

RESOLUTION NO. R-2023-31

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT; AUTHORIZING THE CITY MANAGER OR DESIGNEE, TO ACT ON BEHALF OF THE CITY OF TYLER TO REIMBURSE EXPENDITURES INCURRED BY THE ISSUER AS IT RELATES TO THE ENGINEERING, DESIGN, AND CONSTRUCTION OF THE WESTSIDE WASTEWATER TREATMENT PLANT SLUDGE/BIOSOLIDS LAGOON CLEANOUT PROJECT; ESTABLISHING A MAXIMUM PRINCIPAL AMOUNT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler, Texas (the "Issuer") reserves the right to issue debt for the engineering, design, and construction of the Westside Wastewater Treatment Plant Sludge/Biosolids Lagoon Cleanout project (the "Project") and further intends to make certain capital expenditures with respect to the Project and currently reserves the right to reimburse the capital expenditures with proceeds of such debt; and

WHEREAS, the maximum principal amount of obligations expected to be issued for the Project is \$2,750,000.00; and

WHEREAS, under 26 CFR § 1.150-2 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations, the Issuer must declare its expectation to make such reimbursement; and

WHEREAS, the Issuer desires to preserve its ability to reimburse the capital expenditures with proceeds of tax-exempt obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER TEXAS:

Part 1: That the City of Tyler hereby certifies and reserves the right of expectation to reimburse the capital expenditures incurred by the issuer, with respect to the Westside Wastewater Treatment Plant Sludge/Biosolids Lagoon Cleanout Project, and that this resolution shall constitute a declaration of official intent under the Regulation.

Part 2: That the City hereby certifies that it desires to preserve its ability to reimburse the capital expenditures using the proceeds of future potential debt.

Part 3: That the City hereby certifies that the maximum principal amount of obligations expected to be issued for the Project is \$2,750,000.00.

Part 4: That the City Manager or designee, is hereby authorized and directed to reimburse expected capital expenditures incurred by the issuer as it relates to the Westside Wastewater Treatment Plant Sludge/Biosolids Lagoon Cleanout project, using the proceeds of future debt, not to exceed the maximum principal amount of \$2,750,000.00.

Part 5: That this Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED, this the 14th day of June, 2023.

DON WARREN, MAYOR OF THE CITY OF TYLER, TEXAS

ATTEST:

CASSANDRA BRAGER, CITY CLERK



APPROVED:

DEBORAH G. PULLUM, CITY ATTORNEY