

TRAVIS COUNTY, TEXAS
AGENDA REQUEST

Work Session _____ Voting Session December 3, 2013 Executive Session _____
Date Date Date

I. A. Request made by: Samuel T. Biscoe
County Judge

Requested Text: Public Hearing on behalf of Italy Higher Education Facilities Corporation regarding issuance of Italy Higher Education Facilities Corporation Special Project Revenue Note in a maximum principal amount not to exceed \$2,750,000 for the benefit of The Khabele School, a nonprofit school with 4 locations in Travis County

Approved by: _____
Signature of Samuel T. Biscoe, President

- II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies of agenda request and backup).
- B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable.

- Planning and Budget Office (473-9106)
- ___ Additional funding for any department or for any purpose
- ___ Transfer of existing funds within or between any line item
- ___ Grant
- Human Resources Department (473-9165)
- ___ A change in your department's personnel (reclassifications, etc.)
- Purchasing Office (473-9700)
- ___ Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
- ___ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 5:00 PM on Tuesdays for the next week's meeting. Late or incomplete requests may be deferred to the next meeting.



NAMAN HOWELL
SMITH & LEE^{PLLC}
ATTORNEYS AT LAW

MEMORANDUM
from
Cliff Blount

(512) 807-254
Fax (512) 474-1901
E-mail: blountz@namanhowell.com

TO: Travis County Commissioners Court
DATE: November 26, 2013
RE: Khabele School Public Hearing
AGENDA DATE: December 3, 2013

A public hearing for a financing by the Italy Higher Education Facilities Corporation for the Khabele School (the “School”) is on the agenda for December 3. This hearing is a part of the request for “TEFRA” approval that you regularly receive. The School is an accredited private school and also is a 501(c)(3) organization under the Internal Revenue Code. The School has four campuses located in Travis County and the purpose of this financing (up to \$2,750,000) will be to refinance some earlier debt incurred by the School for these four campuses.

Issuer

Under federal law the School cannot issue tax exempt debt directly but has to go through a Texas “education facilities corporation” or similar organization. Italy has such a corporation that has been in existence for many years. The lender on this financing (Regions Equipment Finance) has requested that the loan be a “bank qualified” tax exempt loan. To be “bank qualified”, the loan has to be done in a jurisdiction which has issued less than \$10,000,000 in tax exempt debt in 2013.

Procedures

Section 147(f) of the Internal Revenue Code sets out certain public approval procedures for this type of loan. Under that section of the law, it is necessary to obtain approval both in the city where the debt is being issued (Italy) and in the city or county (Travis County in this instance) where the facilities are located. That law requires a publication of a notice of public hearing in the local paper (which occurred in the *Statesman* on November 14 and a copy of which is attached hereto). After that hearing, the financing has to be approved by either the full commissioner’s court or the county judge.

Non-liability

There is absolutely no liability to the county on this transaction whatsoever. The county is not a party to any of the loan documents but only has to give its approval because of the federal law mentioned above.

The School

The financing will refinance educational facilities (and pay certain costs of issuance) located at 9511 Brodie Lane, 9607 Brodie Lane, 1934 Berkeley Avenue, and 6305 Manchaca Road, which are owned, operated and used solely by the School. According to the School's website, it was founded in 2001 and is an independent, coeducational day school. They are currently a candidate to become an International Baccalaureate World School. The School's website is <http://www.khabele.org/>

CERTIFICATE OF COUNTY JUDGE OF TRAVIS COUNTY, TEXAS
APPROVING A FINANCING BY THE ITALY HIGHER EDUCATION
FACILITIES CORPORATION FOR KHABELE SCHOOL

I hereby certify that I am the County Judge of Travis County, Texas and I am elected at large.

In accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, I hereby approve a financing in a maximum principal amount of \$2,750,000 by the Italy Higher Education Facilities Corporation for the benefit of Khabele School, a Texas nonprofit corporation (the "School").

Such approval is given after a public hearing was held on December 3, 2013 by the Commissioners Court of Travis County, Texas on behalf of the Italy Higher Education Facilities Corporation. Notice of such hearing was published in the *Austin America-Statesman* on November 14, 2013. A copy of such notice, and the minutes of the hearing, are attached.

The funds are to finance, or refinance temporary indebtedness previously incurred to finance, educational school facilities and located on four (4) separate campuses which currently have street addresses of 9511 Brodie Lane, Austin, Texas 78748, 9607 Brodie Lane, Austin, Texas, 78748, 1934 Berkeley Avenue, Austin, Texas, 78745, 6305 Manchaca Road, Austin, Texas, 78745, to be owned and used by the School in furtherance of its educational mission as a nonprofit educational school (the "Project").

This approval is given solely to satisfy the requirements of Section 147(f) of the Internal Revenue Code as approval by the "host jurisdiction" where the Project is located.

THIS APPROVAL IS GIVEN WITH THE EXPRESS UNDERSTANDING AND LIMITATION THAT TRAVIS COUNTY, TEXAS SHALL HAVE NO LIABILITY WHATSOEVER IN REGARD TO THIS FINANCING OR THE PROJECT, AND THAT THIS FINANCING IS NOT BEING UNDERTAKEN BY EITHER TRAVIS COUNTY OR ANY SUBORDINATE ENTITY CREATED BY TRAVIS COUNTY.

Signed as of this _____ day of December, 2013.

Samuel T. Biscoe, Travis County Judge

Legal Notices

**CITATION BY PUBLICATION
THE STATE OF TEXAS**

CAUSE NO: D-1-GN-13-000328
REBA COLLEEN MERRITT, RONALD AIR MERRITT AND THE UNKNOWN HEIRS AT LAW OF RONALD MERRITT Defendant(s), in the hereinafter styled numbered cause:
YOU (AND EACH OF YOU) HAVE BEEN SUED. You may employ an attorney, you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 42 days from the date of issuance hereof, that is to say at or before 10 o'clock A.M. of Monday the SEPTEMBER 23, 2013, and answer the PLAINTIFF'S ORIGINAL PETITION of Plaintiff(s) filed in the 98TH JUDICIAL DISTRICT COURT Travis County, Texas, on JANUARY 28, 2013, a default judgment may be taken against you. Said suit being number D-13-000328, in which NC BANK NATIONAL ASSOCIATION Plaintiff(s),

vs. REBA COLLEEN MERRITT, RONALD AIR MERRITT AND THE UNKNOWN HEIRS AT LAW OF RONALD MERRITT Defendant(s), and the nature of which suit is as follows:
LOT 19, BLOCK A TANGLEWOOD FOREST, SECTION FOUR (4), PHASE "B", A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 83, PAGE 172B, OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS
ALL OF WHICH MORE FULLY APPEARS ON PLAINTIFF'S ORIGINAL PETITION FILED IN THIS OFFICE, AND WHICH REFERENCE IS HERE MADE FOR ALL INTENTS AND PURPOSES.
Sued and given under my hand and seal of said court at Austin, Texas, August 15, 2013.
REQUESTED BY:
JELLEY D. HOPKINS
BARRETT DAFFIN TURNER & ENGEL LLP
10 W 5TH ST STE 602
AUSTIN, TX 78701
BUSINESS PHONE: (972)386-5040
FAX: (512)477-1112
AMALIA RODRIGUEZ-MENDOZA
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe,
P.O. Box 679003 (78767)
Austin, Texas 78701
/s/By: PATSY YBARRA, Deputy

**CITATION BY PUBLICATION
THE STATE OF TEXAS**

CAUSE NO: D-1-GN-12-002961
UNKNOWN HEIRS OF MARIO J. MARTIN AND THE UNKNOWN HEIRS OF MERCEDES M. MARTIN Defendant(s), in the hereinafter styled numbered cause:
YOU (AND EACH OF YOU) HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 42 days from the date of issuance hereof, that is to say at or before 10 o'clock A.M. of Monday the DECEMBER 2, 2013, an answer to the ORIGINAL PETITION of Plaintiff(s) filed in the 201ST JUDICIAL DISTRICT COURT of Travis County, Texas, on SEPTEMBER 21, 2012, a default judgment may be taken against you.
Said suit being number D-13-GN-12-002961, in which FIRST BANK IN RE: 8605 BRIDGEPORT DRIVE AUSTIN, TEXAS 78758 Plaintiff(s),

vs. MARIO JOSEPH MARTIN, JR., MAYRA MARTIN IVEY, AND THE UNKNOWN HEIRS OF MARIO J. MARTIN, AND THE UNKNOWN HEIRS OF MERCEDES M. MARTIN Defendant(s), and the nature of which said suit is as follows:
PLAINTIFF FIRST BANK, ITS SUCCESSORS AND ASSIGNS BY AND THROUGH ITS ATTORNEY OF RECORD, JASON A. BOEUF OF BARRETT, DAFFIN, FRAPPEY, TURNER & ENGEL, LLP 1500 SURVEYOR BLVD., ADDISON, TEXAS 75001, 72-386-5040, BROUGHT SUIT AGAINST DEFENDANTS "MARIO JOSEPH MARTIN, JR., MAYRA MARTIN IVEY AND THE UNKNOWN HEIRS OF MARIO J. MARTIN AND THE UNKNOWN HEIRS OF MERCEDES M. MARTIN, DECEASED TO ENFORCE THE LOAN AGREEMENT ON THE PROPERTY LOCATED AT 8605 BRIDGEPORT DRIVE, AUSTIN, TX 78758 AND LEGALLY DESCRIBED AS:
LOT THREE (3), BLOCK D, JAMESTOWN SECTION ONE, A SUBDIVISION IN THE

Legal Notices

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Commissioners Court of Travis County, Texas (the "County") will conduct a public hearing on behalf of Italy Higher Education Facilities Corporation, a Texas public corporation (the "Corporation") at the Travis County Commissioner's Courtroom, 700 Lavaca, First Floor, Austin, Texas 78701 on December 3, 2013, at 9:00 a.m. concerning the issuance of an aggregate principal amount of not to exceed \$2,750,000 in tax-exempt revenue bonds (the "Bonds"). The Bonds will be used by the Corporation to make a loan to The Khabela School, a Texas nonprofit corporation (the "Borrower"), to finance and/or refinance indebtedness previously incurred to finance, existing educational school facilities located on four (4) separate campuses which currently have street addresses of 9511 Brodie Lane, Austin, Texas 78748, 9507 Brodie Lane, Austin, Texas, 78748, 1934 Berkeley Avenue, Austin, Texas, 78745, 6305 Manchaca Road, Austin, Texas, 78745, owned, operated and used solely by Borrower in furtherance of its educational mission as a nonprofit educational school (the "Project"), and to pay costs of issuance. THE BONDS SHALL NOT REPRESENT OR CONSTITUTE A LIABILITY OR PLEDGE OF THE FAITH AND CREDIT OF TRAVIS COUNTY, TEXAS OR OF ANY OTHER MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS WHATSOEVER.

Interested persons are invited to attend this public hearing and will be given the opportunity to express their views concerning the approval of the issuance of the Bonds for the purposes of financing the Project.
Anyone desiring to make written comments may submit them to the Corporation by 5:00 p.m. on November 29, 2013, to the attention of Cliff Blount of Naman Howell Smith & Lee, PLLC, 8310-1 Capital of Texas Highway North, Suite 490, Austin, Texas 78731. This notice is given pursuant of Section 147(f) of the Internal Revenue Code of 1986, as amended.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Marie R. Bacon, Deceased, were issued on August 27, 2013, in Cause No. C-1-PB-12-001737 pending in the Probate Court of Travis County, Texas, to: JOHN C. CHANOSKI.

The residence of the Executor is in Travis County, Texas; the post office address is:

c/o Nathan L. Kennedy
Nathan L. Kennedy,
Attorney at Law
1607 Nueces Street
Austin, Texas 78701
All persons having claims against this Estate which is currently being administered are required to present them within the time and in the manner prescribed by law.
DATED the 11TH day of November, 2013.

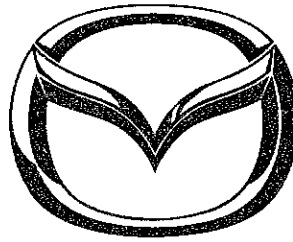
Nathan L. Kennedy
ATTORNEY AT LAW
1607 NUECES STREET
AUSTIN, TEXAS 78701
PH: (512) 469-0092
FAX: (512) 469-9102
NKENNEDY@NATHANKENNEDYLAW.COM
/s/By NATHAN L. KENNEDY
STATE BAR NO. 24049190
ATTORNEY FOR EXECUTOR

**Powder Room LLC,
James Dunn, Manager,
is making application
with the Texas Alcoholic
Beverage Commission
for a Mixed Beverage
Permit, Mixed Beverage
Late Hours Permit, and
Food and Beverage
Certificate to be located
at 620 West 6th Street,
First Floor, Unit 1,
Austin, Travis County,**

Roger Beasley MAZDA

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