

THE TOWN OF FOREST HEIGHTS  
RESOLUTION 11-13

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF FOREST HEIGHTS FOR THE PURPOSE OF MAKING A DECLARATION OF OFFICIAL INTENT PURSUANT TO U.S. TREASURY REGULATION SECTION 1.150-2 REGARDING THE TOWN OF FOREST HEIGHTS'S INTENTION TO REIMBURSE PRIOR EXPENDITURES MADE IN CONNECTION WITH THE FOREST HEIGHTS PERMEABLE GREEN STREETS PROJECT FROM THE PROCEEDS OF ONE OR MORE OBLIGATIONS TO BE ISSUED BY THE TOWN**

Introduced by: Mayor Jacqueline Goodall

**WHEREAS**, The Town of Forest Heights (the "Town") intends to undertake various activities designed to improve water drainage of streets, roads, alleys and by-ways in the Town and, in connection with such undertaking (which is generally referred to by the Town as the "Forest Heights Permeable Green Streets Project"), to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements and related architectural, engineering, planning, design, acquisition, construction, improvement, installation, upgrading, modification, renovation, rehabilitation, reconstruction, paving, repaving, equipping, inspection, construction management, financial, administrative and legal expenses of such undertaking and related activities (including, without limitation, related curb, gutter, sidewalk and drainage facility improvements), and related costs of issuance of any financing or refinancing therefor (collectively, the "Project"); and

**WHEREAS**, the Town intends to obtain one or more loans through the Maryland Water Quality Financing Administration's ("MWQFA") revolving loan program (or another source if such funding is not available) in order to finance, reimburse or refinance all or a portion of the costs of one or more components of the Project, and to evidence such loan or loans by the issuance to MWQFA (or other applicable lender) of one or more series of tax-exempt bonds of the Town (collectively or, individually by series, the "Bonds"); and

**WHEREAS**, the Town reasonably expects to spend Town funds on Project costs prior to issuance of the Bonds or any interim financing incurred by the Town in anticipation of the Bonds and (i) to reimburse the Town from proceeds of the Bonds for all or a portion of such moneys expended, and/or (ii) to use Bond proceeds to refinance any interim borrowing incurred by the Town that is applied to reimburse the Town for prior Project expenditures; and

**WHEREAS**, Section 1.150-2 of the U.S. Treasury Regulations (the "Reimbursement Regulations") provides that an "issuer" funding "original expenditures" intended to be reimbursed from the proceeds of "obligations" must make a declaration of "official intent" in order to qualify such original expenditures for reimbursement from a "reimbursement bond", all within the meaning of the Reimbursement Regulations; and

**WHEREAS**, the Town is an issuer for purposes of the Reimbursement Regulations and wishes to adopt this Resolution for the purpose of evidencing the clear and official intent of the Town to reimburse from reimbursement bond proceeds original expenditures made in connection with the Project.

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**BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FOREST HEIGHTS,  
that:**

SECTION 1. The recitals to this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the recitals to this Resolution and not otherwise defined herein will have the meanings given to such terms in the recitals hereto.

SECTION 2. In accordance with the Reimbursement Regulations, the Council of the Town hereby makes this declaration of its reasonable expectation to expend money on the Project prior to the issuance of the Bonds (or any interim financing incurred in anticipation of the Bonds) and to utilize the proceeds of the Bonds (or such interim financing), which will qualify as a "reimbursement bond" for purposes of the Reimbursement Regulations, to reimburse all or a portion of such original expenditures. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. The maximum aggregate principal amount of the Bonds to be issued by the Town for the Project (and the maximum aggregate principal amount of any interim financing to be incurred by the Town in anticipation of the Bonds) is reasonably expected not to exceed One Million Ninety-one Thousand Seven Hundred Dollars (\$1,091,700.00) each.

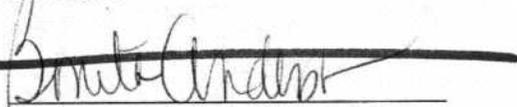
SECTION 4. This Resolution shall become effective immediately upon its adoption.

**ADOPTED:** this January day of 16, 2013.

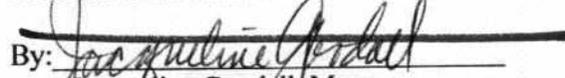
<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY	<u>YEA</u>
STONER	<u>YEA</u>
BARNES	<u>YEA</u>
CLARKE	<u>YEA</u>
SMITH-BARNES	<u>YEA</u>
REIFSNEIDER	<u>YEA</u>

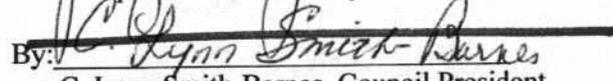
I HEREBY CERTIFY that the above Resolution No. 13-13 was passed by the required yea and nay vote of the Mayor and Council of the Town of Forest Heights on the 16<sup>th</sup> day of January, 2013.

ATTEST:

  
Bonita C. Anderson, Town Clerk

THE MAYOR AND COUNCIL OF THE TOWN OF  
FOREST HEIGHTS

By:   
Jacqueline Goodall, Mayor

By:   
C. Lynn Smith-Barnes, Council President