

RESOLUTION NO. 2017-R68

A RESOLUTION AUTHORIZING AND APPROVING THE CREATION OF THE BOERNE PUBLIC FACILITY CORPORATION UNDER CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF BOERNE, TEXAS; APPROVING THE CERTIFICATE OF FORMATION AND BYLAWS RELATED THERETO; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Boerne, Texas (the "City") desires to create the Boerne Public Facility Corporation (the "BPFC") as a public facility corporation under Chapter 303 of the Texas Local Government Code, as amended (the "Act");

WHEREAS, the purpose of the BPFC will be to provide for the financing, acquisition, and construction of public facilities under the Act;

WHEREAS, the City Council of the City ("City Council") has determined that it is in the public interest and to the benefit of the citizens of the State of Texas and the residents of the City to authorize the creation of the BPFC to finance, refinance, or provide for the costs of public facilities to be located in the City, as provided under Section 303.023 of the Act; and

WHEREAS, City Council has considered the Certificate of Formation and the Bylaws proposed to be used in organizing the BPFC and has found and determined that they are in proper form and content and should be approved; and

WHEREAS, City Council has reviewed the foregoing and determined that the creation of the BPFC should be approved and authorized;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS THAT:

Section 1. City Council hereby authorizes and approves the creation of BPFC to act on behalf of the City as a public facility corporation under the Act.

Section 2. City Council consents to and approves the terms of the Certificate of Formation (including the names of the individuals who are to serve as the initial board of directors as therein set forth) and Bylaws of BPFC. City Council herein grants authority for the incorporation of the BPFC.

Section 3. If any section, paragraph, clause, or provision 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 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.

Section 5. 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 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. 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.

PASSED and APPROVED on this the ____ day of August, 2017.

APPROVED:

Mayor

ATTEST:

City Secretary