

RESOLUTION NO. _____

DECLARATION OF OFFICIAL INTENT OF THE CITY OF FORT LAUDERDALE, FLORIDA TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES BY INCURRING DEBT; MAXIMUM PRINCIPAL AMOUNT OF DEBT; NATURE OF PROJECT COSTS; AUTHORIZING INCIDENTAL ACTION; AND REPEAL OF PRIOR INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Fort Lauderdale, Florida (the “City”) currently owns and operates water and sewer facilities for public, domestic and commercial purposes in the City (the “Water and Sewer System”); and

WHEREAS, the City expects to incur significant costs for the acquisition, construction and equipping of capital improvements to the Water and Sewer System (the “Project”); and

WHEREAS, the City intends to finance the costs of the Project with the proceeds of obligations the interest on which is excludable from gross income for federal income tax purposes (the “Tax-Exempt Bonds”); and

WHEREAS, no costs of the Project were paid more than 60 days prior to the date of this Resolution, other than preliminary expenditures (not exceeding 20% of the aggregate issue price of the Tax-Exempt Bonds issued to finance the Project), provided that such preliminary expenditures shall not include costs of land acquisition or site preparation or other costs of construction or acquisition of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA THAT:

SECTION 1. DECLARATION OF OFFICIAL INTENT TO FINANCE CAPITAL EXPENDITURES; MAXIMUM AUTHORIZED DEBT. The City hereby declares its intention and reasonable expectation to use proceeds of Tax-Exempt Bonds (the “Reimbursement Bonds”) to reimburse the City for expenditures for costs of the Project, such Reimbursement Bonds to be issued in compliance with Resolution No. 03-29 adopted by the City Commission of the City on February 18, 2003 (the “Bond Resolution”), subject to such terms and conditions as the City shall approve by subsequent resolution, and to be payable solely from the Net Revenues (as defined in the Bond Resolution) of the Water and Sewer System. The City anticipates that the maximum principal amount of Tax-Exempt Bonds that will be issued to finance the Project, including the Reimbursement Bonds, will not exceed \$200,000,000.

SECTION 2. NATURE OF PROJECT COSTS; REIMBURSEMENT PERIOD. The City will certify that costs of the Project expected to be reimbursed consist entirely of capital expenditures or costs of issuance of Tax-Exempt Bonds, and no cost of the

Project to be reimbursed with the proceeds of the Reimbursement Bonds is a cost of working capital. The City will certify that any reimbursement with proceeds of the Reimbursement Bonds will be made by the later of 18-months after the payment of the cost or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid.

SECTION 3. NO REPLACEMENT PROCEEDS. The City will certify that it will not, at any time within one year after any allocation of proceeds of the Reimbursement Bonds to reimburse any expenditure, use the reimbursed funds to create a sinking fund for any issue of Tax-Exempt Bonds to otherwise replace the proceeds of any issue of Tax-Exempt Bonds.

SECTION 4. INCIDENTAL ACTION. The City Manager, the City Finance Director, the City Attorney and other appropriate officers of the City are hereby authorized and directed to take or approve the taking of such actions as may be necessary or appropriate on its part in order to preserve the ability of the City to finance its capital expenditures in accordance with the federal tax regulations and this Resolution.

SECTION 5. EFFECTIVE DATE; REPEAL. This Resolution shall take effect immediately upon adoption. All prior resolutions or portions thereof inconsistent herewith are hereby repealed.

ADOPTED this 7th day of November, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFERY A. MODARELLI