

# **A Resolution**

**NO. \_\_\_\_\_**

## **APPROVING, FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE, OBLIGATIONS ISSUED BY THE NEW HOPE HIGHER EDUCATION FINANCE CORPORATION FOR THE BENEFIT OF FORT WORTH COUNTRY DAY SCHOOL, INC.**

**WHEREAS**, the New Hope Higher Education Finance Corporation (the “Issuer”) is empowered pursuant to Chapter 53A, Texas Education Code (the “Act”), to issue its obligations in order to enable certain accredited primary or secondary schools to acquire, construct, enlarge, extend, repair, renovate, or otherwise improve an educational facility or any facility incidental, subordinate, or related to or appropriate in connection with an educational facility, or for acquiring land to be used for those purposes; and

**WHEREAS**, Fort Worth Country Day School, Inc. (the “Borrower”), a Texas nonprofit corporation, proposes to obtain financing from the Issuer from the proceeds of one or more series of the Issuer’s bonds or notes, pursuant to a plan of financing, in a maximum amount not to exceed \$17,000,000 (the “Obligations”), and will use the proceeds of the Obligations to finance and refinance certain capital expenditures at educational facilities located on the Borrower’s campus within the City of Fort Worth at 4200 Country Day Lane, Fort Worth, Texas 76109 (the “Project”); and

**WHEREAS**, pursuant to the provisions of section 147(f) of Internal Revenue Code of 1986, as amended (the “Code”), the Issuer has caused to be published a notice of public hearing (the “TEFRA Notice”) with respect to the issuance of the Obligations and the financing of the Project, and held such a hearing (the “TEFRA Hearing”) on February 21, 2024, after reasonable notice, with evidence of the publication and hearing attached hereto as an exhibit; and

**WHEREAS**, pursuant to the provisions of section 147(f) of the Code, the City Council of the City of Fort Worth, Texas, after the TEFRA Hearing was conducted, must approve issuance of the Obligations by the Issuer to enable the Obligations to qualify as tax-exempt obligations under the Code;

## **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:**

**1.** The City Council, solely for purposes of section 147(f) of the Code, as the elected legislative body having jurisdiction over the area in which the facilities proposed to be financed and refinanced are located, hereby approves the proposed issuance of the Obligations by the Issuer to finance and refinance the Project for the benefit of the Borrower, in an amount not to exceed \$17,000,000 and authorizes Mayor Mattie Parker to execute an Approval Certificate evidencing such approval.

**2.** The foregoing approval is given in accordance with the provisions of section 147(f) of the Code and for no other purposes, and is not to be construed as an undertaking by the

City of Fort Worth. THE OBLIGATIONS SHALL NOT CONSTITUTE A LIABILITY, INDEBTEDNESS, OR AN OBLIGATION OF THE CITY OF FORT WORTH, NOR SHALL ANY OF THE ASSETS OF THE CITY OF FORT WORTH BE PLEDGED TO THE PAYMENT OF THE OBLIGATIONS.

**3.** This resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Fort Worth, and it is accordingly so resolved.

PASSED AND APPROVED, this \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mattie Parker, Mayor

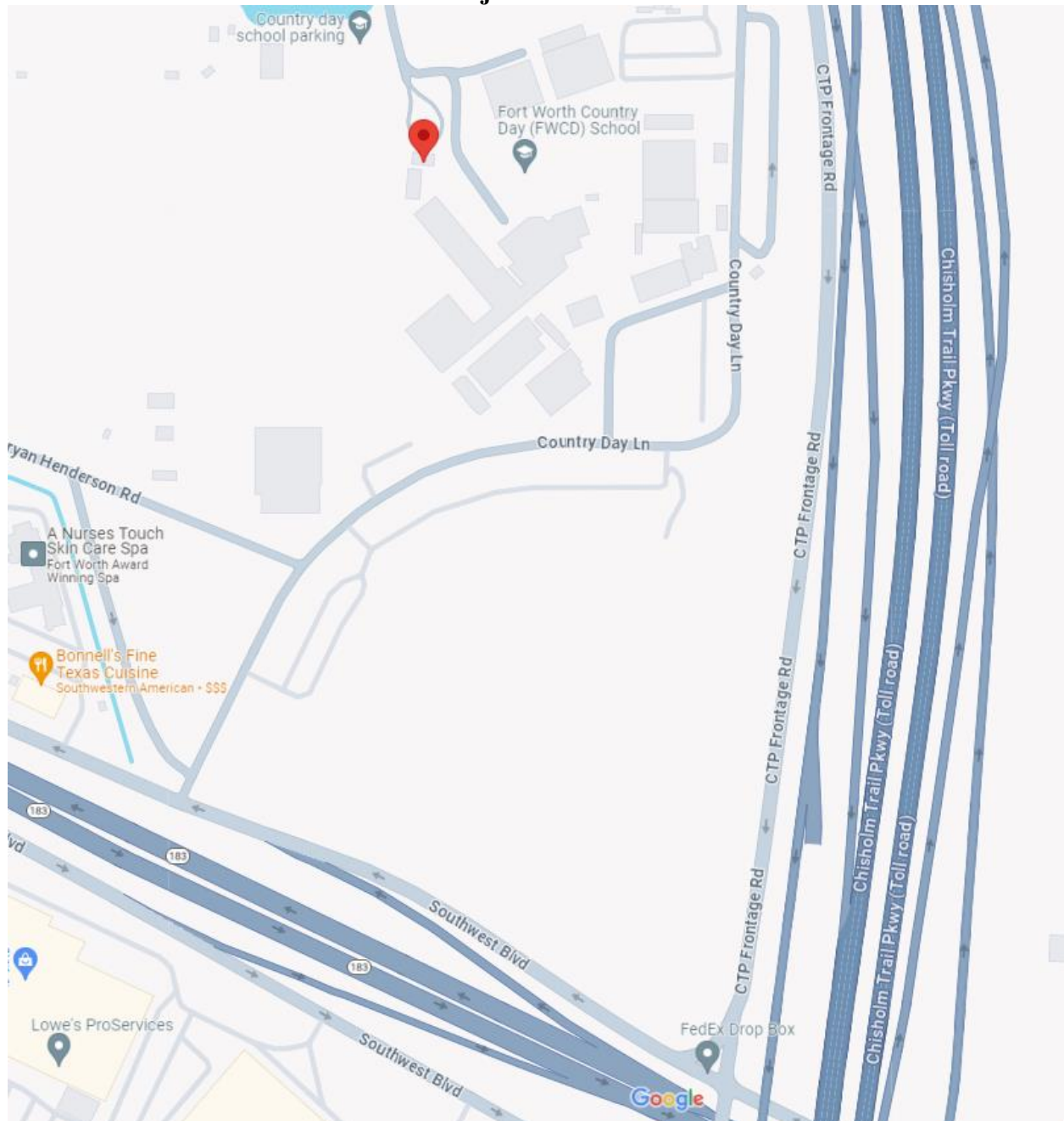
**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
Leann Guzman, City Attorney

**ATTEST:**

By: \_\_\_\_\_  
Jannette Goodall, City Secretary

## Project Location



MINUTES OF PUBLIC HEARING  
New Hope Higher Education Finance Corporation

Re: New Hope Higher Education Finance Corporation Promissory Note (Fort Worth Country Day Project) Series 2024

The undersigned, Abraham Benavides, designated Hearing Officer of New Hope Higher Education Finance Corporation (the "Issuer"), the Issuer of the above referenced promissory note (the "Obligations"), called the Public Hearing of the Issuer held on Wednesday, February 21, 2024, to order at 8:30 a.m. CT via teleconference.

I declared that a Public Hearing, required under section 147(f) of the Internal Revenue Code of 1986 was open for purposes of discussing the Obligations and the project to be financed, refinanced or constructed with the proceeds of the Obligations (the "Project").

I declared that the required notice of the Public Hearing for the Project was published in the FORT WORTH STAR-TELEGRAM, being a newspaper of general circulation in the City of Fort Worth, Texas, as evidenced by an Affidavit of Publication attached hereto as Exhibit A.

I proceeded to hold the Public Hearing. No member of the public joined the teleconference for the Public Hearing and thus no comments were made or discussed about the Project or the Obligations.

After sufficient time was given for all present to make their comments with respect to the Obligations and the Project, I declared the Public Hearing closed at 8:45 a.m.

Dated: February 21, 2024



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Abraham Benavides, Hearing Officer  
New Hope Higher Education Finance Corporation

EXHIBIT A

AFFIDAVIT OF PUBLICATION



The Beaufort Gazette  
The Belleville News-Democrat  
Bellingham Herald  
Centre Daily Times  
Sun Herald  
Idaho Statesman  
Bradenton Herald  
The Charlotte Observer  
The State  
Ledger-Enquirer

Durham | The Herald-Sun  
Fort Worth Star-Telegram  
The Fresno Bee  
The Island Packet  
The Kansas City Star  
Lexington Herald-Leader  
The Telegraph - Macon  
Merced Sun-Star  
Miami Herald  
El Nuevo Herald

The Modesto Bee  
The Sun News - Myrtle Beach  
Raleigh News & Observer  
Rock Hill | The Herald  
The Sacramento Bee  
San Luis Obispo Tribune  
Tacoma | The News Tribune  
Tri-City Herald  
The Wichita Eagle  
The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
138157	520612	Print Legal Ad-IPL01597260 - IPL0159726		\$1,108.40	1	59 L

**Attention:** Abraham Benavides

McCall, Parkhurst & Horton L.L.P.  
4041 Hockaday Drive  
Suite 900  
Dallas, TX 75229

largomaniz@mphlegal.com

### NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing to be held by the New Hope Higher Education Finance Corporation (the "Issuer") on Wednesday, February 21, 2024, at 8:30 a.m. CT via teleconference, with respect to the issuance by the Issuer of its bonds or notes in one or more series (the "Obligations") pursuant to a plan of financing in an aggregate principal amount not to exceed \$17,000,000, the proceeds of which will be loaned to Fort Worth Country Day School, Inc., a Texas nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Borrower"), or an affiliated entity.

The proceeds of the Obligations will be loaned to the Borrower for the purpose of financing and refinancing certain capital expenditures at educational facilities located on the Borrower's campus at 4200 Country Day Lane, Fort Worth, Texas 76109 (the "Project"). The Project will be owned and operated by the Borrower and/or affiliated entities.

All interested parties are invited to express their views with respect to the Project and the Obligations by attending the public hearing to be held via teleconference, by dialing the following toll-free number: 1-888-557-8511 (Passcode: 3788659#). Any interested persons unable to attend the hearing may submit their views in writing to the Issuer c/o Abraham "Abe" Benavides, McCall, Parkhurst & Horton L.L.P., 717 North Harwood, Suite 900, Dallas, Texas 75201, prior to the date scheduled for the hearing.

This notice is published and the above-described hearing is to be held in satisfaction of the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, regarding the public approval prerequisite to the exemption from federal income taxation of interest on the Obligations. The public hearing will be held via teleconference in accordance with Revenue Procedure 2022-20 issued by the Internal Revenue Service.

IPL0159726  
Feb 14 2024

### THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Stefani Beard, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

1 insertion(s) published on:

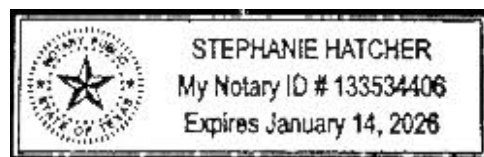
02/14/24

*Stefani Beard*

Sworn to and subscribed before me this 14th day of February in the year of 2024

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

CERTIFICATE OF MAYOR OF CITY OF FORT WORTH, TEXAS  
REGARDING ISSUANCE OF OBLIGATIONS OF  
NEW HOPE HIGHER EDUCATION FINANCE CORPORATION  
(FORT WORTH COUNTRY DAY SCHOOL)

WHEREAS, a public hearing was held on February 21, 2024 by the New Hope Higher Education Finance Corporation (the "Issuer") with respect to the proposed issuance of one or more series of obligations to be issued by the Issuer, in an aggregate principal amount not to exceed \$17,000,000 (the "Obligations"), to finance and refinance certain capital expenditures at the educational facilities of Fort Worth Country Day School, Inc., located at 4200 Country Day Lane, Fort Worth, Texas 76109 (the "Project"), and no member of the public appeared at such public hearing; and

WHEREAS, it is necessary for the undersigned, as the highest elected official of the City of Fort Worth, Texas, to approve the Obligations and the Project to satisfy the requirements of section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, on March 19, 2024, the City Council of the City of Fort Worth, Texas adopted a resolution approving the Obligations to satisfy the requirements of section 147(f) of the Internal Revenue Code of 1986, as amended ( the "Code") and authorizing the highest elected official of the City of Fort Worth, Texas, to execute this Certificate evidencing such approval; and

NOW, THEREFORE, the undersigned Mayor of the City of Fort Worth, Texas, hereby approves the issuance of the Obligations in an aggregate principal amount not to exceed \$17,000,000 to finance and refinance the Project, and such approval shall be solely for the purposes of section 147(f) of the Internal Revenue Code of 1986, as amended, and the City of Fort Worth, Texas shall have no liabilities for the payment of the Obligations nor shall any of its assets be pledged to the payment of the Obligations.

In Witness Whereof, I have set my hand this \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Mayor, City of Fort Worth, Texas