

RESOLUTION 21-10-07

**A RESOLUTION OF THE KEY LARGO WASTEWATER
TREATMENT DISTRICT, AUTHORIZING
DECLARATIONS OF OFFICIAL INTENT UNDER U.S.
TREASURY REGULATIONS WITH RESPECT TO
REIMBURSEMENTS FROM NOTE AND BOND
PROCEEDS OF TEMPORARY ADVANCES MADE FOR
PAYMENTS PRIOR TO ISSUANCE, AND RELATED
MATTERS, AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, United States Treasury Regulations §1.150-2 (the “Reimbursement Regulations”) prescribed 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 (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 60 days following payment of the Original Expenditures expected to be reimbursed from proceeds of Bonds, and that the reimbursement occur within certain prescribed time periods after an Original Expenditure is paid or after the property resulting from that Original Expenditure is placed in service; and

WHEREAS, the KEY LARGO WASTEWATER TREATMENT DISTRICT wishes to take steps to comply with the Reimbursement Regulations;

NOW, THEREFORE, be it resolved by the Key Largo Wastewater Treatment District Board of Commissioners as follows:

Section 1. Definitions. The following definitions apply to the terms used herein:

 “Authorized Officer” means the General Manager of the Key Largo Wastewater Treatment District.

 “Declaration of Official Intent” means a declaration of intent, in the form, manner, and time contemplated in the Reimbursement Regulations, that the advances for expenditures referred to therein are reasonably expected to be reimbursed from the proceeds of Bonds to be issued after those expenditures are paid.

“Reimbursement” or “reimburse” means the restoration to the Borrower of money temporarily advanced from its own funds and spent for Original Expenditures before the issuance of the Bonds, evidenced in writing by an allocation on the books and records of the Borrower that shows the use of the proceeds of the Bonds to restore the money advanced for the Original Expenditure. “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. Authorization and Requirement of Declarations of Official Intent. Each Authorized Officer is authorized to prepare and sign Declaration of Official Intent in substantially the form attached with respect to Original Expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced and that is reasonably expected to be reimbursed (in accordance with applicable authorizations, policies, and practices) from the proceeds of Bonds, to make appropriate reimbursement and timely allocations from the proceeds of the Bonds to reimburse such prior expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Section 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for Original Expenditures (other than expenditures excepted from such requirement under the Reimbursement Regulations) that are to be reimbursed subsequently from proceeds of Bonds unless a Declaration of Official Intent with respect thereto is made within the time required by the Reimbursement Regulations.

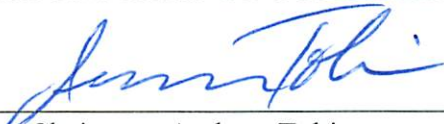
This resolution shall become effective upon adoption by the District Board.

The foregoing RESOLUTION NO. 21-10-07 was offered by Commissioner TOBIN, who moved its approval. The motion was seconded by Commissioner HAMMAKER and being put to a vote the result was as follows:

	AYE	NAY
Chairman Gary Bauman	—	—
Commissioner Claude Bullock	✓	—
Commissioner Susan Hammaker	✓	—
Commissioner Norman Higgins	✓	—
Commissioner Andrew Tobin	✓	—

The Chairman thereupon declared Resolution No. 21-10-07 duly passed and adopted the 9th day of October, 2007.

KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF COMMISSIONERS

By 
Acting Chairman, Andrew Tobin

Attest:

By 
Carol Walker, Board Clerk



Approved as to form and content:

By 
District Counsel

DECLARATION OF OFFICIAL INTENT

For Reimbursement of Expenditures from Bonds/Notes

This is a Declaration of Official Intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended (the "Code").

1. The undersigned, on behalf of the KEY LARGO WASTEWATER TREATMENT DISTRICT (the "Borrower") declares that the Borrower reasonably expects that the capital and other expenditures described in paragraph 2 (the "Project") will be reimbursed with the proceeds of "bonds" (as defined in Section 150 of the Code). The maximum principal amount of bonds expected to be issued for the Project is \$8,035,000.
2. Description of capital and other expenditures to be reimbursed.

Expenditures for (insert a general functional description of property, project, program or purpose):

Water Pollution Control Improvements

The undersigned has been authorized by the Borrower to make and sign this Declaration on behalf of the Borrower.

Date of Declaration:

10-9-, 2007

KEY LARGO WASTEWATER
TREATMENT DISTRICT

By



(Signature)

Charles F. Fishburn, General Manager
(Type or print Name and Title)

Caution:

This Declaration of Official Intent will not be effective unless the bonds providing moneys for the reimbursement are issued and the reimbursement for the Project described above is made (by an allocation on the books and records identifying the expenditures as in paragraph 2 above) within the applicable period prescribed in the Treasury Regulations – generally, 18 months after the later of the date of the expenditure or the date the Project is placed in service, but in no event later than three years after the date of the expenditure.