

RESOLUTION NO. 15-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO DECLARING THE OFFICIAL INTENT OF THE CITY OF CUPERTINO TO REIMBURSE ITSELF FROM THE PROCEEDS OF DEBT FOR CAPITAL EXPENDITURES, CERTAIN PRELIMINARY EXPENDITURES AND COSTS OF ISSUANCE TEMPORARILY FUNDED FROM REVENUES OR OTHER SOURCES WITH RESPECT TO THE CIVIC CENTER MASTER PLAN

WHEREAS, pursuant to Resolution No. 15-060 of the City Council adopted at its meeting held July 7, 2015, approving the Civic Center Master Plan, City intends to provide for the design, acquisition, construction, improvement, renovation, landscaping, equipping and/or furnishing of the Project contemplated in and related to the Civic Center Master Plan; and

WHEREAS, City desires to finance portions of the Project with the proceeds of debt; and

WHEREAS, City has paid, beginning no earlier than June 19, 2015, and will pay, on and after the date hereof, certain Expenditures in connection with the Project; and

WHEREAS, City has determined that those moneys previously advanced no earlier than June 19, 2015, and to be advanced on and after the date of the adoption of this Resolution to pay Expenditures are available only for a temporary period, and it is necessary to reimburse City for Expenditures from the proceeds of one or more issues of tax-exempt bonds ("Bonds"); and

WHEREAS, City intends that this Resolution be determined to be a declaration of official intent under Treasury Regulations § 1.150-2 to reimburse City with a portion of the proceeds of Bonds for certain expenditures in accordance with the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, City is not making this declaration of intent to reimburse as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for the Project, and does not have a pattern of failure to reimburse actual original expenditures covered by prior declarations of intent to reimburse, if any;

NOW, THEREFORE, BE IT RESOLVED:

1. The City hereby declares its intent:

- (a) that the issuance of Bonds for the Project on behalf of the City be in an aggregate principal amount reasonably expected not to exceed \$65 million;
- (b) that the City be reimbursed from the proceeds of Bonds for the Expenditures with respect to the Project made on and after June 19, 2015, and the City reasonably expects on the date of the adoption of this Resolution that it will reimburse the Expenditures with the proceeds of Bonds;
- (c) that this Resolution be determined to be a declaration of official intent under Treasury Regulations § 1.150-2 promulgated under the Code; and
- (d) that the City will make or cause to be made a written allocation that evidences the City's use of proceeds of Bonds to reimburse an Expenditure no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

2. This Resolution takes effect immediately.

PASSED AND ADOPTED this 18th day of August, 2015, at a regular Meeting of the City Council of the City of Cupertino by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Grace Schmidt
City Clerk

APPROVED:

Rod Sinks
Mayor, City of Cupertino