

AN ORDER DIRECTING THE DEFEASANCE AND REDEMPTION OF ALL OF THE DISTRICT'S OUTSTANDING UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2013, ALL OF THE DISTRICT'S OUTSTANDING UNLIMITED TAX REFUNDING BONDS, SERIES 2020-A, AND A PORTION OF THE DISTRICT'S OUTSTANDING UNLIMITED TAX REFUNDING BONDS, SERIES 2016, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$34,435,000; LEVYING AN AD VALOREM TAX IN PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, Ector County Independent School District (the "District") has issued and has outstanding the following bonds heretofore approved by voters pursuant to Sections 45.001 and 45.003, Texas Education Code:

Ector County Independent School District Unlimited Tax School Building Bonds, Series 2013, dated February 15, 2013, currently outstanding in the aggregate principal amount of \$12,290,000 (the "Series 2013 Bonds"); and

Ector County Independent School District Unlimited Tax Refunding Bonds, Series 2016, dated October 15, 2016, currently outstanding in the aggregate principal amount of \$25,360,000 (the "Series 2016 Bonds")

Ector County Independent School District Unlimited Tax Refunding Bonds, Series 2020-A, dated November 15, 2020, currently outstanding in the aggregate principal amount of \$8,775,000 (the "Series 2020-A Bonds", and together with the Series 2013 Bonds and Series 2016 Bonds, the "Outstanding Bonds"); and

WHEREAS, the Outstanding Bonds may be redeemed prior their stated maturities at the option of the District at a redemption price equal to the principal to be redeemed plus accrued interest to the date of redemption, and such redemption will reduce future debt payment requirements of the District;

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 Bonds before the principal and interest become due; and

WHEREAS, this Board of Trustees of the District finds and determines that it is necessary and in the best interests of the District to defease, redeem and discharge a portion of the Outstanding Bonds; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Order was passed 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.

THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT:

Section 1. The District hereby exercises its option to redeem a portion of the Series 2013 Bonds on February 15, 2024 (the "2013 Bonds Redemption Date"), in the aggregate principal amount of \$12,290,000, to be applied to the following:

	<u>Series 2013 Bonds</u>	
<u>Original Maturity Date</u>	<u>Principal Amount Outstanding</u>	<u>Principal Amount Being Redeemed</u>
August 15, 2024	\$ 1,200,000	\$ 1,200,000
August 15, 2025	1,250,000	1,250,000
August 15, 2033	9,840,000	9,840,000
	<u>\$12,290,000</u>	<u>\$12,290,000</u>

Section 2. The District hereby exercises its option to redeem a portion of the Series 2016 Bonds on August 15, 2025 (the “2016 Bonds Redemption Date”), in the aggregate principal amount of \$12,290,000, to be applied to the following:

	<u>Series 2016 Bonds</u>	
<u>Original Maturity Date</u>	<u>Principal Amount Outstanding</u>	<u>Principal Amount Being Redeemed</u>
August 15, 2024	\$ 5,840,000	\$ 0
August 15, 2025	6,150,000	0
August 15, 2026	6,520,000	6,520,000
August 15, 2027	6,850,000	6,850,000
	<u>\$25,360,000</u>	<u>\$13,370,000</u>

Section 3. The District hereby exercises its option to redeem a portion of the Series 2020-A Bonds on August 15, 2029 (the “2020-A Bonds Redemption Date”, and together with the 2013 Bonds Redemption Date and 2016 Bonds Redemption Date, the “Redemption Date”), in the aggregate principal amount of \$8,775,000, to be applied to the following:

	<u>Series 2020-A Bonds</u>	
<u>Original Maturity Date</u>	<u>Principal Amount Outstanding</u>	<u>Principal Amount Being Redeemed</u>
August 15, 2037	\$8,775,000	\$8,775,000
	<u>\$8,775,000</u>	<u>\$8,775,000</u>

Section 4. (a) The District hereby directs that the Outstanding Bonds be called for redemption in the amounts and on the dates and as set forth in Sections 1 through 3, respectively. Each of such Outstanding Bonds shall be redeemed at the redemption price of par plus accrued interest.

(b) In addition, the appropriate notices of redemption and defeasance for the Outstanding Bonds are hereby directed to be given as specified by the orders authorizing the issuance of the applicable series of Outstanding Bonds and appropriate arrangements shall be made as specified by said orders authorizing the issuance of the applicable series of Outstanding Bonds and in accordance with State law so that the Outstanding Bonds may be redeemed on their respective redemption dates. The Outstanding Bonds shall be presented for redemption at the paying agent/registrars therefore, and shall not bear interest after the applicable date fixed for redemption.

Section 5. On or before February 15, 2024 (the “Defeasance Date”), the District shall deposit with or make available to The Bank of New York Mellon Trust Company, National Association, as Paying Agent/Registrar for the Bonds, funds in an amount sufficient to pay (i) the interest to come due on August 15, 2024, February 15, 2025, and August 15, 2025 on the Series 2016 Bonds called for

Redemption; (ii) the interest to come due on August 15, 2024, February 15, 2025, August 15, 2025, February 15, 2026, August 15, 2026, February 15, 2027, August 15, 2027, February 15, 2028, August 15, 2028, February 15, 2029, and August 15, 2029 on the Series 2020-A Bonds called for redemption; (iii) the principal amount on the 2013 Bonds Redemption Date of the Series 2013 Bonds called for redemption; (iv) the principal amount on the 2016 Bonds Redemption Date of the Series 2016 Bonds called for redemption; and (v) the principal amount on the 2020-A Bonds Redemption Date of the Series 2020-A Bonds called for redemption.

Section 6. The President of the Board, the Superintendent of the District, or the Chief Financial Officer of the District are hereby authorized and directed to execute and deliver an Escrow Agreement with the Escrow Agent, in substantially the form presented at this meeting, and to authorize and execute such contributions and investments as may be necessary for the Escrow Fund. Legally available funds of the District are hereby authorized and appropriated in the amounts necessary for such purpose.

Section 7. The officers and employees of the District are hereby authorized and directed to take such actions and to execute and deliver such documents, certificates and receipts, including without limitation notices of defeasance and redemption with respect to the Outstanding Bonds to be defeased and redeemed, as necessary or appropriate to consummate the transactions authorized by this Order and to defease and redeem said Outstanding Bonds in accordance with the provisions and requirements of said Outstanding Bonds.

PASSED AND APPROVED the 19th day of September, 2023.

Secretary, Board of Trustees

President, Board of Trustees