

RESOLUTION NO. 2015-03

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; 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 *Certificates*) in an amount not to exceed \$6,400,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through Section 271.064, 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) acquiring, constructing, renovating, enlarging, and improving a new police facility, (2) acquiring, constructing, renovating, enlarging, and improving a new fire station facility, (3) constructing, renovating, enlarging, and improving the existing Public Works Department Warehouse, (4) acquiring, constructing, renovating, enlarging, and improving the City's parks and recreational facilities, (5) constructing street improvements (including utilities repair, replacement, and relocation), curb, gutters, and sidewalk improvements and drainage incidental thereto, (6) constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system, (7) constructing, renovating, enlarging, and improving the existing Hurricane Evacuation Shelter, (8) the construction of various parking lots on City-owned property to serve public facilities, (9) the purchase of materials, supplies, equipment, technology improvements, public safety vehicles, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (10) the payment of professional services related to the design, construction, project management, and financing of the aforementioned projects; and

WHEREAS, prior to the offering, sale, and issuance of the Certificates, the appropriate officials of the City must review and approve the distribution of a "deemed final" preliminary official statement, if any (the *Official Statement*) in order to comply with the requirements contained in 17 C.F.R. §240.15c2-12 (the *Securities and Exchange Commission Rule*); and

WHEREAS, based upon their review of the Official Statement, the appropriate officials of the City must find to the best of their knowledge and belief, after reasonable investigation, that the representations of facts pertaining to the City contained in the Official Statement are true and correct and that, except as disclosed in the Official Statement, there are no facts pertaining to the City that would adversely affect the issuance of the Certificates or the City's ability to pay the debt service requirements on the Certificates when due; and

WHEREAS, the City Commission will comply with the requirements contained in the Securities and Exchange Commission Rule concerning the creation of a contractual obligation between the City and the proposed purchaser(s) of the Certificates (the *Purchasers*) to provide the Purchasers with an Official Statement in a time and manner that will enable the Purchasers to

comply with the distribution requirements and continuing disclosure requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, the City Commission authorizes the Mayor, City Administrator, City Secretary, and the City Attorney, as appropriate, or their designees, to review, approve, and execute any document or certificate in order to allow the City to comply with the requirements contained in the Securities and Exchange Commission Rule; 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; and

WHEREAS, the City Commission hereby finds and determines that the adoption of this Resolution is in the best interests of the residents 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 Certificates in an amount not to exceed \$6,400,000 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) acquiring, constructing, renovating, enlarging, and improving a new police facility, (2) acquiring, constructing, renovating, enlarging, and improving a new fire station facility, (3) constructing, renovating, enlarging, and improving the existing Public Works Department Warehouse, (4) acquiring, constructing, renovating, enlarging, and improving the City's parks and recreational facilities, (5) constructing street improvements (including utilities repair, replacement, and relocation), curb, gutters, and sidewalk improvements and drainage incidental thereto, (6) constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system, (7) constructing, renovating, enlarging, and improving the existing Hurricane Evacuation Shelter, (8) the construction of various parking lots on City-owned property to serve public facilities, (9) the purchase of materials, supplies, equipment, technology improvements, public safety vehicles, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (10) the payment of professional services related to the design, construction, project management, and financing of the aforementioned projects. The 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 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 shall cause the notice described in Section 1 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 ordinance authorizing the issuance of the Certificates.

SECTION 3. The Mayor, City Administrator, City Secretary, and the City Attorney, as appropriate, or their designees, are authorized to review and approve the Official Statement pertaining to the offering, sale, and issuance of the Certificates and to execute any document or certificate in order to comply with the requirements contained in the Securities and Exchange Commission Rule.

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 13th day of January, 2015.

CITY OF LA FERIA, TEXAS



Mayor Pro Tem Esmeralda Lozano

ATTEST:



City Secretary Olga Oberwetter

(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 La Feria, Texas, at 6:30 o'clock P.M., La Feria, Texas time on February 24, 2015, 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 \$6,400,000 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) acquiring, constructing, renovating, enlarging, and improving a new police facility, (2) acquiring, constructing, renovating, enlarging, and improving a new fire station facility, (3) constructing, renovating, enlarging, and improving the existing Public Works Department Warehouse, (4) acquiring, constructing, renovating, enlarging, and improving the City's parks and recreational facilities, (5) constructing street improvements (including utilities repair, replacement, and relocation), curb, gutters, and sidewalk improvements and drainage incidental thereto, (6) constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system, (7) constructing, renovating, enlarging, and improving the existing Hurricane Evacuation Shelter, (8) the construction of various parking lots on City-owned property to serve public facilities, (9) the purchase of materials, supplies, equipment, technology improvements, public safety vehicles, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (10) the payment of professional services related to the design, construction, project management, and financing of the aforementioned projects. The certificates of obligation (the *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 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 271.064, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Olga Oberwetter

City Secretary,
City of La Feria, Texas

CERTIFICATE OF CITY SECRETARY

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

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the 13th day of January, 2015, 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:

Victor Gonzalez, Jr.	Mayor
Esmeralda Lozano	Mayor Pro Tem
John Betancourt	Position No. 1
John Hernandez	Position No. 2
Olga H. Maldonado	Position No. 4
Julian Guevara, Jr.	Position No. 5

and all of such persons were present at the Meeting, except the following: V. Gonzalez, Jr. thus constituting a quorum. Among other business considered at the Meeting, the attached Resolution (the *Resolution*) entitled:

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

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

4 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 Issuer; the duly qualified and acting members of the Governing Body on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Governing Body 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 was open to the public, and written notice of said meeting, 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 13th day of January, 2015.

A handwritten signature in cursive script, reading "Olga Cheweller", written over a horizontal line.

City Secretary,
City of La Feria, Texas

(CITY SEAL)