



CITY OF SUNRISE

AGENDA ITEM REQUEST

ORIGINATING DEPARTMENT: FINANCE DEPARTMENT

ROUTING:

CITY MANAGER: _____ DATE: _____

CITY MANAGER APPROVAL TO BEGIN PROCEDURES.

SIGNATURE: _____

PURCHASING: _____ DATE: _____

PURCHASING APPROVAL: _____ SIGNATURE: _____

LEGISLATIVE AIDE: _____ DATE: _____

CITY ATTORNEY: _____ DATE: _____

ITEM REQUEST:

Approval of a resolution allowing the City to reimburse itself for advances made for capital and certain other expenditures prior to receipt of bond funds.

FUNDING SOURCE:

BOND PROCEEDS

AMOUNT:

BUDGET APPROVAL

SIGNATURE: _____

SUNRISE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SUNRISE, FLORIDA, DECLARING THE OFFICIAL INTENT OF THE CITY TO ISSUE UTILITY SYSTEM REVENUE BONDS IN ORDER TO, AMONG OTHER THINGS, REIMBURSE ITSELF FROM THE PROCEEDS OF SUCH REVENUE BONDS FOR FUNDS ADVANCED BY THE CITY FOR CERTAIN EXPENSES INCURRED WITH RESPECT TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CAPITAL IMPROVEMENTS TO THE WATER AND WASTEWATER SYSTEM OF THE CITY; AND AUTHORIZING CERTAIN INCIDENTAL ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") prescribe conditions under which proceeds of bonds, notes or other obligations ("Bonds") used to reimburse advances made for capital and certain other expenditures ("Original Expenditures") paid before the issuance of such Bonds will be deemed to be expended (or properly allocated to expenditures) for purposes of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (collectively, the "Code"), upon such reimbursement so that the proceeds so used will no longer be subject to requirements or restrictions under those sections of the Code; and

WHEREAS, certain provisions of the Reimbursement Regulations require that there be a declaration of official intent not later than sixty (60) days following payment of the Original Expenditures, and that the reimbursement occur within certain prescribed time periods after the Original

Expenditures are paid or after the property resulting from that Original Expenditure is placed in service; and

WHEREAS, the City Commission of the City of Sunrise, Florida (the "City") expects to provide for the issuance by the City of its utility system revenue bonds in a principal amount not to exceed \$115,000,000 (the "Revenue Bonds") for the purpose of financing the cost of acquisition, construction and equipping of certain capital improvements to the City's water and wastewater system (the "Water and Wastewater Project"); and

WHEREAS, in connection with the acquisition, construction, and equipping of the Water and Wastewater Project, the City expects to make Original expenditures that will be reimbursed from proceeds of the Revenue Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Definition. The following definition applies to the terms used herein:

"Reimbursement" or "Reimburse" means the restoration to the City of money temporarily advanced from its own funds and spent for Original Expenditures before the issuance of the Revenue Bonds, evidenced in writing by an allocation on the books and records of the City that shows the use of the proceeds of the Revenue Bonds to restore the money advanced for the Original Expenditures. "Reimbursement" or "Reimburse" generally does not include the refunding or

retiring of Bonds previously issued and sold to, or borrowings from, unrelated entities.

Section 2. Declaration of Official Intent. The City hereby declares its official intent to issue the Revenue Bonds in the expected maximum principal amount of \$115,000,000 and, to the extent permissible under the Code, use a portion of the proceeds of the Revenue Bonds to Reimburse the City for funds advanced by it for Original Expenditures incurred and to be incurred with respect to the Water and Wastewater Project. This Resolution is intended as a declaration of official intent under the Reimbursement Regulations.

Section 3. Incidental Action. The appropriate officers, employees and agents of the City are hereby authorized to take such actions as may be necessary to carry out the purpose of this Resolution and the Code of the City of Sunrise, Florida.

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2009.

Mayor Roger B. Wishner

Authentication:

Felicia M. Bravo
City Clerk

MOTION: _____
SECOND: _____

ALU: _____
ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
WISHNER: _____

Approved by the City Attorney
as to Form and Legal Sufficiency. _____
Stuart R. Michelson