

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

**A RESOLUTION APPROVING AMENDED AND RESTATED CERTIFICATE OF FORMATION OF KILLEEN PUBLIC FACILITY CORPORATION; APPROVING THE CHANGES TO THE PURPOSES OF THEREOF; APPROVING THE FORM OF SUCH AMENDMENT AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, on January 12, 2021, the City of Killeen, Texas (the “City”) authorized the creation of the Killeen Public Facility Corporation (the “KPFC”) as a public facility corporation pursuant to Chapter 303 of the Texas Local Government Code, as amended (the “Act”);

WHEREAS, the City desires to amend the Certificate of Formation (the “Original Certificate”) of KPFC to reflect the purpose of the KPFC is to provide broadly for the financing, refinancing, acquisition, and construction of “public facilities” as defined in Section 303.003 of the Act, including, but not limited to, single family and multifamily housing;

WHEREAS, pursuant to Section 303.024 of the Act, it is necessary for the City Council of the City (the “City Council”), as the governing body of the City, to authorize and approve amendments to the Original Certificate as reflected in the Amended and Restated Certificate and approve the form of such amendments;

WHEREAS, the City Council has determined that it is in the public interest and to the benefit of the citizens of the State of Texas and the residents of the City of Killeen to authorize and approve the amendments to the Original Certificate as reflected in the Amended and Restated Certificate of Formation attached hereto as Exhibit A (the “Amended and Restated Certificate”); and

WHEREAS, the City Council has considered the Amended and Restated Certificate and has found and determined that it is in proper form and content and should be approved; and

WHEREAS, City staff recommends that the City Council authorize and approve the Amended and Restated Certificate and the form of such amendments;

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

Section 1. The City Council hereby authorizes and approves the Amended and Restated Certificate (the “Resolution”).

Section 2. The City Council consents to and approves the form of the amendments to the Original Certificate and terms of such amendments as reflected in the Amended and Restated Certificate.

Section 3. The Amended and Restated Certificate shall take effect upon the issuance of the Certificate of Amendment by the Secretary of State of the State of Texas.

Section 4. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City.

Section 6. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 7. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 8. 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 Chapter 551, as amended, Texas Government Code.

Section 9. This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

PASSED AND APPROVED, this the 19th day of March, 2024.

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Mayor

ATTEST:

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\_\_\_\_\_, City Secretary