

A RESOLUTION AMENDING THE PRIOR RESOLUTION PROVIDING FOR THE DEFEASANCE AND CALLING FOR REDEMPTION OF CERTAIN CURRENTLY OUTSTANDING DEBT OBLIGATIONS OF THE DISTRICT; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, on August 24, 2021, the Board of Trustees (the *Board*) of the Canutillo Independent School District (the *District*) adopted a resolution (the *Original Resolution*) providing for the defeasance and calling for redemption of a portion of the obligations designated as “Canutillo Independent School District Unlimited Tax Refunding Bonds, Series 2012”, dated November 15, 2012 (the *Obligations*); and

WHEREAS, in the Original Resolution, the Board authorized certain District officials to execute an Escrow and Trust Agreement with The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, as escrow agent, in connection with the defeasance and redemption of the Obligations; and

WHEREAS, the Board hereby finds that it is in the best interest of the District and the citizens of the District to substitute The Bank of New Mellon Trust Company, N.A., Dallas, Texas, as escrow agent, and to amend the Original Resolution to make the terms and provisions thereof consistent with such substitution; now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CANUTILLO INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: (a) Section 1 of the Original Resolution is hereby amended by replacing “The Bank of New York Mellon Trust Company, N.A., Dallas, Texas” with “BOKF, NA, Dallas, Texas.”

(b) The form of Escrow and Trust Agreement referenced in Section 2 of the Original Resolution and set forth in Exhibit A to the Original Resolution is hereby deleted in its entirety and in its place, the form of Escrow and Trust Agreement set forth in Exhibit A hereto is hereby inserted.

SECTION 2: Nothing in this Resolution affects or modifies any of the provisions of the Original Resolution, except as expressly provided herein. The Original Resolution, as amended by this Resolution, will continue in full force and effect and is ratified and affirmed by the Board.

SECTION 3: 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 4: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5: 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 Board hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 6: 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 7: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

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PASSED AND APPROVED, this the 14th day of December, 2021.

CANUTILLO INDEPENDENT
SCHOOL DISTRICT

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

(DISTRICT SEAL)

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EXHIBIT A

ESCROW AGREEMENT

See Attached