

**RESOLUTION NO. 33-2022
CERTIFICATE FOR RESOLUTION**

THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §

We, the undersigned officers of the City Council (the "City Council") of the City of Abilene, Texas (the "City"), hereby certify as follows:

1. The City Council convened in regular meeting on the 24th day of February, 2022, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Anthony Williams	Mayor
Shane Price	Council, Place 1
Lynn Beard	Council, Place 2
Donna Albus	Council, Place 3
Weldon W. Hurt	Council, Place 4
Kyle McAlister	Council, Place 5
Travis Carver	Council, Place 6

and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

**RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING
FINANCING BY FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY
AND RELATED MATTERS**

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

AYES: 4 NOES: 0 ABSTENTIONS: 3

2. That a true, full, and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is true, full, and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; and that each of the officers and members of said City Council was duly and

sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED THIS February 24, 2022.

City Secretary

Mayor

(SEAL)

RESOLUTION NO. 33-2022

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING BY FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS

THE STATE OF TEXAS §
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WHEREAS, the City of Abilene, Texas (the “City”) has been informed that the Newark Higher Education Finance Corporation (the “Corporation”) created pursuant to Chapters 53 and 53A, Texas Education Code, as amended (the “Act”) and specifically Sections 53.35(b) and 53A.35(b) thereof (“State Law”), will issue the Newark Higher Education Finance Corporation Revenue Improvement and Refunding Bonds (Abilene Christian University Project), Series 2022A and the Newark Higher Education Finance Corporation Revenue Improvement and Refunding Bonds (Abilene Christian University Project), Taxable Series 2022B (collectively, the “Bonds”) in the maximum aggregate principal amount of \$125,000,000, whereby the proceeds of the Bonds will be loaned to Abilene Christian University (the “Borrower”) to assist in financing and refinancing the Project (the “Financing”);

WHEREAS, the Corporation is authorized by State Law to provide Financing for cultural and/or educational facilities by contractual arrangement, and the Bonds issued to the Corporation constitute contractual arrangements in which the Corporation is authorized by State Law to participate in;

WHEREAS, the Bonds are being issued for the following purposes: (a) refinancing existing debt the proceeds of which were used to finance or refinance all or a portion of the cost of acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including (1) the purchase of property located at 916 East North 13th Street, Abilene, Texas 79601 to be used for the new Science and Engineering Research Center, (2) the Bullock Residence Hall and (3) Wildcat Stadium and Anthony Field, all located on or contiguous to the Borrower’s campus at 1600 Campus Court, Abilene, Texas 79699 (the “Campus”); (b) financing the costs for the acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including but not limited to (1) the Cullen Auditorium, (2) a new residence hall, (3) the new Science and Engineering Research Center, and (4) the Moody Coliseum, all located on the Campus (collectively, the “Project”); and (c) paying a portion of the costs of issuance of the Bonds;

WHEREAS, the Borrower has agreed to make payments in amounts sufficient to pay debt service required to be made under the Bonds (the “Payments”);

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) requires that the issuance of any qualified 501(c)(3) obligations be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice;

WHEREAS, the publication of the Notice of Public Hearing (the "*Public Notice*") is evidenced by a Publisher's Affidavit (a copy of which is attached hereto as Exhibit A);

WHEREAS, attached hereto as Exhibit B is Certificate of Public Hearing regarding the conduct of the Public Hearing;

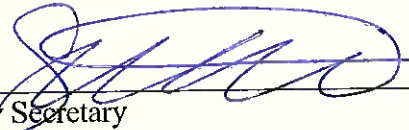
THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS THAT:

Section 1. The City hereby specifically approves the Financing and the Project solely for the purpose of satisfying the requirements of section 147(f) of the Code; provided that the City shall have no liabilities for the Payments nor shall any of the City's assets be pledged to secure the Payments.


Section 2. This Resolution shall become effective immediately upon its passage adoption.

ADOPTED AND APPROVED on February 24, 2022.

ATTEST:

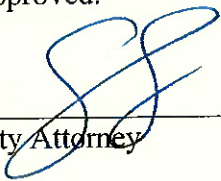


City Secretary



Mayor



Approved:


City Attorney