of Trustees to canvass the Election (but only if provisional ballots and ballots mailed from outside United States have been counted).<sup>(11)</sup></p>

<u>Date</u>	<u>Event</u>
Wednesday, May 15, 2024	<p>Last day for the Board to canvass the Election.<sup>(11)</sup></p> <p>After canvassing, the District must post the following on its website as soon as practicable: (1) the results of the Election; (2) the total number of votes cast; (3) the total number of votes cast for the proposition(s); (4) the total number of votes cast by personal appearance on Election Day; (5) the total number of votes cast by personal appearance or mail during the early voting period; and (6) the total number of counted and uncounted provisional ballots cast. The posting must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the District.<sup>(12)</sup></p>
Thursday, June 6, 2024 to Friday, June 14, 2024	Last day for the filing of an Election contest is <u>30 days after canvassing</u> . <sup>(10)</sup>
Wednesday, March 4, 2026	Voted ballots may be destroyed if no contest filed, and no criminal investigation or proceeding in connection with the Election is pending. <sup>(13)</sup>

## ENDNOTES\*

1. Not later than the 78th day before Election Day. Sec. 3.005(a) and (c).
2. Not later than the 60th day before Election Day. Sec 4.008.
3. Notice must be published at least once and not earlier than the 30th day or later than the 10th day before Election Day. Sec. 3.009, 4.003(a) and 4.004.
4. Not later than the 21st day before Election Day. Sec. 4.003(b) and 4.004.
5. During the 21 days before the Election, the Election Order must be displayed on the District’s website “prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election.” Sec. 4.003(f)(3). Not later than the 21st day before Election Day, the Election Order must be posted in three public places in the boundaries of the District. Sec. 4.003(f)(2).
6. Requires a political subdivision with at least 250 registered voters to prepare a Voter Information Document with the information described by Sec. 1251.052(b), Texas Government Code. The political subdivision shall post the Voter Information Document in the same manner required for the Election Order under Sec. 4.003(f). The political subdivision may include the Voter Information Document in the Election Order. Sec. 1251.052(b), Texas Government Code.  
Not later than the 21st day before election day, a school district that holds an election and maintains an Internet website shall post on the public Internet website for the District: (1) the date of the next election; (2) the location of each polling place; (3) each candidate for an elected office on the ballot; and (4) each measure on the ballot. Sec. 65.016.
7. For an election held on the uniform election date in May, the period for early voting by personal appearance begins on the 12th day before Election Day and continues through the 4th day before Election Day; provided, however, if the date for beginning the period is a Saturday, Sunday, or legal state holiday, the early voting period begins on the next regular business day. Sec. 85.001.
8. Election Order must be posted in a prominent location at each polling place on Election Day and during early voting by personal appearance. Sec. 4.003(f)(1).
9. Sec. 41.031.
10. Not earlier than the day after Election Day or later than the 30th day after the date the official result of the contested Election is determined. Sec. 233.006.
11. Not later than the eleventh (11<sup>th</sup>) day after Election Day and not earlier than the later of (i) the third (3<sup>rd</sup>) day after Election Day, (2) the date provisional ballots are counted, or (3) the date ballots received from outside the United States are counted. Sec. 67.003.
12. Sec. 65.016.
13. Twenty-two months after Election Day. Sec. 66.058; Sec. 1.013.

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\* All statutory citations are to the Texas Election Code, unless otherwise stated.

\*\* If the last day for performance of an act is a Saturday, Sunday or legal holiday, the last day for performance is moved to the next regular business day. Sec. 1.006.