

A RESOLUTION DIRECTING THE REDEMPTION OF A PORTION OF THE DISTRICT'S OUTSTANDING UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2013; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, Ector County Independent School District (the "District") has issued, and there are currently outstanding, the District's Unlimited Tax School Building Bonds, Series 2013, consisting of bonds maturing on February 15 in each of the years 2021 through 2036, inclusive, and 2038, in the principal amount of \$111,680,000 (the "Bonds"); and

WHEREAS, in the order that authorized the issuance of the Bonds (the "Bond Order"), the District reserved the option to redeem the 2038 maturity of the bonds on and after August 15, 2015, in whole or in part at a price equal to the principal amount of the Bonds so called for redemption plus accrued interest to the redemption date; and

WHEREAS, Section 45.001 of the Texas Education Code authorizes the District to levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the Outstanding Obligations before the principal and interest become due; and

WHEREAS, this Board of Trustees finds and determines that it is necessary and in the best interests of the District to redeem \$5,235,000 of outstanding bonds that are scheduled to mature on August 15, 2038 (the "Redeemed Bonds"), with funds available for such purpose; and

WHEREAS, it is officially found, determined and declared that the meeting at which this Resolution has been adopted was open to the public and public notice of the date, hour, place and subject of said meeting, including this Resolution, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551. Now, Therefore

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT:

Section 1. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Resolution are hereby adopted, restated and made a part of the operative provisions hereof.

Section 2. Redemption of Bonds.

The Redeemed Bonds, in the aggregate principal amount of \$5,235,000, are hereby called for redemption on February 15, 2021 (the "Redemption Date"), at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption. Interest on the Redeemed Bonds shall cease to accrue on the Redemption Date. The Redeemed Bonds are further described in Exhibit A hereto. Such principal amount is hereby directed to be irrevocably deposited with the

Paying Agent/Registrar (defined below) on or before February 12, 2021. Lawfully available funds of the District are hereby authorized and appropriated in the amounts necessary for such purpose.

Section 3. Authorization of Actions.

(a) The President of the Board, Superintendent, Chief Financial Officer, or other authorized officer of the District is hereby authorized and directed to issue or cause to be issued the Notice of Redemption of the Redeemed Bonds in the form set forth in Exhibit A attached hereto to the Paying Agent/Registrar for the Redeemed Bonds (which Paying Agent/Registrar is The Bank of New York Mellon Trust Company, N.A.).

(b) In addition, the Paying Agent/Registrar for the Redeemed Bonds is hereby directed to provide the appropriate notice of redemption as specified by the Bond Order and is hereby directed to make appropriate arrangements so that the Redeemed Bonds may be redeemed on their redemption date. The Redeemed Bonds shall be presented for redemption at the Paying Agent/Registrar therefor, and shall not bear interest after the date fixed for redemption.

(c) The Paying Agent/Registrar is further directed to designate at random and by lot which of the Bonds of the August 15, 2038 stated maturity will be redeemed.

(d) The officers and employees of the District are hereby authorized and directed to take such actions and to execute and deliver such documents, orders and receipts, including without limitation material events notices with respect to the Redeemed Bonds, as necessary or appropriate to consummate the transactions authorized by this resolution and to redeem the Redeemed Bonds in accordance with the provisions and requirements of the Bond Order.

(Execution Page Follows)

PASSED, APPROVED AND EFFECTIVE this September 15, 2020.

President, Board of Trustees
Ector County Independent School District

ATTEST:

Secretary, Board of Trustees
Ector County Independent School District

**EXHIBIT A
NOTICE OF REDEMPTION**

**ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT
Unlimited Tax School Building Bonds, Series 2013
CUSIP No. 279263QC4**

NOTICE IS HEREBY GIVEN that the Ector County Independent School District (the "District"), in Ector County, Texas, has called for redemption on the date and at the redemption price specified, the below listed outstanding Bonds of the District as follows:

Ector County Independent School District Unlimited Tax School Building Bonds, Series 2013, dated February 15, 2013, consisting of a portion of the stated to mature on August 15, 2038, in the aggregate principal amount of \$5,235,000 (the "Bonds"), in the amounts, on the redemption date, at the redemption price of the principal amount called for redemption plus accrued interest to the date fixed for redemption, as follows:

August 15, 2038 Stated Maturity Term Bond

<u>Maturity Redemption Date</u>	<u>Principal Amount Outstanding</u>	<u>Principal Amount Redeemed</u>	<u>Redemption Date</u>	<u>Redemption Price</u>
8/15/2037	\$11,395,000	\$ 0	N/A	N/A
8/15/2038	\$ 7,785,000	\$5,235,000	2/15/2021	100%

On February 15, 2021, interest on such Bonds shall cease to accrue and be payable.

THE BONDS SHALL BE REDEEMED in whole at The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, as the Paying Agent/Registrar for the Bonds. Upon presentation of the Bonds at the Paying Agent/Registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par and accrued interest to the redemption date.

NOTICE IS FURTHER GIVEN that due and proper arrangements have been made for providing the place of payment of the Bonds called for redemption with funds sufficient to pay the principal amount of the Bonds and the interest thereon to the redemption date. In the event the Bonds are not presented for redemption by the respective date fixed for their redemption, they shall not thereafter bear interest.

UNDER THE PROVISIONS of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (the "Act"), paying agents making payments of interest and principal on municipal securities may be obligated to withhold 28% tax from remittance to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Registered bondholders who wish to avoid

the imposition of the tax should submit certified taxpayer identification numbers (via form W-9) when presenting the Bonds for payment.

THIS NOTICE is issued and given pursuant to the redemption provisions in the proceedings authorizing the issuance of the Bonds and in accordance with the recitals and provisions of each of the Bonds, respectively.

NOTICE IS FURTHER GIVEN that the Bonds should be submitted to the following address:

<u>First Class/Registered/ Certified Mail</u>	<u>Express Delivery</u>	<u>Hand Delivery</u>
The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust P.O. Box 396 East Syracuse, NY 13057	The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust 111 Sanders Creek Parkway East Syracuse, NY 13057	The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust Corporate Trust Window 101 Barclay Street 1st Floor East New York, NY 10286