

DISCOVERY

1. The City intendeds to conduct discovery under Rule 190.4 (Level III) of the Texas Rules of Civil Procedure.

JURISDICTION & VENUE

2. This Court has jurisdiction over this proceeding and venue is proper in Travis County pursuant to TEX. GOV'T CODE § 1205.022.

PARTIES

3. The City is a municipal corporation of the State of Texas pursuant to the Texas Local Government Code. The City's principal office is located in Fulshear, Fort Bend County, Texas.

4. The parties who have or may claim an interest in the matters made the subject of this action ("Defendants") are: Ken Paxton, Attorney General of the State of Texas (the "Attorney General"); all taxpayers, property owners, and residents of the City; and all persons having or claiming any right, title, or interest in any property or money to be affected in any way by the issuance of the Certificates of Obligation. The Attorney General may assert an interest in the matters made subject to this petition, because the Attorney General will be requested by the City to review the record relating to the Certificates of Obligation and to provide an approving legal opinion as to the validity of the Certificates of Obligation. Pursuant to TEX. GOV'T CODE ANN. § 1202.003, before the Certificates of Obligation are delivered to the purchasers, the transcript of the proceedings related to the Certificates of Obligation must be examined by the Attorney General. If the record demonstrates that the Certificates of Obligation have been issued in accordance with the Constitution and the Act, the Certificates of Obligations must be approved by the Attorney General.

5. Defendants, other than the Attorney General, may be served pursuant to the provisions of TEX. GOV'T CODE ANN. §§ 1205.041-.044 by the Honorable Judge of this Court making and issuing an order in general terms in the form of a notice directed to said Defendants and by the Clerk of said Court causing a substantial copy of said order to be published in a newspaper of general circulation in Travis County, Texas and in Fort Bend County, Texas, once in each of two consecutive calendar weeks with the date of the first publication to be before the fourteenth day prior to the date set for hearing and trial, according to the requirements of said statutory provisions. A copy of such a proposed order and notice is attached hereto and incorporated herein for all purposes as **Exhibit A**. Notice of interested parties requires serving a copy of this petition together with all exhibits attached and a copy of said order before the twentieth day before the Monday fixed in said order for the hearing as the Court may, by its order, provide. The Attorney General may be served at 300 W. 15th Street, 9th Floor, Austin, Texas 78701.

BACKGROUND

6. The City may exercise and enjoy all municipal powers, functions, rights, privileges, immunities, and franchises of every name and nature, and is subject to all duties and obligations now pertaining to or incumbent upon said City as a municipal corporation.

7. The City Council of the City has determined that it is necessary and desirable to construct street, curb, and sidewalk improvements in various locations in the City, including utility relocation and/or drainage improvements related or incidental thereto (collectively, the "Projects"). The City intends to finance the Projects from the proceeds derived from the sale of the Certificates of Obligation pursuant to the Act.

8. On September 26, 2016, the City Council of the City adopted Resolution No. 2016-325, authorizing the publication of notice of its intention to issue the Certificates of Obligation. A true and correct copy of the resolution is attached hereto as **Exhibit B** and incorporated herein for all purposes. The City will be publishing the required notices of its intention to issue the Certificates of Obligation in a newspaper that is of general circulation in the area of the City, satisfying the statutory requirements for issuance of the Certificates of Obligation under the Act.

9. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes on property within the City as provided by law and from a lien on and pledge of surplus revenues, if any, received by the City from the ownership and operation of the City's waterworks and sewer system. In connection with the contemplated levy and collection of ad valorem taxes, the City seeks a declaration from this Court that certain tax rebate provisions contained in various agreements entered into by the City (i) are invalid restraints on the City's governmental function, thus violating the Reserved Powers Doctrine, and (ii) are prohibited based on the legal principle that revenues derived from the levy of "interest and sinking fund" ad valorem taxes may only be used to pay debt service on related tax-supported indebtedness.

10. Specifically, the City entered into two development agreements setting forth various terms between subdivision developers and the City (the "Development Agreements"):

- Development Agreement between the City of Fulshear, Texas, TMI, Inc. and The Stoddard Group, Ltd., dated November 16, 2006.
- Development Agreement between the City of Fulshear, Texas, Fulshear Land Partners, Ltd. and Fulshear Land Investment Partners, Ltd., dated March 26, 2007.

As a term of the Development Agreements, the City agreed to a rebate of certain tax proceeds to various municipal utility districts (“MUDs”) to be created to service the applicable subdivisions. Under the tax rebates, the City would rebate to each MUD any ad valorem tax revenue resulting from a tax in excess of \$0.10 per \$100 of assessed value on the property in each district. For example, if the taxable value in a MUD is \$25 million and the City’s tax rate is \$0.24 per \$100 of taxable assessed valuation, then the tax rebate to the MUD would equal \$35,000, i.e., [(\$0.24 - \$0.10)\$100 x \$25 million]. If the City’s tax rate is equal to or less than \$0.10, then no tax rebate is due.

11. The City later entered into six utility agreements with MUDs Nos. 1 and 169-173 (described below), which were formed to service the subdivisions, setting forth the same terms for the tax rebate. The applicable MUD agreements are as follows (collectively, the “MUD Agreements”):

- Utility Agreement between Fort Bend County MUD No. 1 and the City of Fulshear, Texas, dated August 19, 2008.
- Utility Agreement between Fort Bend County MUD No. 169 and the City of Fulshear, Texas, dated December 18, 2007.
- Utility Agreement between Fort Bend County MUD No. 170 and the City of Fulshear, Texas, dated September 17, 2009.
- Utility Agreement between Fort Bend County MUD No. 171 and the City of Fulshear, Texas, dated December 18, 2007.
- Utility Agreement between Fort Bend County MUD No. 172 and the City of Fulshear, Texas, dated May 14, 2010.
- Utility Agreement between Fort Bend County MUD No. 173 and the City of Fulshear, Texas, dated May 14, 2010.

The March 26, 2007 Development Agreement and MUD No. 1 Utility Agreement provide that the tax rebate shall last for the life of any bonds issued by the MUD or so long as the MUD is obligated to pay a portion of debt service on contract revenue bonds issued to finance regional

facilities. Each of the other Development Agreement and MUD Agreements provides that the tax rebate shall last for **thirty years** from the year after each MUD first issues bonds contemplated in each corresponding MUD Agreement. The tax rebates referenced and contained in each of the MUD Agreements and Development Agreements are hereinafter collectively referred to as the “Tax Rebates.”

12. The City's taxable assessed valuation for the current 2016 tax year is \$1,129,684,195, of which approximately 95% is located within the MUDs.

13. Payment of the Certificates of Obligation will require that the City levy and collect ad valorem taxes within the MUDs in excess of the above described \$0.10 Tax Rebate threshold.

14. The City now brings this cause of action under TEX. GOV'T CODE ANN. §§ 1205.001-.152 for a declaration that the City has the authority to issue the Certificates of Obligation in the principal amount not to exceed \$6,500,000 for the purpose of financing the construction of street, curb, and sidewalk improvements in various locations in the City, including utility relocation and/or drainage improvements related or incidental thereto.

15. This City further seeks a declaration that the Tax Rebates are an invalid restraint on the City's governmental functions. Under the Reserved Powers Doctrine, a governmental body of the state may not enter into a contract that binds it in a manner that restricts its free exercise of its governmental powers. *Clear Lake City Water Authority v. Clear Lake Utilities Co.*, 549 S.W.2d 385, 391 (Tex. 1977); *City of Brenham v. Brenham Water Co.*, 4 S.W. 143 (Tex. 1887). Any contract that abdicates such an entity's governmental authority, even for a set term, must be construed as either terminable at will or void ab initio. *Clear Lake Utilities Co.*, 549 S.W.2d at 391.

16. The City further seeks a declaration that the payment to the MUDs of any portion of the Tax Rebates derived from an "interest and sinking fund" ad valorem tax levied to secure and pay debt service on the Certificates of Obligation is prohibited by law based on the principle that ad valorem taxes levied to pay debt service on tax-supported obligations are held in trust for the benefit of the holders of such obligations and may only be used for such purpose. *Bexar County Hospital District v. Crosby*, 327 S.W.2d 445, 448 (Tex. 1959).

CAUSE OF ACTION – DECLARATORY JUDGMENT

17. The City requests a declaratory judgment pursuant to TEX. GOV'T CODE ANN. §§ 1205.001-.152, declaring that, upon satisfaction by the City with certain procedural requirements contained in the Act (including the publication of a notice of intention to issue the Certificates of Obligation), the City has the authority to (i) issue the Certificates of Obligation in the principal amount not to exceed \$6,500,000 for the purpose of financing the construction of street, curb, and sidewalk improvements in various locations in the City, including utility relocation and/or drainage improvements related or incidental thereto, and (ii) levy an ad valorem tax on all property within the City (including within the MUDs) to secure and pay debt service on the Certificates of Obligation.

18. The City further requests a declaration that imposing an ad valorem tax on taxable property located within the MUDs in excess of \$0.10 per \$100 of taxable assessed value in order to secure and pay for the Certificates of Obligation, and not rebating such excess to the MUDs, is legal and valid and that, by extension, the Tax Rebates are an invalid and unenforceable restraint on the City's governmental functions.

19. The City further requests a declaration that the City is prohibited by law from paying to the MUDs any portion of the Tax Rebates derived from an "interest and sinking fund" ad valorem tax levied to secure and pay debt service on the Certificates of Obligation.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the City prays as follows:

20. That the Judge of this Honorable Court make and issue an order in general terms in the form of a notice directed to all Defendants including the Attorney General in accordance with TEX. GOV'T CODE ANN. §§ 1205.041-.044 and in conformity with **Exhibit A** attached hereto and incorporated herein for all purposes, requiring, in general terms and without naming them, all such persons and the Attorney General to appear for hearing and trial at 10:00 a.m. on the first Monday after the expiration of twenty (20) days from the date of issue of such order and show cause why the prayers of this petition should not be granted and the legal rights of the City and the proceedings of the Certificates of Obligation be validated and confirmed as herein prayed;

21. That notice of this suit be published and served in accordance with law and that in the event the Attorney General does not waive service of citation, that the Clerk of this Court shall cause a copy of said order and this Petition, including all exhibits hereto, to be served upon the Attorney General in the manner and within the time as provided by TEX. GOV'T CODE ANN. § 1205.042;

22. That a day certain be set for the hearing of this cause in accordance with the provisions of TEX. GOV'T CODE ANN. § 1205.065;

23. That upon a final hearing, this Honorable Court enters judgment declaring and establishing the following:

a. That the City is authorized to bring this suit, that the Court has jurisdiction over the parties and subject matter thereof, and that all requirements of due process have been met in citing and giving notice to all possible challengers, opponents, and contestants to the legal authority of the City to issue the Certificates of Obligations for purposes of paying, in whole or in part, contractual obligations to be incurred related to the Projects, and that there is a justiciable controversy over which the Court has jurisdiction under Texas law to adjudicate in this *in rem* declaratory judgment suit;

b. That, upon satisfaction by the City with certain procedural requirements contained in the Act (including the publication of a notice of intention to issue the Certificates of Obligation), the City has the authority to issue the Certificates of Obligation in the principal amount not to exceed \$6,500,000 for the purpose of financing the construction of street, curb, and sidewalk improvements in various locations in the City, including utility relocation and/or drainage improvements related or incidental thereto;

c. That the Tax Rebates are invalid and unenforceable because they are an unlawful restraint on the City's governmental authority;

d. That the proceeds of ad valorem taxes levied to pay debt service on the Certificates of Obligation may only be used for such purpose, and, accordingly, the payment of any portion of the Tax Rebates derived from ad valorem taxes levied to pay debt service on the Certificates of Obligation is prohibited by law;

e. That any party which intervenes or opposes this cause, other than the Attorney General, post bond, with sufficient surety, payable to the City for the payment of all

damages and costs, including but not related to changes in the interest rate due on the Certificates of Obligation and costs due to delays in the financing of contractual obligations related to the Projects which may accrue by reason of the participation by such intervenors or opposing parties, in the event that the City prevails, and that if such intervenors or opposing parties do not post bond as required by this Court within ten (10) days of such order, that such intervenors or opposing parties be dismissed from this cause; and

f. Determining all other matters of fact and law pertaining to the legality and validity of the Certificates of Obligation and all proceedings referred to herein.

24. And all for such other and further relief, both general and special, at law and in equity, to which the City shall be justly entitled.

Respectfully submitted,

By: /s/ James G. Ruiz

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jruiz@winstead.com

M. Paul Martin
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pmartin@winstead.com

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Austin, Texas 78701
(512) 370-2800
(512) 370-2850 – Fax

ATTORNEYS FOR PLAINTIFF

EXHIBIT A

and/or drainage improvements related or incidental thereto (collectively, the “Projects”), without limitation, the following:

- (a) The Attorney General of the State of Texas (the “Attorney General”);
- (b) All taxpayers, property owners, and residents of the City of Fulshear, Texas;
- (c) All persons having or claiming any right, title, or interest in any property or funds to be affected in any way by the issuance of the Certificates of Obligation; and
- (d) All persons interested in or affected by all actions and expenditures of funds taken or made and/or proposed to be taken or made in connection with or affecting the Certificates of Obligation (collectively, the “Interested Persons”) ARE HEREBY ORDERED TO TAKE NOTICE that:

2. The City has filed its Original Petition in this cause (the “Petition”) seeking a declaratory judgment validating the proposed issuance by the City of the Certificates of Obligation, the nature of such petition, suit, and relief sought being described in more detail below.

3. ALL INTERESTED PERSONS AND THE ATTORNEY GENERAL OF TEXAS ARE HEREBY REQUIRED TO APPEAR FOR HEARING AND TRIAL before the Judge of the assigned District Court of Travis County, Texas, at the Travis County Courthouse in the City of Austin, Travis County, Texas, at 10:00 o’clock a.m. on October 24, 2016, the first Monday after the expiration of twenty (20) days from the date of issue of this Order, and to show cause why the prayers of the Petition should not be granted, and the proceedings of the City and the Certificates of Obligation be validated and confirmed as therein prayed, all pursuant to TEX. GOV’T CODE ANN., Chapter 1205.

4. Any property owner, taxpayer, resident, or person affected by or interested in these proceedings or the issuance of the Certificates of Obligation may become a named party to these proceedings by filing an answer responding to the Petition with the Court on or before 10:00 o'clock a.m. on October 24, 2016, or thereafter by intervention or leave of the Court. At or after such time, at the Travis County Courthouse, Austin, Texas, the Judge will proceed to hear and determine all questions of law and fact in these proceedings and may enter such orders as to the proceedings, and as to any necessary adjournments as will enable the Judge properly to try and determine the questions and to render a final judgment with the least possible delay. Any party to these proceedings shall be entitled to a jury trial on any issue of fact where required by the Texas Constitution.

5. In the event the judgment of the Court finds that the City has the authority to issue the Certificates of Obligation upon the terms set forth in the Petition and adjudicates the legality of all proceedings, including the legal authority of the City to issue the Certificates of Obligation and levy an ad valorem tax on all taxable property with the City in payment thereof pursuant to TEX. LOC. GOV'T CODE ANN. §§ 271.041-.064 ("Certificate of Obligations Act of 1971") and all other actions and expenditures of funds taken or made and/or proposed to be taken or made in connection with the Certificates of Obligation, and no appeal is taken within the time prescribed in TEX. GOV'T CODE ANN. § 1205.068, or if taken and the judgment of the Court is affirmed, the judgment in this suit shall, as to all matters adjudicated, or which could have been raised in the proceedings, be forever binding and conclusive against the City, the Attorney General of Texas, all parties to the cause, and all persons whomsoever, whether mentioned in and served with notice of the proceedings, or included in the above description, and such judgment shall constitute a permanent injunction against the institution by any person or entity of any action or

proceedings contesting the validity of the proceedings and the Certificates of Obligation, or the validity of provisions made for the payment of the same, or of interest thereon, or any matters adjudicated by the judgment, or which could have been raised in the proceedings.

6. GENERAL DESCRIPTION OF PETITION AND RELIEF SOUGHT BY THE CITY. A copy of Plaintiff’s Original Petition for Declaratory Judgment (the “Petition”) has been filed by the City on the 28th day of September, 2016, under Cause Number _____ in the District Court for the _____ Judicial District, Travis County, Texas, styled: CITY OF FULSHEAR, TEXAS v. KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; ALL TAXPAYERS, PROPERTY OWNERS, AND RESIDENTS OF THE CITY OF FULSHEAR, TEXAS; ALL OTHERS HAVING OR CLAIMING ANY RIGHT, TITLE, OR INTEREST IN ANY PROPERTY OR FUNDS TO BE AFFECTED IN ANY WAY BY THE PROCEEDINGS INVOLVING THE ISSUANCE OF THE CITY OF FULSHEAR, TEXAS COMBINATION TAX AND REVENUE CERTIFICATIONS OF OBLIGATIONS, SERIES 2016, INCLUDING ALL ACTIONS AND EXPENDITURES OF FUNDS TAKEN OR MADE IN CONNECTION THEREWITH.” Such Petition is available for inspection and review in the Travis County District Clerk’s office during regular business hours on Monday through Friday, excepting legal holidays.

7. The Petition alleges, among other things, that the City has the legal authority to authorize the issuance and sale of the proposed “CITY OF FULSHEAR, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016” in the principal amount not to exceed \$6,500,000 for the purpose of financing the Projects described above and to levy an ad valorem tax on all taxable property within the City in payment thereof. The Petition further alleges that certain tax rebates contained in development and

municipal utility district agreements entered into by the City are invalid and unenforceable restraints on the City's governmental authority and that the payment of any portion of such tax rebates derived from an interest and sinking fund ad valorem tax levied to secure and pay debt service on the Certificates of Obligation is prohibited by law.

8. In connection with these proceedings, the City seeks a declaration from the Court holding, among other things:

- (a) That the City has legal authority pursuant to the Certificate of Obligation Act of 1971 to issue the Certificates of Obligation in an amount not to exceed \$6,500,000 for the purpose of financing the Projects and to levy an ad valorem tax on all taxable property within the City in payment thereof; and
- (b) That the tax rebates contained in certain development and municipal utility district agreements entered into by the City are invalid and unenforceable restraints on the City's governmental authority and that the payment of any portion of such tax rebates derived from an interest and sinking fund ad valorem tax levied to secure and pay debt service on the Certificates of Obligation is prohibited by law.

9. Reference is made to the Petition for a complete description of the Certificates of Obligation, an identification of the applicable development and municipal utility district agreements, and a complete statement of the nature and purposes of the suit.

10. The Clerk of this Court shall give notice of this suit by causing a substantial copy of this Order to be published in the *Austin-American Statesman*, a newspaper of general circulation in Travis County, Texas, and the *West Fort Bend Buzz*, a newspaper of general circulation in Fort Bend County, Texas, the county where the City maintains its principal office,

which notices shall be so published once in each of two consecutive calendar weeks, with the date of the first publication to be before the fourteenth (14th) day prior to the date set for hearing and trial, as provided in TEX. GOV'T CODE ANN., Chapter 1205.

SIGNED AND ISSUED this _____ day of September, 2016.

PRESIDING JUDGE

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT

The District Court for the ____ Judicial District, Travis County, Texas has caused a substantial copy of the foregoing Order and Notice to be published in newspapers of general circulation in Travis County, Texas, and Fort Bend County, Texas, which is the county in which the City of Fulshear, Texas maintains its principal office, once in each of two consecutive calendar weeks with the date of the first publication in the *Austin American-Statesman* and *West Fort Bend Buzz* to be before the fourteenth (14th) day prior to the date set for hearing and trial.

By publication of this Order and Notice in the *Austin American-Statesman* and *West Fort Bend Buzz*, all taxpayers, property owners, and residents of the City of Fulshear, Texas, and all other persons having or claiming any right, title, or interest in any property or funds to be affected in any way by the proceedings involving the issuance of the proposed "City of Fulshear, Texas Combination Tax and Revenue Certificates of Obligation, Series 2016" including all actions and expenditures of funds taken or made and/or proposed to be taken or made in connection with or affecting the Certificates of Obligation shall be considered as and are thereby made parties defendant to the suit, and the Court shall have jurisdiction of them to the same extent as if they were individually named as defendants in the petition and personally served with process in the cause.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE at Austin, Travis County, Texas, this ____ day of _____, 2016.

Velva L. Price, Clerk of the District Court
of Travis County, Texas

By: _____

Name: _____

EXHIBIT B

RESOLUTION NO. 2016-325

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION TO FINANCE STREET AND SIDEWALK IMPROVEMENTS

THE STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF FULSHEAR

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WHEREAS, the City Council of the CITY OF FULSHEAR, TEXAS (the "City") hereby determines that it is necessary and desirable to construct street, curb, and sidewalk improvements in various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto (collectively, the "*Projects*"); and

WHEREAS, the City Council of the City intends to finance the Projects from proceeds derived from the sale of one or more series of "*Combination Tax and Revenue Certificates of Obligation*" issued by the City pursuant to Sections 271.041 - 271.064, Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$6.5 million for the purpose of paying, in whole or in part, the Projects, to pay all or a portion of the legal, fiscal and engineering fees in connection with the Projects, and to pay the costs of issuance related to the certificates of obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION 1. APPROVAL OF NOTICE OF INTENTION. Attached hereto is a form of the "*Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation*," the form and substance of which is hereby adopted and approved.

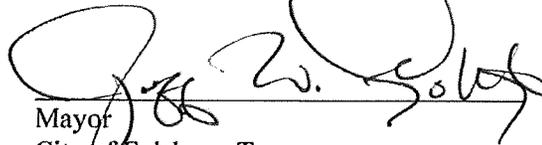
SECTION 2. AUTHORIZATION TO PUBLISH NOTICE OF INTENTION. The City Secretary shall cause said notice to be published in substantially the form attached hereto in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 31 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice. The City Manager and City Secretary are each authorized to complete information in and make changes to said Notice as necessary prior to its publication.

SECTION 3. INCORPORATION OF RECITALS. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage.

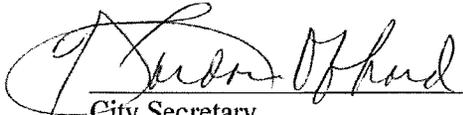
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**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR,
TEXAS AT A SPECIAL MEETING ON THE 26TH DAY OF SEPTEMBER, 2016.**



Mayor
City of Fulshear, Texas

Attest:



City Secretary
City of Fulshear, Texas

(City Seal)

**CITY OF FULSHEAR, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Fulshear, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Fulshear, Texas Combination Tax and Revenue Certificates of Obligation* in the maximum aggregate principal amount not to exceed \$6.5 million for the purpose of paying, in whole or in part, contractual obligations to construct street, curb, and sidewalk improvements in various locations in the City, together with utility relocation and drainage improvements related or incidental thereto (collectively, the "Projects"), and paying all or a portion of the legal, fiscal, and engineering fees in connection with the Projects and costs of issuance related to such Certificates of Obligation. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues," if any, received by the City from the ownership and operation of the City's waterworks and sewer system. The City Council proposes to authorize the issuance of such Certificates of Obligation at 6 p.m. on Nov. 3, 2016, at a City Council Meeting, at the City Hall, City of Fulshear, Texas.

/s/ Jeff Roberts

Mayor, City of Fulshear, Texas

CERTIFICATE FOR RESOLUTION

**THE STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF FULSHEAR**

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I, the undersigned City Secretary of the CITY OF FULSHEAR, TEXAS (the "City"), hereby certify as follows:

1. The City Council of the City (the "City Council") convened in Special Meeting on September 26, 2016, at the City Hall (the "Meeting"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Jeff Roberts, Mayor
Erin Tristan, Mayor Pro Tem
~~Stephen Gill, Alderman~~ - absent
Tricia Krenek, Alderman
James Murdoch, Alderman
Ramona Ridge, Alderman

and all of the officers and members of the City Council were present, except the following absentees: Stephen Gill, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO
ISSUE CERTIFICATES OF OBLIGATION TO FINANCE STREET AND SIDEWALK
IMPROVEMENTS**

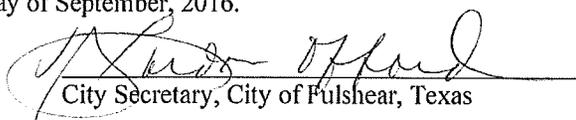
(the "Resolution") was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: 4 NOES: 0 ABSTENTIONS: 0

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 26th day of September, 2016.

(SEAL)


City Secretary, City of Fulshear, Texas

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED CITY OF FULSHEAR, TEXAS V. KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS; ET AL.
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>James G. Ruiz</u> <u>Winstead PC</u> Address: <u>401 Congress Ave., Ste. 2100</u> City/State/Zip: <u>Austin, Texas 78701</u> Signature: <u>/s/ James G. Ruiz</u> Email: <u>jrui@winstead.com</u> Telephone: <u>512-370-3818</u> Fax: <u>512-370-2850</u> State Bar No: <u>17385860</u>	Names of parties in case: Plaintiff(s)/Petitioner(s): <u>City of Fulshear, Texas</u> Defendant(s)/Respondent(s): <u>Ken Paxton, Attorney General of The State of Texas</u> <u>SEE attached additional page</u>	Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
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[Attach additional page as necessary to list all parties]

2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil			Family Law	
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment	Other Civil			
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input checked="" type="checkbox"/> Other: Chapter 1205 Tex. Gov. Code Declaratory Judgment Action Relating to Public Securities		
Tax	Probate & Mental Health			
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____	

3. Indicate procedure or remedy, if applicable (may select more than 1):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input checked="" type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
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4. Indicate damages sought (do not select if it is a family law case):

- Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorneys fees
- Less than \$100,000 and non-monetary relief
- Over \$100,000 but not more than \$200,000
- Over \$200,000 but not more than \$1,000,000
- Over \$1,000,000

DEFENDANTS:

KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS;

ALL TAXPAYERS, PROPERTY OWNERS, AND RESIDENTS OF THE CITY OF FULSHEAR, TEXAS;

ALL OTHERS HAVING OR CLAIMING ANY RIGHT, TITLE, OR INTEREST IN ANY PROPERTY OR FUNDS TO BE AFFECTED IN ANY WAY BY THE PROCEEDINGS INVOLVING THE ISSUANCE OF THE CITY OF FULSHEAR, TEXAS COMBINATION TAX AND REVENUE CERTIFICATIONS OF OBLIGATIONS, SERIES 2016, INCLUDING ALL ACTIONS AND EXPENDITURES OF FUNDS TAKEN OR MADE IN CONNECTION THEREWITH