

2024-R01

RESOLUTION AUTHORIZING THE BOERNE PUBLIC FACILITY CORPORATION TO USE ITS FUNDS TO SUPPORT A FEASIBILITY STUDY BY THE CITY OF BOERNE FOR THE CONSTRUCTION OF A PARKING GARAGE; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Council of the City of Boerne, Texas (the “City”), has, pursuant to the Texas Public Facility Corporation Act, Chapter 303, Texas Local Government Code, as amended (the “Act”), approved and created the Boerne Public Facility Corporation, a nonstock, nonprofit public facility corporation (the “Corporation”);

WHEREAS, the Corporation, on behalf of the City, is empowered to finance the costs of or otherwise provide for the acquisition, construction, and placement in service of public facilities for residents of the City, among other things (the “Purposes”);

WHEREAS the City has proposed exploring the construction of a public parking garage for use by the residents of the City (the “Facility”);

WHEREAS, the City has determined that undertaking or engaging a third party to undertake a feasibility study for the construction of the Facility (the “Study”) is a reasonable, prudent and necessary step prior to constructing the Facility;

WHEREAS, the Corporation has unallocated funds that may be used in furtherance of its Purposes;

WHEREAS, the Board has determined that it is in the public interest and to the benefit of the citizens and residents of Boerne for the various entities to enter into the transactions described above so that the Partnership may construct the Project;

WHEREAS, this Board of Directors has reviewed the foregoing and determined that the action herein authorized is in furtherance of the Purposes of Corporation;

BE IT THEREFORE RESOLVED BY THE BOARD OF DIRECTORS OF THE BOERNE PUBLIC FACILITY CORPORATION, THAT:

Section 1. The Corporation is authorized to grant or use up to \$50,000 of its funds to be used by the Corporation or the City to assist in paying for the Study.

Section 2. The President, any Vice President, the Secretary, the Treasurer, any Assistant Secretary, or any of them, are hereby authorized to execute any and all documentation required or reasonably requested for the funds to be used to pay for the Study.

Section 3. The President, any Vice President, the Secretary, the Treasurer, and any Assistant Secretary, or any of them, and, if required by the form of the document, the Secretary and any Assistant Secretary, or any of them, of Corporation are authorized and directed to modify, execute and deliver any of the documents to be signed by or consented to by Corporation, and any and all certificates and other instruments necessary to carry out the intent thereof and hereof. The President, any Vice President, the Secretary, the Treasurer, and any Assistant Secretary, or any of them, are authorized to negotiate and approve such changes in, or additions to, the terms of any of the documents, including amendments, renewals, and extensions, as such officers shall

deem necessary or appropriate upon the advice of counsel to Corporation, and approval of the terms of any of the documents by such officers and this Board shall be conclusively evidenced by the execution and delivery of such documents.

Section 4. The officers of this Board, or any of them, are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

Section 5. If any section, paragraph, clause, or provisions of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 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 Board.

Section 7. All 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 8. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. This Resolution shall be in force and effect from and after its passage.

PASSED and APPROVED on this the ____ day of November, 2024.

APPROVED:

President/Chairman

ATTEST:

Assistant Secretary