



AGENDA

BARTONVILLE TOWN COUNCIL SPECIAL MEETING

SEPTEMBER 21, 2020

6:30 PM

In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by Office of the Governor issued after that date, the Bartonville Town Council will conduct a special meeting at Town Hall, 1941 E. Jeter Road, Bartonville, Texas 76226 AND by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The link to the video conference is www.townofbartonville.com/videomeeting *Please note there is an approximate 30 second delay.*

The public will be permitted to offer public comment via teleconference/video as provided by the agenda and as permitted by the presiding officer during the meeting by joining the meeting at www.zoom.com or by calling the toll-free dial-in number at 877 853 5257. The meeting ID number is **842 9424 7572** and the passcode is **066857**. To request to speak at the appropriate time, raise your hand via video or enter *9 on your phone. The identity of each speaker must be clearly stated prior to speaking.

A. CALL SPECIAL MEETING TO ORDER

B. CLOSED SESSION

The Town Council to convene into a closed meeting pursuant to Texas Government Code Chapter 551, section 551.071 to discuss matters relating to consultation with Town Attorney as follows:

- a. Consultation with Town Attorney regarding legal issues related to tax-exempt financing for the Education Leads to Success Foundation project and proposed Mayor certificate under Section 147(f) of the Internal Revenue Code of 1986, as amended, and the temporary guidance provided in IRS Revenue Procedure 2020-21.

C. RECONVENE OPEN MEETING

The Town Council to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

D. PLEDGE OF ALLEGIANCE

E. PUBLIC PARTICIPATION

[CLICK HERE](#) to submit general comments regarding issues or agenda items not indicated as a Public Hearing.

F. REGULAR ITEMS

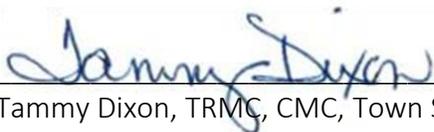
1. Public hearing to consider tax-exempt financing for the Education Leads to Success Foundation project at 2700 FM 407, Bartonville, Texas, and authorization for the Mayor to execute certificate on behalf of the Town under Section 147(f) of the Internal Revenue Code of 1986, as amended, and the temporary guidance provided in IRS Revenue Procedure 2020-21.

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

Presentation
Hearing Opened to the Public for Comment
Those in Favor
Those Opposed
Hearing Closed to Public Comment
Council Deliberation and Action

G. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times and said Notice was posted on the following date and time: Friday, September 18, 2020, at 3:00 p.m. at least 72 hours prior to the time of said meeting.



Tammy Dixon, TRMC, CMC, Town Secretary

The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.



Schulman,
Lopez, Hoffer
& Adelstein, LLP

701 NORTH POST OAK ROAD, SUITE 300
HOUSTON, TEXAS 77024
TELEPHONE: (346) 802-2133 FACSIMILE: (346) 223-1233
WWW.SLH-LAW.COM & WWW.K12LAW.COM

JANET VAUGHAN ROBERTSON
jrobertson@slh-law.com

ATTORNEYS AND COUNSELORS FOR TEXAS SCHOOLS AND LOCAL GOVERNMENT

September 14, 2020

Via Federal Express and Email: sordeman@townofbartonville.com

The Honorable Mayor Bill Scherer
Town Hall
1941 E. Jeter Road
Bartonville, Texas 76226

Re: Tax-Exempt Financing for Education Leads to Success Foundation

Dear Mayor Scherer:

Education Leads to Success Foundation, Inc. (the “Company”) is in the process of financing costs of acquisition, construction, renovation and and/or equipment of certain cultural and educational facilities to be located on property it is purchasing located at 2700 FM 407, Bartonville, Texas 76226 (the “Property”). The Company, a qualified 501(c)(3) organization, is financing this facility at tax-exempt interest rates through a bond issue facilitated by Greater Texas Cultural Education Facilities Finance Corporation. Schulman, Lopez, Hoffer & Adelstein, LLP serves as bond counsel for the transaction.

As a qualified 501(c)(3) organization, the Company is eligible to participate in tax-exempt financings. However, unlike a direct governmental issuer (like a city, county or traditional public school district), a 501(c)(3) organization issues bonds through a state-approved conduit issuer and must conduct a public hearing on the financing. Because the Campus is located in the Town of Bartonville (the “Town”), Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that the “highest elected official” of the Town approve the transaction after a public hearing is held. A public hearing was held telephonically on September 3, 2020 in accordance with the temporary IRS guidance currently in effect through December 31, 2020. A copy of the certificate of the public hearing officer is attached to the Mayor’s certificate and there were no attendees.

Schulman, Lopez, Hoffer & Adelstein, LLP—Trusted advisers and advocates for Texas independent school districts, charter schools and local governments offering accessible, responsive legal representation to our clients.

Main Office: 845 Proton Rd, San Antonio, Texas 78258 ☐ Telephone: (210) 538-5385 ☐ Facsimile: (210) 538-5384

The Bonds will not be a debt or liability of the Town. The approval being requested is only for the purposes of complying with the federal tax law described above regarding tax-exempt financings.

We therefore respectfully request your approval of the transaction. Enclosed please find for execution two (2) originals of the proposed Certificate of the Mayor of the Town of Bartonville, Texas evidencing the required approval. We would appreciate your executing both originals at your earliest convenience, retaining one original for your files and returning the second original to us by Federal Express to the address indicated in the accompanying email.

We greatly appreciate your assistance in this matter. Please call (713.301.5233) or email (jrobertson@slh-law.com) with any questions or comments.

Best regards,

SCHULMAN, LOPEZ, HOFFER & ADELSTEIN, LLP



Janet Vaughan Robertson

JVR/alr

cc: Ms. Sylvia Ordeman, Town Administrator

Enclosures

CERTIFICATE OF THE MAYOR OF THE TOWN OF BARTONVILLE, TEXAS
(Education Leads to Success Series 2020A and Series 2020B Bonds)

The undersigned Mayor of the Town of Bartonville, Texas, (the “Town”) hereby certifies with respect to the issuance by the Greater Texas Cultural Education Facilities Finance Corporation (the “Issuer”) of its Revenue Bonds (Education Leads to Success Foundation) Series 2020A and its Taxable Revenue Bonds (Education Leads to Success Foundation) Series 2020B (collectively, the “Bonds”), that:

1. This certificate is based upon the Certificate of Public Hearing Officer attached hereto as **Exhibit A** relating to the public hearing, conducted on September 3, 2020 as set forth in the Notice of Public Hearing attached to such **Exhibit A**, by the duly appointed hearing officer of the Issuer in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, and pursuant to the temporary guidance provided in IRS Revenue Procedure 2020-21; and

2. Solely for purposes of the approval requirements of the aforesaid Section 147(f) of the Code, and for no other purposes, in my capacity as Mayor, I hereby approve the Bonds and the facilities to be financed with the proceeds of the Bonds, and hereby ratify and approve all actions taken by or on behalf of the Town or the Issuer with respect to the appointment of the Hearing Officer, the publication of the Notice of the Public Hearing and the conducting of such Public Hearing.

THIS APPROVAL SHALL NOT BE CONSTRUED AS (1) A REPRESENTATION OR WARRANTY BY THE TOWN, THE MAYOR OF THE TOWN, THE STATE OF TEXAS OR ANY OTHER AGENCY, INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS THAT THE BONDS WILL BE PAID OR THAT ANY OBLIGATIONS ASSUMED BY ANY OF THE PARTIES UNDER THE INSTRUMENTS DELIVERED IN CONNECTION WITH THE BONDS WILL IN FACT BE PERFORMED; (2) A PLEDGE OF FAITH AND CREDIT OF THE TOWN OR THE STATE OF TEXAS OR ANY AGENCY, INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS OR THE TOWN; OR (3) A REPRESENTATION OR WARRANTY BY THE TOWN CONCERNING THE VALIDITY OF THE CORPORATE EXISTENCE OF THE ISSUER OR THE VALIDITY OF THE BONDS.

Date: September __, 2020

Mayor, Town of Bartonville, Texas

EXHIBIT A

CERTIFICATE OF PUBLIC HEARING OFFICER

Attached

CERTIFICATE OF PUBLIC HEARING OFFICER
REGARDING PUBLIC HEARING (INTERNAL REVENUE CODE § 147(f))

GREATER TEXAS CULTURAL EDUCATION FACILITIES
FINANCE CORPORATION REVENUE BONDS
(EDUCATION LEADS TO SUCCESS FOUNDATION)

I, the undersigned, do hereby make and execute this certificate for the benefit of all persons interested in the issuance of the above-referenced bonds (collectively, the “Bonds”).

I hereby certify as follows:

1. I am the duly appointed hearing officer for the public hearing which was held in connection with the issuance of the Bonds at the time and place indicated in the Notice of Public Hearing included in **Exhibit A** attached hereto.
2. Notice of the public hearing was published no less than 7 days before the date of the public hearing at <http://www.texasconduitissuer.com>, as evidenced by the Affidavit of Publication of the Notice of Public Hearing attached as **Exhibit A**.
3. All persons appearing at the public hearing were given an opportunity to comment on the proposed issuance of the Bonds and the project to be financed with proceeds of the Bonds. No such persons appeared or made comments except as is set forth on **Exhibit B** attached hereto.
4. After giving all interested persons an opportunity to appear and comment, the public hearing was declared closed.

WITNESS MY HAND this 3rd day of September, 2020.



Janet Vaughan Robertson
Hearing Officer

Exhibit A – Affidavit of Publication of Notice of Public Hearing

Exhibit B – Names and Comments of Persons Attending Public Hearing

EXHIBIT A

AFFIDAVIT OF PUBLICATION OF NOTICE OF PUBLIC HEARING

Attached

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

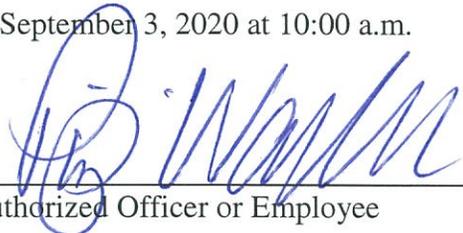
COUNTY OF TARRANT

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BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed below, who, having been duly sworn, upon oath said:

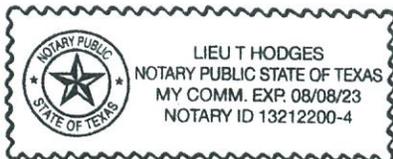
1. That this affiant is a duly authorized officer or employee of the Greater Texas Cultural Education Facilities Finance Corporation, a Texas non-stock, nonprofit corporation (the "Issuer").

2. That attached hereto is a true, full, and correct copy of the "NOTICE OF PUBLIC HEARING" which was posted on the Issuer's website, in the area of the website where notices of the Issuer's public meetings are posted, on August 26, 2020, and continuously thereafter until September 3, 2020 at 10:00 a.m.



Authorized Officer or Employee

SUBSCRIBED AND SWORN TO BEFORE ME on the 3rd day of September, 2020.





Notary Public

NOTICE OF PUBLIC HEARING

[Screenshot of Posting Attached Hereto]



Building Dreams. Together.

Arlington Higher Education Finance Corporation (AHEFC) and Creative Texas Children to continue Building Future Corporation (GTCFFC) are the current financial partners provided by the City of Arlington, Texas. The organization is a non-profit organization that is committed to providing educational and cultural facilities for the public. It also provides educational and cultural facilities for the public. It also provides educational and cultural facilities for the public.

Notice of Public Hearing

Notice is hereby given of a hearing to be held on September 9, 2020, at 10:00 AM CT regarding a proposal for issuance of Bonds to be issued to support the construction of a new facility. For more information, please click on the link below.

[Read More](#)

NOTICE OF PUBLIC HEARING

Notice is hereby given of a joint public hearing to be held on behalf of Greater Texas Cultural Education Facilities Finance Corporation (the "Issuer") by toll free conference call at (346) 248-7799, Meeting ID 869 4664 3881 on Wednesday, September 3, 2020 at 10:00 a.m. Central Time, with respect to one or more proposed series of bonds (the "Bonds") to be issued in an aggregate principal amount not to exceed \$30,000,000 by one or more cultural education facilities finance corporations or higher education finance corporations, including, initially, by the Greater Texas Cultural Education Facilities Finance Corporation. The proceeds of the Bonds will be loaned to Education Leads to Success Foundation, Inc., a Texas nonprofit corporation (the "Borrower") pursuant to a plan of finance for the purposes of: (i) providing funds to be loaned by the Issuer to the Borrower for the purpose of financing or refinancing the cost of the acquisition, improvement, construction, renovation and equipping of certain cultural and educational facilities located at 2709 FM 407, Bartonsville, Texas 76226, (ii) funding the Debt Service Reserve Fund, (iii) paying capitalized interest, and (iv) paying a portion of the Costs of Issuance of the Bonds collectively, the "Project". The exclusive owner and operator of the Project is and will be the Borrower.

The public hearing will be conducted by Janet Vaughn Robertson (the "Hearing Officer"). All interested persons are invited to dial into the public hearing at (346) 248-7799 and enter in Meeting ID 869 4664 3881 to express their views with respect to the above-described Project and the Bonds. Questions or requests for additional information may be directed to Ms. Robertson, Schulman, Lopez, Hoffer & Adelman, LLP ("Bond Counsel") at telephone no. (346) 802-2133. Any interested persons unable to attend the hearing may submit their views in writing to Bond Counsel prior to the date scheduled for the hearing at fax number (346) 225-1233.

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, and pursuant to the temporary guidance provided in IRS Revenue Procedure 2020-21, regarding the public approval prerequisite to the exemption from federal income taxation of the interest on the Bonds.

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EXHIBIT B

NAMES AND COMMENTS OF PERSONS ATTENDING PUBLIC HEARING

Names of Attendees

N/A

Comments

N/A

CERTIFICATE OF THE MAYOR OF THE TOWN OF BARTONVILLE, TEXAS
(Education Leads to Success Series 2020A and Series 2020B Bonds)

The undersigned Mayor of the Town of Bartonville, Texas, (the “Town”) hereby certifies with respect to the issuance by the Greater Texas Cultural Education Facilities Finance Corporation (the “Issuer”) of its Revenue Bonds (Education Leads to Success Foundation) Series 2020A and its Taxable Revenue Bonds (Education Leads to Success Foundation) Series 2020B (collectively, the “Bonds”), that:

1. This certificate is based upon the Certificate of Public Hearing Officer attached hereto as **Exhibit A** relating to the public hearing, conducted on September 3, 2020 as set forth in the Notice of Public Hearing attached to such **Exhibit A**, by the duly appointed hearing officer of the Issuer in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, and pursuant to the temporary guidance provided in IRS Revenue Procedure 2020-21; and

2. Solely for purposes of the approval requirements of the aforesaid Section 147(f) of the Code, and for no other purposes, in my capacity as Mayor, I hereby approve the Bonds and the facilities to be financed with the proceeds of the Bonds, and hereby ratify and approve all actions taken by or on behalf of the Town or the Issuer with respect to the appointment of the Hearing Officer, the publication of the Notice of the Public Hearing and the conducting of such Public Hearing.

THIS APPROVAL SHALL NOT BE CONSTRUED AS (1) A REPRESENTATION OR WARRANTY BY THE TOWN, THE MAYOR OF THE TOWN, THE STATE OF TEXAS OR ANY OTHER AGENCY, INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS THAT THE BONDS WILL BE PAID OR THAT ANY OBLIGATIONS ASSUMED BY ANY OF THE PARTIES UNDER THE INSTRUMENTS DELIVERED IN CONNECTION WITH THE BONDS WILL IN FACT BE PERFORMED; (2) A PLEDGE OF FAITH AND CREDIT OF THE TOWN OR THE STATE OF TEXAS OR ANY AGENCY, INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS OR THE TOWN; OR (3) A REPRESENTATION OR WARRANTY BY THE TOWN CONCERNING THE VALIDITY OF THE CORPORATE EXISTENCE OF THE ISSUER OR THE VALIDITY OF THE BONDS.

Date: September __, 2020

Mayor, Town of Bartonville, Texas

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FINANCE CORPORATION REVENUE BONDS
(EDUCATION LEADS TO SUCCESS FOUNDATION)

I, the undersigned, do hereby make and execute this certificate for the benefit of all persons interested in the issuance of the above-referenced bonds (collectively, the “Bonds”).

I hereby certify as follows:

1. I am the duly appointed hearing officer for the public hearing which was held in connection with the issuance of the Bonds at the time and place indicated in the Notice of Public Hearing included in **Exhibit A** attached hereto.
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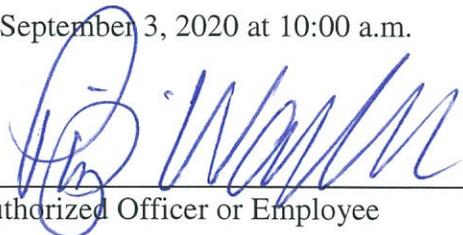
THE STATE OF TEXAS

COUNTY OF TARRANT

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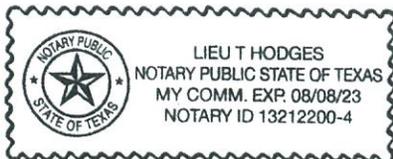
BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed below, who, having been duly sworn, upon oath said:

1. That this affiant is a duly authorized officer or employee of the Greater Texas Cultural Education Facilities Finance Corporation, a Texas non-stock, nonprofit corporation (the "Issuer").
2. That attached hereto is a true, full, and correct copy of the "NOTICE OF PUBLIC HEARING" which was posted on the Issuer's website, in the area of the website where notices of the Issuer's public meetings are posted, on August 26, 2020, and continuously thereafter until September 3, 2020 at 10:00 a.m.



Authorized Officer or Employee

SUBSCRIBED AND SWORN TO BEFORE ME on the 3rd day of September, 2020.





Notary Public

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Comments

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