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A RESOLUTION AUTHORIZING THE SECOND AMENDMENT TO THE INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CANYON LAKE COMMUNITY LIBRARY DISTRICT AND COMAL COUNTY, TEXAS RELATING TO THE ANTICIPATED TRANSFER OF CERTAIN PROCEEDS OF THE SALES AND USE TAX RECEIVED BY THE DISTRICT TO THE COUNTY TO PROVIDE FOR THE PAYMENT OR REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE CONSTRUCTION OF A NEW LIBRARY BUILDING IN THE COUNTY AND THE PAYMENT OF THE DEBT SERVICE REQUIREMENTS ON THE COUNTY'S DEBT OBLIGATIONS ISSUED TO FINANCE OR REFINANCE THE CONSTRUCTION OF THIS PUBLIC LIBRARY FACILITY; ESTABLISHING THE RIGHTS, DUTIES, OBLIGATIONS, AND RESPONSIBILITIES CONCERNING THE OWNERSHIP AND OPERATION OF THIS LIBRARY FACILITY AND THE CONVEYANCE BY THE COUNTY TO THE DISTRICT OF THIS LIBRARY FACILITY WHEN THE COUNTY'S DEBT OBLIGATIONS PERTAINING THERETO ARE NO LONGER OUTSTANDING; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Commissioners Court of Comal County, Texas (the *County*) and the Board of Trustees of the Canyon Lake Community Library District (the *District*), acting through their respective governing bodies, previously entered into an interlocal cooperative agreement on December 18, 2008 (the *Original Agreement*) and a first amendment to the Original agreement on November 8, 2012 (the *First Amendment* and, together with the Original Agreement, as amended, the *Agreement*); and

WHEREAS, the Agreement provides for, among other things, the financing of the Initial Project through proceeds of debt obligations issued by the County, including, originally, the "Comal County, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008" dated December 1, 2008 in the original principal amount of \$3,000,000 (the *Certificates*), and, currently, the "Comal County, Texas General Obligation Refunding Bonds, Series 2012" dated December 1, 2012 in the original principal amount of \$3,015,000 (the *Series 2012 Bonds*, the proceeds of which were used to refund the Certificates in their entirety); and

WHEREAS, the Agreement further provides that the District shall transfer lawfully available Sales Tax proceeds to the County to pay the debt service requirements on the Series 2012 Bonds; and

WHEREAS, the District and the County are interested in the issuance of refunding bonds for the purpose of refunding the Series 2012 Bonds for debt service savings; and

WHEREAS, the County and the District desire to enter into a second amendment (the *Second Amendment*, attached as Exhibit A hereto and incorporated by reference for all purposes) to the Agreement for the purposes set forth in the Second Amendment; and

WHEREAS, the County hereby finds and determines that the adoption of this resolution is in the best interest of the residents of the County; now, therefore,

BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COMAL COUNTY, TEXAS THAT:

SECTION 1. The Second Amendment is hereby approved by the Commissioners Court and the County Judge and County Clerk are hereby authorized to execute the Second Amendment.

SECTION 2. 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 Commissioners Court.

SECTION 3. All orders 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 4. Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Agreement, as amended by the Second Amendment.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. 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 Commissioners Court hereby declares that this Resolution would have been enacted without such invalid provision.

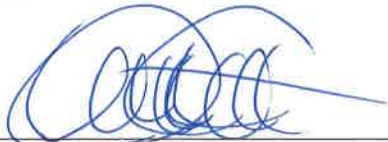
SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. 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 27 day of May, 2021.

COMAL COUNTY, TEXAS



County Judge

ATTEST:



County Clerk and Ex-Officio Clerk
of the Commissioners Court



EXHIBIT A

**Second Amendment to
Interlocal Cooperative Agreement**

See Tab No.