

RESOLUTION NO. 23-__

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, PINAL COUNTY, ARIZONA, DESIGNATING THE CITY MANAGER AND THE DEPUTY CITY MANAGER/CHIEF FINANCIAL OFFICER OF THE CITY TO DECLARE OFFICIAL INTENT ON BEHALF OF THE CITY WITH RESPECT TO REIMBURSEMENT FROM PROCEEDS OF REIMBURSEMENT OBLIGATIONS PURSUANT TO TREASURY REGULATIONS SECTION 1.150-2.

WHEREAS, the City of Maricopa, Arizona (the “City”), may from time to time make expenditures with the intent that such expenditures will be reimbursed from the proceeds of tax-exempt bonds, tax-exempt obligations or other tax-advantaged instruments or agreements (collectively, the “*Reimbursement Obligations*”); and

WHEREAS, in order to treat such reimbursements as an expenditure of proceeds of the Reimbursement Obligations for the purpose of applying Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended, the City may be required, pursuant to Treasury Regulation Section 1.150-2, to declare its intention to reimburse an expenditure with proceeds of a Reimbursement Obligation; and

WHEREAS, such declaration of intention to reimburse an expenditure must be made not later than sixty (60) days after the payment of such expenditure; and

WHEREAS, the City may designate an officer or officers to declare such official intent on its behalf; and

WHEREAS, the appropriate officers of the City to make such declaration on behalf of the City are the City Manager and the Deputy City Manager/Chief Financial Officer of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, PINAL COUNTY, ARIZONA, AS FOLLOWS:

Section 1. The City Manager and the Deputy City Manager/Chief Financial Officer of the City are each hereby designated, for the purposes of the Treasury Regulation Section 1.150-2, to declare the official intent of the City to reimburse an expenditure with the proceeds of a Reimbursement Obligation. Such declaration of official intent shall be signed by either the City Manager or the Deputy City Manager/Chief Financial Officer of the City and shall be in substantially the form of *Exhibit A* attached hereto or such other form as may be necessary to comply with the provisions of the Treasury Regulation Section 1.150-2. The declaration of intent shall be effective when executed.

Section 2. Either the City Manager or the Deputy City Manager/Chief Financial Officer of the City shall, upon the issuance of Reimbursement Obligations, cause a written allocation to be made that evidences the City’s use of proceeds of the Reimbursement Obligations to reimburse a prior expenditure.

Section 3. Neither the City Manager nor the Deputy City Manager/Chief Financial Officer of the City shall permit proceeds of a Reimbursement Obligation to be used to reimburse a prior expenditure unless such reimbursement is made within the reimbursement time period set forth in Treasury Regulation Section 1.150-2 and the requirements of such section are otherwise satisfied.

Section 4. The City Manager and the Deputy City Manager/Chief Financial Officer of the City are each authorized to take any other appropriate actions, which are necessary to meet the requirements of Treasury Regulation Section 1.150-2.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Maricopa, Pinal County, Arizona, this 3rd day of October, 2023.

Nancy Smith, Mayor

ATTEST:

Vanessa Bueras, City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons, City Attorney

CERTIFICATION

I, Vanessa Bueras, the duly appointed City Clerk of the City of Maricopa, Arizona, do hereby certify that the above and foregoing Resolution No. 23-__ was duly passed by the Mayor and City Council of the City of Maricopa, Arizona, at a regular meeting held on October 3, 2023, and that a quorum was present there at and that the vote thereon was _____ ayes and _____ nays; _____ did not vote or were absent.

DATED: _____, 2023.

Vanessa Bueras, City Clerk

EXHIBIT A

**DECLARATION OF OFFICIAL INTENT UNDER
TREASURY REGULATION SECTION 1.150-2 TO
REIMBURSE AN EXPENDITURE WITH PROCEEDS OF
TAX-EXEMPT OBLIGATIONS**

The undersigned is the [City Manager or Deputy City Manager/Chief Financial Officer] of the City of Maricopa, Arizona (the “City”), and has been designated by the Mayor and City Council of the City to declare official intent on behalf of the City with respect to the reimbursement of expenditures with proceeds of tax-exempt bonds, tax-exempt obligations or other tax-advantaged instruments or agreements (collectively, the “tax-exempt obligations”).

Section 1. Declaration of Official Intent. The undersigned hereby declares in accordance with Treasury Regulation Section 1.150-2 the official intent of the City to reimburse the following capital expenditures (being any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles) with the proceeds of tax-exempt obligations.

<u>Description of Expenditure</u>	<u>Date of Payment of the Expenditure</u>	<u>Amount of Expenditure</u>
_____	_____	_____
_____	_____	_____

Section 2. Timeliness of Declaration. This declaration is being made not later than sixty (60) days after payment of the expenditure(s) to be reimbursed.

Section 3. Project Description. (Instructions: Generally describe the project for which the expenditure is paid. A project includes any property, project or program (*e.g.*, highway capital improvement program, hospital equipment acquisition, or school building renovation). A project description is sufficient if it identifies, by name and functional purpose, the fund or account from which the original expenditure is paid *e.g.*, parks and recreation fund -- recreational facility capital improvement program). Deviations between a project described in this official intent and the actual project financed with tax-exempt obligations do not invalidate this official intent to the extent that the actual project is reasonably related in function to the described project).

Section 4. Maximum Principal Amount. The maximum principal amount of tax-exempt obligations expected to be issued for the project described in Section 3 above is \$_____.

Section 5. Reasonable Expectation to Reimburse. This Declaration as of its date is consistent with the budgetary and financial circumstances of the City and the City reasonably expects to reimburse the expenditures described in Section 1 with proceeds of tax-exempt obligations. With certain exceptions, an allocation in writing that evidences use of proceeds of the tax-exempt obligations to reimburse the original expenditures shall be made not later than 18 months after the latter of the date that the original expenditure is paid or the date the project is “placed in service,” but in no event more than three (3) years after the original expenditure is paid.

Section 6. Exceptions. In accordance with Treasury Regulation 1.150-2 a declaration of official intent does not apply to 1) costs of issuance for any tax-exempt obligation or to an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the issue; and 2) any preliminary expenditures, up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the issue or issues that finance or are reasonably expected by the issuer to finance the project for which the preliminary expenditures were incurred. Preliminary expenditures include architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

Dated: _____

By: _____
[City Manager or Deputy City Manager/Chief
Financial Officer]
City of Maricopa, Arizona