

RESOLUTION 2011-38

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE TWO SERIES OF CERTIFICATES OF OBLIGATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission (the *City Commission*) of the City of La Feria, Texas (the *City*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *2011 Certificates*) in an amount not to exceed \$5,900,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through 271.065, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) acquire, construct, improve, renovate, and equip a new Wellness Center; (2) acquire, construct, improve, renovate, and equip a New Technology and Training Center; (3) construct, improve, renovate, and equip an expansion to the existing City Hall; (4) construct, improve, and renovate various drainage improvements; (5) construct street improvements, curb, gutters, and sidewalk improvements (including utilities repair, replacement and relocation) and drainage incidental thereto; (6) construct, improve, and renovate the City's municipal swimming pool facilities; (7) purchasing (a) public safety equipment, including mobile radios and other communication equipment, (b) generators, (c) utility system equipment, and (d) public works equipment; (8) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements, and (9) the payment of professional services related to the design, construction, and financing of the aforementioned projects; and

WHEREAS, the City Commission has also determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation to the United States Department of Agriculture (the *2012 Certificates*) in an amount not to exceed \$1,394,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through 271.065, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) acquire, construct, improve, renovate, and equip an expansion to the City's existing fire station facility; (2) acquire, construct, improve, renovate, and equip a new fire facility substation; (3) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the these public safety improvements, and (4) the payment of professional services related to the design, construction, and financing of the aforementioned projects; and

WHEREAS, the 2011 Certificates and the 2012 Certificates shall be collectively referred to herein as the "*Certificates*"; and

WHEREAS, prior to the issuance of the Certificates, the City Commission is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, such notice stating (i) the time and place the City Commission tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount proposed to

be issued, (iii) the purposes for which the Certificates are to be issued, (iv) and the manner in which the City Commission proposes to pay the Certificates; and

WHEREAS, the City Commission hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law;

WHEREAS, the City Commission hereby finds and determines that the adoption of this Resolution is in the best interests of the citizens of the City; now, therefore,

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

SECTION 1: The City Secretary is hereby authorized and directed to cause notice to be published of the City Commission's intention to issue the 2011 Certificates in an amount not to exceed \$5,900,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) acquire, construct, improve, renovate, and equip a new Wellness Center; (2) acquire, construct, improve, renovate, and equip a New Technology and Training Center; (3) construct, improve, renovate, and equip an expansion to the existing City Hall; (4) construct, improve, and renovate various drainage improvements; (5) construct street improvements, curb, gutters, and sidewalk improvements (including utilities repair, replacement and relocation) and drainage incidental thereto; (6) construct, improve, and renovate the City's municipal swimming pool facilities; (7) purchasing (a) public safety equipment, including mobile radios and other communication equipment, (b) generators, (c) utility system equipment, and (d) public works equipment; (8) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements, and (9) the payment of professional services related to the design, construction, and financing of the aforementioned projects. The 2011 Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's utility system. The notice hereby approved and authorized relating to the 2011 Certificates to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 2: The City Secretary is hereby authorized and directed to cause notice to be published of the City Commission's intention to issue the 2012 Certificates in an amount not to exceed \$1,394,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) acquire, construct, improve, renovate, and equip an expansion to the City's existing fire station facility; (2) acquire, construct, improve, renovate, and equip a new fire facility substation; (3) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the these public safety improvements, and (4) the payment of professional services related to the design, construction, and financing of the aforementioned projects. The 2012 Certificates will be payable from the levy of an annual ad valorem tax, within the

limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's utility system. The notice hereby approved and authorized relating to the 2012 Certificates to be published shall read substantially in the form and content of Exhibit B attached hereto, which notice is incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 3: The City Secretary shall cause the notices described in Section 1 and Section 2 to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication shall be at least thirty (30) days prior to the date stated therein for passage of the resolution authorizing the issuance of the Certificates.

SECTION 4: 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 Commission.

SECTION 5: 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.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: 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 Commission hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: 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 9: This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

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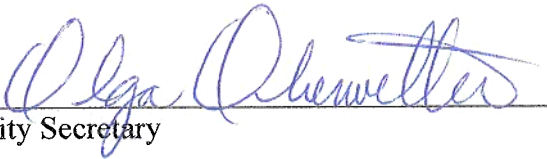
PASSED AND APPROVED, this the 27th day of September, 2011.

CITY OF LA FERIA, TEXAS

A handwritten signature in blue ink that reads "Steve Beard". The signature is written in a cursive style and is positioned above a horizontal line.

Mayor

ATTEST:

A handwritten signature in blue ink that reads "Olga Chumeltes". The signature is written in a cursive style and is positioned above a horizontal line.

City Secretary

(CITY SEAL)

Exhibit A

NOTICE OF INTENTION TO ISSUE
CITY OF LA FERIA, TEXAS
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Commission of the City of La Feria, Texas will convene at its regular meeting place in the City Hall in City of La Feria, Texas, at 6:30 o'clock P.M., City of La Feria, Texas time on November 15, 2011, and, during such meeting, the City Commission will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$5,900,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) acquire, construct, improve, renovate, and equip a new Wellness Center; (2) acquire, construct, improve, renovate, and equip a New Technology and Training Center; (3) construct, improve, renovate, and equip an expansion to the existing City Hall; (4) construct, improve, and renovate various drainage improvements; (5) construct street improvements, curb, gutters, and sidewalk improvements (including utilities repair, replacement and relocation) and drainage incidental thereto; (6) construct, improve, and renovate the City's municipal swimming pool facilities; (7) purchasing (a) public safety equipment, including mobile radios and other communication equipment, (b) generators, (c) utility system equipment, and (d) public works equipment; (8) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements, and (9) the payment of professional services related to the design, construction, and financing of the aforementioned projects. The certificates of obligation (the *2011 Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's utility system. The 2011 Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.065, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Olga Oberwetter
City Secretary,
City of La Feria, Texas

Exhibit B

NOTICE OF INTENTION TO ISSUE
CITY OF LA FERIA, TEXAS
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Commission of the City of La Feria, Texas will convene at its regular meeting place in the City Hall in City of La Feria, Texas, at 6:30 o'clock P.M., City of La Feria, Texas time on November 15, 2011, and, during such meeting, the City Commission will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$1,394,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) acquire, construct, improve, renovate, and equip an expansion to the City's existing fire station facility; (2) acquire, construct, improve, renovate, and equip a new fire facility substation; (3) acquire, construct, improve, renovate, and equip the library system, including a new computer research and learning laboratory and meeting space; (4) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the these public safety and library system improvements, and (5) the payment of professional services related to the design, construction, and financing of the aforementioned projects. The certificates of obligation (the *2012 Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's utility system. The 2012 Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.065, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Olga Oberwetter
City Secretary,
City of La Feria, Texas