

**RESOLUTION**  
**APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO**  
**ENTER INTO LEASE-WITH-OPTION-TO-PURCHASE AGREEMENT OF**  
**FACILITIES FOR HARRIS COUNTY DEPARTMENT OF EDUCATION**

WHEREAS, the Board of Trustees of the Harris County Department of Education has determined that Harris County Department of Education should enter into a contract for the lease with option to purchase of a facility for Harris County Department of Education, as hereinafter provided; and

WHEREAS, prior to the approval and execution of the contract, the Harris County Department of Education is required to publish notice of its intention to enter into the contract not less than 60 days before the date set to approve execution of the contract in a newspaper with general circulation in Harris County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF HARRIS COUNTY DEPARTMENT OF EDUCATION:


Section 1: FORM OF NOTICE. Attached hereto as Exhibit A and incorporated herein by reference is a Notice of Intent to Contract for the Lease-with-option-to-Purchase of facilities for Harris County Department of Education. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached and incorporated herein by reference as a part of this resolution for all purposes.

Section 2: PUBLICATION OF NOTICE. The Notice of Intent to Contract for the Lease-with-option-to-Purchase shall be published, in substantially the form attached hereto, in a newspaper with general circulation in Harris County, Texas, not less than 60 days before the date set to approve execution of the contract.

Section 3: 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 V.T.C.A. Government Code, Chapter 551, as amended.

PASSED, APPROVED, AND EFFECTIVE this 9<sup>th</sup> day of November, 2009.

HARRIS COUNTY DEPARTMENT OF EDUCATION  
BOARD OF TRUSTEES

  
\_\_\_\_\_  
President, Board of Trustees


ATTEST:  
  
\_\_\_\_\_  
Secretary, Board of Trustees

EXHIBIT A

**NOTICE OF INTENTION TO ENTER INTO A CONTRACT  
FOR THE LEASE-WITH-OPTION-TO-PURCHASE OF A FACILITY FOR  
HARRIS COUNTY DEPARTMENT OF EDUCATION**

In accordance with the Texas Public Property Finance Act, Section 271.001 et seq. and amendments thereto, Texas Local Government Code (the "Act"), notice is hereby given that the Board of Trustees of the Harris County Department of Education ("HCDE" or the "Department") intends to enter into a lease-with-option-to-purchase contract (the "Contract") for the use, purchase, or other acquisition of improvements to real property for public school purposes, to wit: the office buildings, parking, outdoor space, property and related improvements real and personal, located at 11910 & 11920 Walters Road, Houston, Texas, 77067 (the "Project").

To finance the Project, HCDE tentatively proposes to enter into a lease-with-option-to-purchase contract with Municipal Capital Markets Groups, Inc., located at 4851 LBJ Freeway, Suite 200, Dallas, Texas 75244, in an aggregate amount not to exceed \$6,697,435.00, the presently estimated amount of costs to be incurred for acquisition, improvements, and lease payments in connection with the Project but excluding taxes, maintenance, and insurance costs. In accordance with the Act, the term of the Contract shall not exceed 25 years. HCDE presently proposes to provide for payment of the Contract from lawfully available funds, which under current law are limited to funds appropriated by the Legislature of the State of Texas for Targeted Case Management funds through the Texas Department of Health and received by HCDE that may be used for such purpose; any HCDE general fund revenues, subject to annual appropriation for the capital lease by HCDE; and funds received by HCDE from the Department of Assistive and Rehabilitative Services Division for Early Childhood Intervention Services. The Project may be subject to a mortgage and foreclosure if HCDE fails to make payments under the Contract. HCDE will not be making an additional contribution to the Project.

The HCDE Board of Trustees intends to consider matters related to approval of the lease-with-option-to-purchase contract on or about January 15, 2010, but not earlier than the 60<sup>th</sup> day after the date of publication of this notice. Public notice of the meeting at which the Board of Trustees will consider the matters related to the approval of the Contract will be given in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. In accordance with the Act, if within 60 days of the date of publication of this notice, a written petition signed by at least five percent of the registered voters of Harris County is filed with the Board of Trustees requesting that the Board order a referendum on the question of whether the lease-with-option-to-purchase contract should be approved, the Board may not approve the lease-with-option-to-purchase contract unless the question is approved by a majority of the votes received in a referendum ordered and held on the question.