

**RESOLUTION NO. 040129-03**

**WHEREAS**, the City of Austin (the "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, payment of \$5,300,000 for costs to be paid as reimbursements from the issuance of General Obligation Refunding Bonds related to the settlement between the City of Austin and Christopher Ochoa; and

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

**WHEREAS**, the Issuer desires to reimburse itself for this payment from the proceeds of tax-exempt obligations to be issued subsequent to this date; and

**WHEREAS**, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself; **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 proceeds of tax-exempt obligations in connection with these costs for settlement between the City of Austin and Christopher Ochoa; and

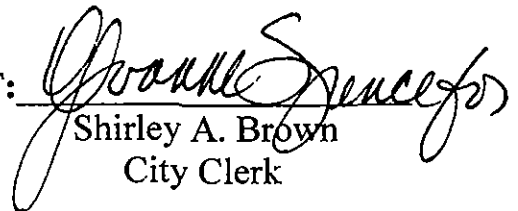
The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the above stated costs will not exceed \$5,300,000.

**BE IF FURTHER RESOLVED:**

The Council amends the two-year General Obligation Bond Sale Schedule for FY 2003-2004 to provide for this expenditure.

**ADOPTED:** January 29, 2004

**ATTEST:**

  
Shirley A. Brown  
City Clerk