

RESOLUTION NO. 2010-39

A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; AUTHORIZING THE CITY'S FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD CONCERNING CITY OF LA FERIA COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011B (DRINKING WATER STATE REVOLVING FUND); AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of La Feria, Texas (the *City*) deems it necessary to apply to the Texas Water Development Board (the *Board*) for financial assistance; and

WHEREAS, the City of La Feria Public Utilities Board (the *PUB*) has requested and recommended that the City Commission take this action; and

WHEREAS, in accordance with the rules and regulations of the City, which govern the procedures in making such an application, the governing body of the City is required to pass a resolution to accompany such application; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS THAT:

1. It is hereby found and determined that the City cannot reasonably finance the proposed project without the financial assistance of the Board in the amount requested.

2. The City hereby requests that the Board grant financial assistance to the City in the amount not to exceed \$13,455,624 (as a loan or by the purchase of obligations of the City and the receipt of the largest amount of grant funds lawfully available from the Board) for constructing improvements to the City's utility system, as designed by the City's consulting engineer, and the purchase of the necessary land and rights-of-way relating to this project. If receipt of this financial assistance requires the City's issuance of evidences of indebtedness, such indebtedness may be issued or incurred by the City in one or more series.

3. The Mayor or Mayor Pro Tem of the City is hereby authorized to execute and submit to the Board the application for such financial assistance, and the Mayor or Mayor Pro Tem of the City, together with the bond counsel, financial advisors and consulting engineers named in such application, are authorized to appear before the Board in support of such application.

4. The Mayor or Mayor Pro Tem of the City is further specifically authorized to make the required assurances to the Board in accordance with the rules, regulations, and policies of the Board.

5. A certified copy of this resolution shall be attached to the application for financial assistance herein authorized to be prepared and submitted to the Board, and the Secretary of the City is authorized and directed to prepare and certify such number of copies of this resolution as may be required for purposes of supporting the submission of such application to the Board.

6. 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 City.

7. All ordinances 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.

8. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

9. 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 City hereby declares that this Resolution would have been enacted without such invalid provision.

10. 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.

11. This resolution shall be in force and effect from and after its passage on the date shown below.

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PASSED, ADOPTED AND APPROVED on the 7th day of December, 2010.

CITY OF LA FERIA, TEXAS



Mayor

Attest:



City Secretary

(SEAL)

CERTIFICATE OF CITY SECRETARY

THE STATE OF TEXAS §
 §
COUNTY OF CAMERON §
 §
CITY OF LA FERIA §

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the 7th day of December, 2010, the City Commission (the *Commission*) of the City of La Feria, Texas (the *City*) convened in regular session at its regular meeting place in the La Feria City Hall (the *Meeting*), the duly constituted members of the Commission being as follows:

Steve Brewer	Mayor
Lori Weaver	Mayor Pro Tem
John Edward Betancourt	Position No. 1
John Hernandez	Position No. 2
Victor Gonzalez, Jr.	Position No. 4
Angelica P. Baldivia	Position No. 5

and all of such persons were present at the Meeting, except the following: none thus constituting a quorum. Among other business considered at the Meeting, the attached Resolution (the *Resolution*) entitled:

A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; AUTHORIZING THE CITY'S FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD CONCERNING CITY OF LA FERIA COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011B (DRINKING WATER STATE REVOLVING FUND); AND OTHER MATTERS IN CONNECTION THEREWITH

was introduced and submitted to the Commission for passage and adoption. After presentation and discussion of the Resolution, a motion was made by Commissioner A. Baldivia that the Resolution be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Commissioner Lori Weaver and carried by the following vote:

5 voted "For" 0 voted "Against" 0 abstained

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

2. The attached Resolution is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Commission of the City

on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Commission 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, 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 City, this 7th day of December, 2010.



City Secretary,
City of La Feria, Texas

(CITY SEAL)