

RESOLUTION NO. /

A RESOLUTION OF THE CITY OF HURSTBOURNE ACRES, KENTUCKY DECLARING THE CITY'S OFFICIAL INTENT TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES WITH THE PROCEEDS OF AN ISSUE OF TAX-EXEMPT OBLIGATIONS.

WITNESSETH:

WHEREAS, except as otherwise provided, all capitalized terms used in this preamble have the meanings set forth in Section 2 of this Resolution; and

WHEREAS, the City of Hurstbourne Acres, Kentucky (the "City"), a municipal corporation and political subdivision of the Commonwealth of Kentucky, intends to undertake the acquisition of real property and real property improvements to be converted into a new municipal building for the City (the "Project"); and

WHEREAS, the City expects to expend general operating funds or capital reserve funds in the future to pay Capital Expenditures in connection with the Project; and

WHEREAS, Section 150 of the Code and the Reimbursement Regulations permit the City to issue Tax-Exempt Obligations and use the proceeds thereof to reimburse itself for the prior payment of Capital Expenditures relating to the Project, provided, among other things, that the City (i) adopts a Declaration of Official Intent within sixty days after the payment of such Capital Expenditures, and (ii) makes a Reimbursement Allocation within eighteen months after the later of (a) the date on which a Capital Expenditure was paid, or (b) the date on which the property acquired with the Capital Expenditures was placed into service and, in either event, no later than three years after the Capital Expenditures were paid; and

WHEREAS, the City desires to make a Declaration of Official Intent in accordance with the Reimbursement Regulations with respect to the payment of Capital Expenditures for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HURSTBOURNE ACRES, KENTUCKY, AS FOLLOWS:

Section 1. Affirmation of Preamble. It is hereby found, determined, and declared that the facts, recitals, and definitions set forth in the recitals of this Resolution are true and correct and are hereby affirmed, and all acts described in the recitals of this Resolution are hereby ratified. Such facts, recitals, and definitions are hereby adopted and incorporated as a part of this Resolution.

Section 2. Definitions. The following definitions apply to the terms used herein:

“Allocation” means written evidence that the proceeds of Tax-Exempt Obligations issued after the payment of any Capital Expenditures will be used to reimburse the City for such payments.

“Capital Expenditure” means any expense related to the Project for any item that is properly depreciable or amortizable or that is otherwise treated as a capital expenditure for the purposes of the Code, as well as the costs of issuing Reimbursement Bonds.

“Code” means the Internal Revenue Code of 1986, as amended.

“Declaration of Official Intent” means a written declaration of the City, including this Resolution, stating that the City intends to finance Capital Expenditures related to the Project with an issue of Reimbursement Bonds and that the City reasonably expects that it will use the proceeds of such issue to reimburse itself for the payment of such Capital Expenditures.

“Reimbursement” means the restoration to the City of moneys temporarily advanced from any funds, including moneys borrowed from other sources, by the City to pay for any Capital Expenditures related to the Project before the issuance of Reimbursement Bonds for the purposes of financing such Capital Expenditures. “To reimburse” means to make such a restoration.

“Reimbursement Bonds” means any Tax-Exempt Obligations issued to reimburse the City for any Capital Expenditures and certain other expenses permitted by the Reimbursement Regulations previously paid by or for the City in connection with the Project.

“Reimbursement Regulations” means U.S. Treasury Regulation § 1.150-2 and any amendments thereto or any superseding regulations, whether in proposed, temporary, or final form, as the case may be, prescribing the conditions under which the proceeds of Tax-Exempt Obligations may be allocated to reimburse the City for Capital Expenditures and certain other expenses paid by or for the City with respect to the Project before the issuance of the Tax-Exempt Obligations so that the proceeds of such Tax-Exempt Obligations will be treated as “spent” for the purposes of Section 103 and Sections 141 to 150 of the Code.

“Tax-Exempt Obligations” means tax-exempt bonds, notes, certificates, or any other obligations included in the meaning of “bonds” under Section 150 of the Code.

Section 3. Declaration of Official Intent. The City hereby declares, in accordance with the Reimbursement Regulations, its official intent to reimburse itself for the payment of any Capital Expenditures for the Project with the proceeds of Reimbursement Bonds to be issued in a reasonably anticipated amount of up to \$3,750,000 for the purpose of financing the Capital Expenditures for the Project that may occur before the issuance of Reimbursement Bonds.

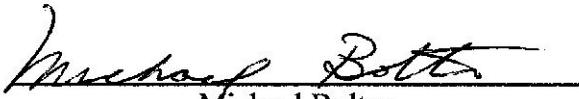
[Signature page to follow]

SIGNATURE PAGE TO REIMBURSEMENT RESOLUTION

DULY ADOPTED by the City Commission of the City of Hurstbourne Acres, Kentucky, in lawful session assembled this 9th day of November, 2023.


Terry McAllister,
Mayor


Attest:


Michael Bolten,
City Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Hurstbourne Acres, Kentucky, and as City Clerk, I hereby further certify that the foregoing is a true, correct, and complete copy of a Resolution duly enacted by the City Council of the City at a duly convened meeting held on NOVEMBER 9, 2023, on the same occasion signed by the Mayor as evidence of his approval, and now in full force and effect, all as appears from the official records of the City in my possession and under my control.

WITNESS MY HAND as of this 11/9, 2023.


Michael Bolten,
City Clerk