

ORDER CANCELLING BOND ELECTION AND PROVIDING FOR OTHER MATTERS INCIDENTAL AND RELATED THERETO

WHEREAS, the Killeen Independent School District (the “*District*”) is a political subdivision of the State of Texas (the “*State*”), and the Board of Trustees of the District (the “*Board*”) has previously approved that certain Order Calling School Building Bond Election (the “*Bond Election Order*”) calling an election to be held within the boundaries of the District on May 2, 2020 (the “*Election*”); and

WHEREAS, the public health risks posed by Coronavirus Disease 2019 (“*COVID-19*”) resulted in the closure of schools and businesses and numerous governmental decrees restricting and prohibiting public gatherings statewide and such closures, restrictions and prohibitions were reasonably anticipated to interfere with the Election; and

WHEREAS, pursuant to Section 418.018, Texas Government Code, the Governor issued a proclamation on March 13, 2020 certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in the State; and

WHEREAS, pursuant to Section 418.016, Texas Government Code, the Governor issued a proclamation on March 18, 2020 suspending certain provisions of the Texas Election Code to allow all local political subdivisions utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020 uniform election date (collectively with the proclamation issued on March 13, 2020, the “*Proclamation*”); and

WHEREAS, in response to the Proclamation, the Texas Secretary of State provided guidance to election officials advising and ultimately directing election officials to postpone all May 2, 2020 elections; and

WHEREAS, pursuant to the Proclamation and the Secretary of State’s advisories, on March 31, 2020, the Board approved that certain Order Declaring Postponement of May 2, 2020 Elections (the “*Postponement Order*”), which postponed the Election until the November 3, 2020 uniform election date; and

WHEREAS, the Board has determined that the adversity, economic disruption and turmoil caused by COVID-19 and the related measures implemented by national, state and local governmental authorities, business organizations and other stakeholders in response to COVID-19 are expected to endure for many months and throughout the remainder of this year and beyond, resulting in (i) unknown operational and financial challenges in the nation, the State and the District and (ii) changes to the manner in which the District provides educational services to students and the means, resources and facilities required by the District to discharge its educational purpose, and

WHEREAS, in light of the foregoing, District staff and the Board are unable to accurately determine the impact of COVID-19 on the District’s future needs for bond-financed improvements and, accordingly, regardless of the outcome of the Election, neither District staff nor the Board can reasonably conclude that the projects identified for financing through the issuance of bonds

contemplated by the Election are in the District's best interest and, therefore, the District is unable to proceed with such projects; and

WHEREAS, pursuant to Section 2.081, Texas Election Code, the Board hereby finds and determines that the measures to be presented to voters in the Election (consisting of Proposition A and Proposition B) have been rendered moot by virtue of the inability of District staff and the Board to reasonably determine the District's future needs for bond-financed improvements, and such measures should be removed from the ballot for the Election ; now, therefore,

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF KILLEEN INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. The declarations, determinations and findings set forth in the recitals of this Order are hereby restated and incorporated into and made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 2. The measures to be submitted to voters at the Election (consisting of Proposition A and Proposition B) have been rendered moot and, because such measures were the only measures to be presented to voters in the Election, the Election is hereby cancelled, and all proceedings and actions to date with respect to such Election shall be of no force or effect.

Section 3. The Board further authorizes and directs the Superintendent and the President and Secretary of the Board to take any and all necessary action contemplated by this Order to facilitate the cancellation of the Election, including posting notice of the cancellation of the Election on the District's website, notifying the appropriate county election officer and providing any other notice deemed appropriate in connection with the cancellation.

Section 4. 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 resolved herein.

Section 5. This Order shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Order is adopted was held in compliance with the advisory issued by the Governor and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, Texas Government Code as amended.

Section 7. This Order shall be in force and effect from and after the date of its adoption.

[Signature Page Follows]

PASSED AND APPROVED this 26th day of May, 2020.

/s/ Corbett Lawler
President, Board of Trustees
Killeen Independent School District

Attest:

/s/ Susan Jones
Secretary, Board of Trustees
Killeen Independent School District

(SEAL)