

ORDINANCE NO. _____

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DEER PARK,
TEXAS AUTHORIZING THE DEFEASANCE AND REDEMPTION OF
CERTAIN OUTSTANDING OBLIGATIONS; AND CONTAINING OTHER
PROVISIONS RELATING THERETO

WHEREAS, the City of Deer Park, Texas (the “City”) has heretofore issued its Certificate of Obligation, Series 2017 (the “Outstanding Obligation”) pursuant to an ordinance adopted by the City Council of the City on January 17, 2017 (the “Outstanding Obligation Ordinance”); and

WHEREAS, pursuant to the Outstanding Obligation Ordinance, the City has the right to defease and redeem all or a portion of the Outstanding Obligation in advance of its stated maturity; and

WHEREAS, the City desires to defease and redeem the Outstanding Obligation, as more specifically described in Section 3 of this Ordinance, in advance of its stated maturity on September 15, 2022 (the “Redemption Date”); and

WHEREAS, the Outstanding Obligation Ordinance authorizes the City to accomplish such defeasance and redemption by providing notice as required in the Outstanding Obligation Ordinance and depositing directly with the paying agent/registrar for the Outstanding Obligation (the “Paying Agent/Registrar”), lawfully available funds of the City in an amount sufficient to provide for the defeasance and redemption of the Outstanding Obligation on the Redemption Date; and

WHEREAS, the City has entered into a First Supplement to Agreement Regarding the Construction of Improvements (the “CDC Agreement”) with the Deer Park Community Development Corporation (the “CDC”) pursuant to which the CDC will provide funds for the redemption of the Outstanding Obligation; and

WHEREAS, the City will obtain a sufficiency certificate verifying the sufficiency of the amounts deposited with the Paying Agent/Registrar to pay the principal of and interest on the Redeemed Obligation (as defined herein) when due on the Redemption Date (the “Sufficiency Certificate”); and

WHEREAS, upon the deposit of funds with the Paying Agent/Registrar as specified in the Sufficiency Certificate, the City will have effected the defeasance of the Redeemed Obligation under Chapter 1207, Texas Government Code, as amended, and the Outstanding Obligation Ordinance, and the Redeemed Obligation shall no longer be regarded as being outstanding, except for the purpose of being paid pursuant to the funds deposited with the Paying Agent/Registrar; and

WHEREAS, the City Council hereby finds and declares that the meeting at which this Ordinance is considered is open to the public, and that the public notice of the time, place and purpose of the meeting was given, as required by Chapter 551, Texas Government Code; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:

Section 1. Findings. It is hereby found and determined that the matters and facts set out in the recitals of this Ordinance are true and correct and incorporated herein for all purposes. All capitalized terms not otherwise defined in the recitals to this Ordinance shall have the meaning set forth in the Outstanding Obligation Ordinance.

Section 2. Approval of Defeasance and Redemption of Redeemed Obligation; Approval of Use of Funds. It is hereby found and determined that taking into account the obligations of the CDC to transfer funds to the City under the CDC Agreement, sufficient lawfully available funds of the City will be available for the purpose of defeasing and redeeming the Redeemed Obligation and to pay the costs relating thereto. It is hereby found and determined that it is in the best interest of the City to use such funds, in an amount not to exceed \$935,000, to effect the defeasance and redemption of the Redeemed Obligation. The City Council hereby authorizes the use of such lawfully available funds (i) in an amount sufficient to provide for the payment of the principal of and interest on the Redeemed Obligation when due on the Redemption Date, as verified in the Sufficiency Certificate, in order to accomplish the defeasance and redemption of the Redeemed Obligation, and (ii) in an amount sufficient to pay any costs relating to the redemption and defeasance of the Redeemed Obligation.

Section 3. Redemption Prior to Stated Maturity of Redeemed Obligation. The City hereby designates the portion of the Outstanding Obligation set forth below to be defeased and/or called for redemption prior to stated maturity on the Redemption Date (the Outstanding Obligation, so designated, is the “Redeemed Obligation”), with such Redeemed Obligation to be redeemed at a price of par plus accrued interest to the Redemption Date, and authorizes and directs notice of such defeasance and redemption to be given in accordance with the terms of the Outstanding Obligation Ordinance.

The Redeemed Obligation

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>
3/15/2024	\$915,000	9/15/2022

Section 4. Related Matters. To satisfy in a timely manner all of the City’s obligations under this Ordinance, the Mayor, City Manager, the Assistant City Manager, the Director of Finance, the City Secretary, the City Attorney and all other appropriate officers and agents of the City are hereby authorized and directed to take all actions that are reasonably necessary to provide for the defeasance and redemption of the Redeemed Obligation, including, without limitation, paying any fees or expenses required in connection with the defeasance and redemption of the Redeemed Obligations and executing and delivering on behalf of the City all notices, consents, receipts, requests, agreements and other documents as may be necessary to direct the application of funds of the City consistent with the provisions of this Ordinance. The City’s bond counsel, Bracewell LLP, Houston, Texas, and financial advisor, BOK Financial Securities, Inc., Houston, Texas, are hereby authorized and directed to assist the City in effectuating the intent of this Ordinance.

Section 5. No Personal Liability. No recourse shall be had for payment of principal of or interest on any Redeemed Obligations or for any claim based thereon against any member of the City Council or employee of the City.

Section 6. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Order nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage by the City Council of the City.

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PASSED, APPROVED AND EFFECTIVE this 2nd day of August, 2022.

City Secretary
City of Deer Park, Texas

Mayor
City of Deer Park, Texas

[SEAL]

APPROVED IN ACCORDANCE WITH SECTION 2.06 OF THE CITY OF DEER PARK,
TEXAS CITY CHARTER:

City Attorney
City of Deer Park, Texas

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS §
COUNTY OF HARRIS §

I, the undersigned officer of the City Council of Deer Park, Texas, hereby certify as follows:

1. The City Council of Deer Park, Texas convened in a regular meeting on the 2nd day of August, 2022, at the regular meeting place thereof within said City. The duly constituted officers and members of said City Council, to wit, were as follows:

Jerry Mouton, Jr.	Mayor
Sherry Garrison	Council Member, Position 1
TJ Haight	Council Member, Position 2
Tommy Ginn	Council Member, Position 3
Bill Patterson	Council Member, Position 4
Ron Martin	Council Member, Position 5
Georgette Ford	Council Member, Position 6

and all of said persons were present, except for the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

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was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said ordinance be adopted; and, after due discussion, said motion, carrying with it the adoption of said ordinance, prevailed and carried by the following vote:

_____ Member(s) shown present voted "Aye."

_____ Member(s) shown present voted "No."

_____ Member(s) present abstained from voting.

2. A true, full and correct copy of the aforesaid ordinance adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said ordinance is on file in the City Council's minutes of said meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of

the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said ordinance would be introduced and considered for adoption at said meeting; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 2nd day of August, 2021.

City Secretary
City of Deer Park, Texas

[SEAL]