

**A RESOLUTION DECLARING OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENT FROM BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE, AND RELATED MATTERS.**

**WHEREAS**, the City of Brookville, Ohio (the "City"), a municipality and political subdivision existing under the Constitution and law of the State of Ohio, reasonably expects that costs may be incurred that are properly depreciable or amortizable or are otherwise treated as a capital expenditure (the "Capital Expenditures") for purposes of the Internal Revenue Code of 1986, as Amended (the "Code") and seeks to reimburse costs incurred by or on behalf of the City of such Capital Expenditures with proceeds of tax-exempt bonds; and

**WHEREAS**, United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") prescribe conditions under which proceeds of bonds, notes, or other obligations ("Bonds") used to reimburse advances made for Capital 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 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 sixty (60) days following payment of Capital Expenditures expected to be reimbursed from proceeds of the Bonds, and that the reimbursement occur within certain prescribed time periods after a Capital Expenditure is paid or after the property resulting from that Capital Expenditure is placed in service; and

**WHEREAS**, this City Council of the City wishes to take steps to comply with the Reimbursement Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, STATE OF OHIO, THAT:**

**SECTION I:** The City declares that it reasonably expects that the Capital Expenditures described in Section II that were paid no earlier than sixty (60) days prior to the date hereof or which will be paid prior to the issuance of any tax-exempt Bonds intended to fund such Capital Expenditures, will be reimbursed with the proceeds of such tax-exempt Bonds representing a borrowing by or on behalf of the City in the maximum principal amount of one million five hundred thousand dollars (\$1,500,000.00). For purposes of this resolution, "reimbursement" or "reimburse" means the restoration of money temporarily advanced from other funds and spent for Capital Expenditures before the issuance of the Bonds, evidenced in writing by an allocation on the books and records of the City that shows the use of the proceeds of the Bonds to restore the money advanced for the Capital Expenditures. "Reimbursement" or "reimburse" generally does not include the refunding or retiring of Bonds previously issued and sold to, or borrowing from, unrelated entities.

**SECTION II:** The City expects Capita Expenditures to be incurred in connection with the planning, design, and construction of public roadways and any associated improvements to utilities or infrastructure.

**SECTION III:** For the purpose of clarity and the avoidance of any doubt, neither the Bonds nor any other obligation described in this resolution shall constitute a general obligation of the City and the general credit and taxing power of the City are not pledged for payment of such Bonds, any part of such Bonds, or any other obligation set forth in this resolution.

**SECTION IV:** This Council of the City of Brookville, Ohio hereby finds and declares that all formal actions relative to adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with the law, including Section 121.22, Ohio Revised Code, except as otherwise permitted thereby.

**SECTION V:** The proper City Officials are hereby authorized to do all things necessary and proper to carry out Sections I through III of this Resolution.

**SECTION VI:** This Resolution shall take effect at the earliest possible date allowable by law.

PASSED: May 2 2023.

ATTEST:

  
Kimberly Duncan, Clerk

  
Charles Letner, Mayor

#### **CERTIFICATE**

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Resolution No. 23-18 passed by the Council of the City of Brookville, Ohio, on the 2nd day of May 2023.

  
Kimberly Duncan, Clerk

#### **CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 23-18 was posted at the City Building, U.S. Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 3rd day of May 2023 to the 1st day of June 2023, both days inclusive.

  
Kimberly Duncan, Clerk