

## **RESOLUTION NO. 20090914-008**

**WHEREAS**, the City of Austin (Issuer) is a home rule city authorized to issue obligations to finance its activities, the interest on which is excludable from gross income for federal income tax purposes (tax-exempt obligations) pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the Code); and

**WHEREAS**, the Issuer will make, or has made not more than 60 days before this date, expenditures related to: street improvements in the amount of \$10,242,000 to be funded by General Obligation Bonds approved by the voters in the November 2000 Special Municipal Election; and projects to be funded by General Obligation Bonds approved by the voters in the November 2006 Special Municipal Election, as follows (collectively, GO Bond Projects):

- Proposition 1 project expenditures in the amount of \$43,640,000 related to street reconstruction, sidewalks and improvements, and traffic signal improvements;
- Proposition 2 project expenditures in the amount of \$24,000,000 related to watershed protection master plan projects and open space acquisition;
- Proposition 3 project expenditures in the amount of \$17,645,000 related to park facility improvements and renovations, and parkland acquisition;

- Proposition 4 project expenditures in the amount of \$1,100,000 related to community and cultural facility projects;
- Proposition 5 project expenditures in the amount of \$15,800,000 related to affordable housing programs; and

**WHEREAS**, the Issuer will make, or has made not more than 60 days before this date, expenditures in the amount of \$7,700,000 related to the Single Stream Recycling Facility to be funded by certificates of obligation (Certificate of Obligation Project); and

**WHEREAS**, the Issuer will make, or has made not more than 60 days before this date, expenditures in the amount of \$1,100,000 related to the golf capital equipment to be funded by contractual obligations (Contractual Obligation Project); and

**WHEREAS**, the Issuer intends to expend available moneys, including moneys on deposit in the Issuer's general fund, for these expenditures; and

**WHEREAS**, the Issuer has concluded that it does not currently desire to issue tax-exempt obligations to finance these expenditures; and

**WHEREAS**, the Issuer finds, considers and declares that the reimbursement of the payment by the Issuer of these expenditures will be appropriate and consistent with the lawful objectives of the Issuer and chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of

the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues tax-exempt obligations; and

**WHEREAS**, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for expenditures made as described above; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Issuer reasonably expects to reimburse itself for all costs that have been paid during the 60 days preceding this date or that will be paid after this date from the sale proceeds of tax-exempt obligations to be issued by or on behalf of the Issuer at a future date in an aggregate principal amount not to exceed \$112,427,000 for expenditures related to the GO Bond Projects, not to exceed \$7,700,000 for expenditures related to the Certificate of Obligation Projects, and not to exceed \$1,100,000 for expenditures related to the Contractual Obligation Projects, for a total amount not to exceed \$121,227,000, and

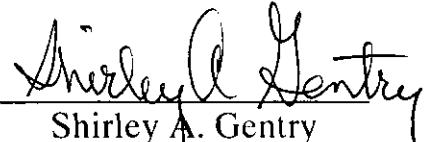
All costs to be reimbursed will be capital expenditures; the tax-exempt obligations shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the tax-exempt obligations will not be issued on a date that is more than three years after the

date any expenditure which is to be reimbursed is paid; and

The Issuer reasonably expects that the maximum aggregate principal amount of tax-exempt obligations issued to reimburse the Issuer for the above-stated expenditures will not exceed \$121,227,000.

**ADOPTED:** September 14, 2009

**ATTEST:**

  
Shirley A. Gentry  
City Clerk