

**RESOLUTION \_\_\_\_\_**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE CITY TO ENTER INTO A FIRST AMENDMENT TO PUBLIC PROPERTY FINANCE ACT LEASE PURCHASE AGREEMENT & ESCROW AGREEMENT; AND APPROVING CERTAIN ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE FIRST AMENDMENT TO PUBLIC PROPERTY FINANCE ACT LEASE PURCHASE AGREEMENT & ESCROW AGREEMENT AND RELATED TRANSACTIONS.

WHEREAS, the City of Mission, Texas (the “City”), is a political subdivision duly organized under the constitution and laws of the State of Texas; and

WHEREAS, the City previously entered into that certain Public Property Finance Act Lease Purchase Agreement &, dated as of March 25, 2021 (the “LPA”) with Performance Services, Inc. (“Initial Lessor”) relating to the financing of the acquisition and installation of certain Personal Property for the City, all as therein described;

WHEREAS, the Initial Lessor, Lessee and BANK OZK (the “Escrow Agent”), entered into that certain Escrow Agreement dated as of March 25, 2021 (the “Escrow Agreement”), pursuant to which proceeds of the LPA were deposited in the Acquisition Fund established thereunder;

WHEREAS, on March 25, 2021 Initial Lessor assigned all of its rights, title and interest in and to the LPA, the Escrow Agreement, the Personal Property and the Acquisition Fund to First Security Finance, Inc. (“FSF”);

WHEREAS, on March 31, 2021 FSF assigned all of its rights, title and interest in and to the LPA, the Escrow Agreement, the Personal Property and the Acquisition Fund to Capital One Public Fund, LLC (“Lessor”);

WHEREAS, the City and the Lessor desire to amend the LPA and the Escrow Agreement with the prior written consent of Build America Mutual Assurance Company, as the insurer (“BAM” or “Insurer”); and

WHEREAS, in order to accomplish the foregoing, it is necessary and desirable for the City to enter into a First Amendment to Public Property Finance Act Lease Purchase Agreement & Escrow Agreement (the “First Amendment”) with the Lessor and the Escrow Agent, with the written consent of BAM.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AS FOLLOWS:

Section 1. The First Amendment is hereby approved in substantially the form submitted to and reviewed by the City Council of the City on the date hereof, with such changes therein as are deemed necessary by the City's attorney and approved by the Mayor or the City Manager of the City, said officer's execution thereof to be conclusive evidence of the approval thereof. The Mayor or the City Manager are each hereby authorized and directed to execute and deliver the First Amendment on behalf of and as the act and deed of the City. The City Secretary is hereby authorized to affix the City's seal thereto and attest such as may be necessary.

Section 2. The City shall, and the officials and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this resolution and to carry out, comply with and perform the duties of the City with respect to the First Amendment and the amendments of the LPA and the Escrow Agreement and any related prepayment of the LPA, and the calculation and payment of any arbitrage rebate with respect to the Acquisition Fund and to pay all costs and expenses (including, without limitation, all costs and expenses of the Lessor) relating to the preparation, negotiation, execution and delivery of the First Amendment and the calculation and payment of any arbitrage rebate relating to the Acquisition Fund.

Section 3. This resolution will take effect and be in full force from and after its adoption by the City Council of the City.

PASSED by the City Council of the City of Mission, Texas this 28th day of October, 2024.

CITY OF MISSION, TEXAS

By: \_\_\_\_\_  
Norie Gonzalez Garza  
Mayor

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Anna Carrillo  
City Secretary