

RESOLUTION NO. ____-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, DECLARING THE CITY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT FOR CERTAIN CAPITAL EXPENDITURES TO BE MADE WITH RESPECT TO THE ACQUISITION, DESIGN, ENGINEERING, CONSTRUCTION, DEVELOPMENT AND EQUIPPING OF THE CANAL PROJECT FROM THE PROCEEDS OF ITS NOT TO EXCEED \$2,500,000 REVENUE BONDS OR NOTES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Punta Gorda, Florida (the "City"), intends to finance the acquisition, design, engineering, construction, development and equipping and related facilities of an additional canal improvement to provide a more direct harbor access route for properties within Punta Gorda Isles and Alligator Creek (collectively, the "Canal Project"); and

WHEREAS, the City proposes to issue its revenue bonds or notes in the aggregate principal amount of not exceeding \$2,500,000 (the "Bonds") to finance the cost of the Canal Project; and

WHEREAS, the City has incurred and anticipates it will incur certain capital expenditures relating to the Canal Project prior to the issuance of the Bonds; and

WHEREAS, such expenditures were paid and/or will be paid from the City's Special Use Fund and General Fund; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations (the "Regulations") require the City to declare its official intent in connection with incurring certain capital expenditures in connection with the Canal Project prior to the issuance of the Bonds in order to allow the City to be reimbursed for such expenditures from a portion of the proceeds of the Bonds; and

WHEREAS, it is intended by the Council that this Resolution constitutes such official intent with respect to the reimbursement of the certain capital expenditures incurred or to be incurred prior to the issuance of the Bonds.

BE IT RESOLVED BY THE CITY COUNCIL, OF THE CITY OF PUNTA GORDA FLORIDA:

SECTION 1. The recitals set forth above are adopted by the Council as the findings of the City and are incorporated herein.

SECTION 2. The statements contained in this Resolution with respect to the reimbursement of the capital expenditures referred to in this Resolution are intended to be statements of official intent as required by, and in conformance with, the provisions of Section 1.150-2(e) of the Regulations.

SECTION 3. The expenditures to be reimbursed pursuant to this Resolution have been incurred within 60 days prior to the date hereof or will be incurred after the date hereof in connection with the Canal Project.

SECTION 4. The maximum principal amount of Bonds expected to be issued for the Canal Project is \$2,500,000.

SECTION 5. The City reasonably expects to reimburse the expenditures contemplated under this Resolution with a portion of the proceeds of the Bonds of the City subsequent to the date hereof, and no funds from sources other than the "reimbursement bond issue" (as such term has the meaning assigned to it under the Regulations) portion of the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the City pursuant to the City's budget or financial policies to pay for such expenditures.

SECTION 6. The City will, upon receipt of the proceeds of the Bonds (or within 30 days thereof), allocate in writing the amount of proceeds of the Bonds (i.e., the reimbursement bond issue) used to reimburse the prior capital expenditures incurred in connection with the Canal Project (herein, the "Prior Expenditures"). Such allocation will be accomplished within the later of 18 months from the earliest date such Prior Expenditures were incurred or the date the Canal Project is placed in service (but in no event later than 3 years after the first Prior Expenditure was made).

SECTION 7. This Resolution shall take effect immediately.

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DONE in regular session of the City Council of the City of Punta Gorda, Florida
this ____ day of November, 2018.

CITY OF PUNTA GORDA, FLORIDA

By: _____
RACHEL KEESLING, MAYOR

ATTEST:

KAREN SMITH, CITY CLERK

APPROVED AS TO FORM:

DAVID M. LEVIN, CITY ATTORNEY