#17
06/04/15

A RESOLUTION 2015-06-04-0040R

APPROVING THE ISSUANCE BY THE ARLINGTON HIGHER EDUCATION FINANCE CORPORATION OF ITS EDUCATION REVENUE REFUNDING BONDS (HARMONY PUBLIC SCHOOLS) SERIES 2015 FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE.

* * * * *

WHEREAS, the Arlington Higher Education Finance Corporation (the "***Corporation***") was created by the City of Arlington, Texas, pursuant to Chapter 53, Texas Education Code (the "***Act***"), and is empowered thereby to issue its revenue bonds in order to enable an accredited or authorized charter school to finance and refinance the cost of certain "educational facilities," as defined in the Act; and

WHEREAS, in furtherance of the purposes of the Act, the Corporation has authorized the issuance of its revenue bonds designated as the "Arlington Higher Education Finance Corporation Education Revenue Refunding Bonds (Harmony Public Schools) Series 2015" (the "***Bonds***") the proceeds of which will be loaned to Harmony Public Schools (the "***Borrower***") to be used to finance and refinance the cost of certain educational facilities of the Borrower located in San Antonio, Texas; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 (the "***Code***") requires that the issuance of any qualified 501(c)(3) obligations be approved by the "applicable elected representative" (the "***AER***") of the governmental unit in which the Project is located after a public hearing following reasonable public notice; and

WHEREAS, the Bonds are qualified 501(c)(3) obligations under to the Code; and

WHEREAS, the Project is located in the City of San Antonio, Texas (the "***City***") and the City Council ("***City Council***") is an AER for the City; and

WHEREAS, attached hereto as Exhibit A is the Notice of Public Hearing (the "***Notice of Public Hearing***") which was published in a newspaper of general circulation in the City, as required by section 147(f) of the Code which public hearing was conducted by the Corporation on May 4, 2015; and

WHEREAS, attached hereto as Exhibit B is the Affidavit of Publication of the Notice of Public Hearing; and

WHEREAS, attached hereto as Exhibit C is the Certificate of Public Hearing Officer; and

WHEREAS, the City Council desires to approve the Project and the Bonds solely for purposes of satisfying the requirements of section 147(f) of the Code; and

WHEREAS, the actions of the City Council with respect to the Project and the Bonds and to the matters described herein will create no liability for the City, and is in the best interest of the City, and the City Council desires to approve this Resolution; **NOW THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the City Council hereby specifically approves the Bonds and the Project solely for the purpose of satisfying the requirements of section 147(f) of the Code and such approval is not to be construed as an undertaking by the City. The Bonds shall not constitute a liability, an indebtedness or an obligation of the City nor shall any of the assets of the City be pledged to the payment of the Bonds. This Resolution shall become effective immediately upon the execution hereof.

That this Resolution shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS]

PASSED AND APPROVED BY THE CITY COUNCIL of the City of San Antonio this 4th day of June, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**17 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21A, 21B, 22A, 22B)**
Date:	06/04/2015
Time:	09:47:28 AM
Vote Type:	Motion to Approve
Description:	A Resolution approving a financing and refinancing by the Arlington Higher Education Finance Corporation, of its Education Revenue Refunding Bonds (Harmony Public Schools), Series 2015, for purposes of Section 147(f) of the Internal Revenue Code. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9	x					
Michael Gallagher	District 10		x				

EXHIBIT A

NOTICE OF PUBLIC HEARING

(San Antonio/Austin)

ARLINGTON HIGHER EDUCATION FINANCE CORPORATION
EDUCATION REVENUE AND REFUNDING BONDS
(HARMONY PUBLIC SCHOOLS)
SERIES 2015

Notice is hereby given of a joint public hearing to be held on behalf of the Arlington Higher Education Finance Corporation on May 8, 2015, at 10:30 a.m., at Andrews Kurth LLP, 111 Congress Avenue, Suite 1700, Austin, Texas 78701, with respect to the captioned Bonds to be issued in an aggregate principal amount not to exceed $150,000,000 by the Arlington Higher Education Finance Corporation (the "Corporation"). The proceeds of the Bonds will be issued as part of a plan of finance and loaned to Harmony Public Schools, a Texas nonprofit corporation (the "Borrower") for the following purposes:

(a) financing, refinancing, and refunding the costs of acquiring, constructing, improving and equipping educational facilities of the Borrower, including: (1) Harmony Science Academy – San Antonio, 8505 Lakeside Pkwy., San Antonio, TX 78245; (2) Harmony Science Academy – Austin, 930 E. Rundberg Lane, Austin, TX 78753; (3) Harmony School of Science-Austin, 11800 Stonehollow Dr., Suite 100, Austin, TX 78758; (4) Harmony School of Innovation – Austin, 2124 E. Saint Elmo Rd., Austin, TX 78744; (5) Harmony School of Excellence-Austin, 2100 E. St. Elmo Rd., Austin, TX 78744; (6) Harmony School of Political Science-Austin, 13415 FM 620 North, Austin, TX 78717; (7) Harmony Science Academy – North Austin, 1421 Wells Branch Pkwy., Suite 200, Pflugerville, TX 78660; (8) Harmony School of Innovation-San Antonio, 8125 Glen Mont Dr., San Antonio, TX 78239; (9) Harmony Science Academy – Dallas, 12005 Forestgate Dr., Dallas, TX 75243; (10) Harmony School of Business-Dallas, 8080 W. President George Bush Hwy., Dallas, TX 75249; (11) Harmony School of Nature & Athletics, 8120 W. Camp Wisdom Rd., Dallas, TX 75249; (12) Harmony School of Innovation-Dallas, 1024 W. Rosemeade Pkwy., Carrollton, TX 75007; (13) Harmony School of Innovation-Euless, 701 S. Industrial Blvd., Suite 105, Euless, TX 76040; (14) Harmony Science Academy – Euless, 701 S. Industrial Blvd., Euless, TX 76040 (15) Harmony Science Academy – Garland, 2302 Firewheel Parkway, Garland, TX 75040; (16) Harmony School of Innovation – Garland, 2250 Firewheel Parkway, Garland, TX 75040; (17) Harmony Science Academy – Fort Worth, 5651 West Creek Dr., Fort Worth, TX 76133; (18) Harmony School of Innovation – Fort Worth, 8100 S. Hulen St., Fort Worth, TX 76123; (19) Harmony Science Academy – Grand Prairie, 1102 NW 7th St., Grand Prairie, TX 75050; (20) Harmony Science Academy – Waco, 1900 N. Valley Mills Dr., Waco, TX 76710; (21) Harmony Science Academy – Laredo, 4401 San Francisco Ave. , Laredo, TX 78041; (22) Harmony School of Innovation – Laredo, 616 Leal Street & 4608 Daugherty Ave., Laredo, TX 78041; (23) Harmony Science Academy – Brownsville, 1124 Central Blvd., Brownsville, TX 78520; (24) Harmony Science Academy – Houston, 5435 S. Braeswood Blvd., Houston, TX 77096; (25) Harmony School of Advancement-Houston, 3171 N. Sam Houston Pkwy. West, Houston, TX 77038; (26) Harmony School of Fine Arts & Technology-Houston, 9115 Kirby Dr., Houston, TX 77054; (27) Harmony

School of Discovery-Houston, 6270 Barker Cypress Rd., Houston, TX 77084; (28) Harmony School of Excellence-Houston, 7340 N. Gessner Rd., Houston, TX 77040; (29) Harmony School of Excellence – Endeavor, 5668 W. Little York Rd., Houston, TX 77091; (30) Harmony Science Academy High School-Houston, 9431 W. Sam Houston Pkwy. S., Houston, TX 77099; (31) Harmony Public Schools, 9321 W. Sam Houston Pkwy. S., Houston, TX 77099; (32) Harmony School of Innovation-Houston, 9421 W. Sam Houston Pkwy., Houston, TX 77099; (33) Harmony School of Ingenuity-Houston, 10555 Stella Link Rd., Houston, TX 77025; (34) Harmony School of Exploration-Houston, 9305&9303 W. Sam Houston Pkwy. South, Houston, TX 77099; (35) Harmony Science Academy – Houston NW, 16200 Tomball Pkwy., (SH 249), Houston, TX 77066; (36) Harmony School of Science –Houston, 13415 W. Bellfort Ave., Houston, TX 77478; (37) Harmony School of Science – High School, 13522 W. Airport Blvd., Sugar Land, TX 77478; (38) Harmony Science Academy – West Houston, 22400 Grand Corner Dr., Katy, TX 77494; (39) Harmony Science Academy - Beaumont, 4055 Calder Ave., Beaumont, TX 77706; (40) Harmony Science Academy, 2031 S. Texas Ave., Bryan, TX 77802; (41) Harmony Science Academy – El Paso, 9405 Betel Dr., El Paso, TX 79907; (42) Harmony School of Innovation – El Paso, 5210 Fairbanks Dr., El Paso, TX 79924; (43) Harmony Science Academy – Lubbock, 1516 53rd St., Lubbock, TX 79412; (44) Harmony Science Academy – Odessa, 2755 N. Grandview Ave., Odessa, TX 79762; (45) Harmony Science Academy – West Houston No. 2, 22400 Grand Corner Dr., Katy, TX 77494; and (46) Harmony School of Achievement - Houston, 16209 Kieth Harrow Blvd., Houston, TX 77084 (together, the "Project"), and

(b) paying the costs of issuing the Bonds.

The Project will be owned and operated by the Borrower. The Bonds are not payable out of taxes and are secured by and payable solely from funds provided by the Borrower.

The public hearing will be conducted by Nathelie Ashby, Esq., or his designee (the "Hearing Officer"). All interested persons are invited to attend such public hearing to express their views with respect to the above-described project and the Bonds. Questions or requests for additional information may be directed to the Hearing Officer at (512) 320-9233. Any interested persons unable to attend the hearing may submit their views in writing to the Hearing Officer prior to the date scheduled for the hearing at fax number (512) 481-4933 is notice is published and the hearing is to be held in satisfaction of the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended.

EXHIBIT B

AFFIDAVIT OF PUBLICATION

EXHIBIT C

CERTIFICATE OF PUBLIC HEARING OFFICER