

RESOLUTION NO. 2021-03-____(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RELATING TO THE “MCKINNEY ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE IMPROVEMENT AND REFUNDING BONDS, TAXABLE SERIES 2021” APPROVING (i) THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE MCKINNEY ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF SUCH BONDS AND (ii) RELATING TO THE DEPOSIT OF THE GROSS SALES TAX REVENUES; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the McKinney Economic Development Corporation (the “Issuer”) has been duly created and organized pursuant to the provisions of the Development Corporation Act of 1979, as amended, Article 5190.6, Section 4A, Vernon’s Annotated Texas Civil Statutes (now codified as Chapter 504, Texas Local Government Code, as amended, and collectively, with the other provisions of Subtitle CI of Title 12 of the Texas Local Government Code, the “Act”); and

WHEREAS, pursuant to the Act, the Issuer is empowered to issue bonds for the purpose of defraying the cost of any “project” defined as such by the Act or for the purpose of refunding outstanding bonds that were previously issued by the Issuer; and

WHEREAS, the Board of Directors of the Issuer has adopted a resolution providing for the issuance of “McKinney Economic Development Corporation Sales Tax Revenue Improvement and Refunding Bonds, Taxable Series 2021” (the “Bonds”) on March 16, 2021 (the “Issuer Resolution”); and

WHEREAS, the Board of Directors found and determined that the projects referenced in the Issuer Resolution (the “Projects”), constitute projects within the meaning of the Act and the costs of such Projects should be financed from the proceeds of sale of the Bonds; and

WHEREAS, the Board of Directors of the Issuer has determined to refund the Issuer’s outstanding bonds as referenced in the Issuer Resolution (the “Refunded Bonds”) from the proceeds of sale of the Bonds; and

WHEREAS, Section 501.204(a) of the Texas Local Government Code, as amended, requires the City Council of the City of McKinney, Texas (the “City”) to approve the resolution of the Issuer providing for the issuance of the Bonds no more than sixty (60) days prior to the delivery of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. The Issuer Resolution, as submitted to the City Council this day, is hereby approved in all respects. The Bonds are being issued to finance (i) the costs of the Projects which are located within the City of McKinney, (ii) to refund the

Refunded Bonds and (iii) to pay costs of issuance of the Bonds, as to be further described in the Pricing Certificate authorized in the Issuer Resolution.

- Section 2. The approvals herein given are in accordance with Section 501.204(a) of the Texas Local Government Code, as amended, and the Bylaws of the Issuer, and the Bonds shall never be construed an indebtedness or pledge of the City, or the State of Texas (the "State"), within the meaning of any constitutional or statutory provision, and the owner of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation (other than sales tax proceeds as authorized pursuant to the Act) or any other revenues of the Issuer, the City, or the State, except those revenues assigned and pledged by the Issuer Resolution.
- Section 3. The City hereby agrees to promptly collect and remit to the Issuer the Gross Sales Tax Revenues (as defined in the Issuer Resolution) in accordance with the terms of the Issuer Resolution and the Act to provide for the prompt payment of the Bonds, and to assist and cooperate with the Issuer in the enforcement and collection of sales and use taxes imposed on behalf of the Issuer.
- Section 4. 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 Texas Government Code, Chapter 551, as amended.
- Section 5. This Resolution shall be in force and effect from and after its passage on the date shown below.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS, THIS 16th DAY OF MARCH, 2021.

CITY OF MCKINNEY, TEXAS

GEORGE FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

(City Seal)

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney