

RESOLUTION NO. 2024-\_\_

A RESOLUTION OF POLK COUNTY, FLORIDA EXPRESSING ITS INTENTION FOR PURPOSES OF COMPLIANCE WITH TREASURY REGULATION SECTION 1.150-2 TO REIMBURSE WITH TAX EXEMPT REVENUE BONDS CERTAIN CAPITAL EXPENDITURES WHICH MAY BE MADE WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, REPAIR AND EQUIPPING OF CERTAIN PROJECTS FOR ITS WATER AND SEWER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Polk County, Florida (the "County") intends to finance the cost of the acquisition, construction, equipping, improvement and repair portions of the County's water and wastewater system more particularly described on Exhibit "A" (collectively, the "Project"), with the proceeds of its revenue bonds, notes or other obligations to be issued in the future in one or more series, the interest on which will be excluded from gross income of the holders thereof for federal income tax purposes (the "Bonds"); and

WHEREAS, (a) more than sixty days preceding the date of this Resolution (the "Official Intent Date") and before the issuance of the Bonds, the County has or may have initially used funds not derived from the proceeds of the Bonds to pay certain preliminary expenditures for, among others, architectural, engineering, surveying, soil testing, costs of issuing the Bonds or similar purposes other than land acquisition, site preparation and similar costs incident to the commencement of construction, (b) within the sixty days preceding the Official Intent Date and before the issuance of the Bonds, the County has or may have initially used funds not derived from the proceeds of the Bonds to pay certain acquisition, construction, planning, design, legal or other costs and capital expenditures incurred by the County in connection with the Project, and (c) the County expects initially to use funds not derived from proceeds of the Bonds to pay on or after the Official Intent Date and before the issuance of the Tax-Exempt Bonds additional acquisition, construction, planning, design, legal and other costs and capital expenditures incurred by the County in connection with the Project (collectively, the "Advanced Funds"); and

WHEREAS, the County reasonably anticipates that the Advanced Funds will be available to pay expenditures incurred in connection with the Project only for a temporary period and does not reasonably expect to have any funds (other than the proceeds of the Bonds) allocated on a long-term basis, reserved, or otherwise available pursuant to its budgetary or financial policies to pay the expenditures initially to be paid with the Advanced Funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Polk County, Florida, that:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Chapter 125, Florida Statutes, Ordinance No. 85-34 of the County enacted on December 17, 1985, as amended, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The Board hereby finds, determines and declares as follows:

A. The County now owns, operates and maintains a combined water and wastewater system and derives revenues therefrom.

B. The County is authorized under the Act to issue the Bonds for the valid public purpose of paying the cost of the Project.

C. It is necessary, desirable, convenient and in the interest of the County that the Project be acquired, constructed and financed as contemplated in this Resolution.

D. The County intends to finance the cost of the design, permitting, acquisition, construction, equipping and installation of the Project with the proceeds of its Bonds to be issued in the future in one or more series.

E. The County expects to pay certain costs of the Project with Advanced Funds before the issuance of the Bonds.

SECTION 3. EXPRESSION OF INTENT. The County reasonably expects to use proceeds of the Bonds to reimburse itself for all expenditures described herein made with the Advanced Funds. This Resolution is a declaration of the official intent of the County in that regard, within the contemplation of Section 1.150-2 of the Income Tax Regulations promulgated by the United States Department of the Treasury.

SECTION 4. MAXIMUM AMOUNT OF DEBT. The maximum principal amount of Bonds expected to be issued to finance the cost of the Project is \$55,000,000.

SECTION 5. EXPENDITURES TO BE REIMBURSED. All of the expenditures initially to be paid with the Advanced Funds that will be reimbursed from proceeds of the Bonds have been or will be for costs that (i) are properly chargeable to the capital account of a component of the Project (or would be so chargeable with a proper election or application of placed in service under such regulations) under general income tax principles, (ii) constitute non-recurring extraordinary working capital expenditures (of a type not customarily payable from current revenues), or (iii) are costs of issuing the Bonds. No proceeds of the Tax-Exempt Bonds will be used to reimburse any expenditures originally paid more than sixty days prior to the Official Intent Date except those expenditures constituting "preliminary expenditures" under Section 1.150-2 of the Income Tax Regulations.

SECTION 6. FURTHER ACTION. The officers and employees of the County are hereby authorized to do all acts and things required of them by this Resolution for the full, punctual and complete performance of all the terms, covenants and agreements contained herein or necessary or convenient to the issuance of the Bonds as provided herein.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Board of County Commissioners of Polk County, Florida, in open session, this 7<sup>th</sup> day of May, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
POLK COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

ATTEST:

Stacy M. Butterfield, CPA, Clerk of the  
Circuit Court and Ex-Officio Clerk of  
the Board of County Commissioners of  
Polk County, Florida

By \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

Project Description

Vaughn Road Facility Upgrades	Utilities Miscellaneous Services
NE Maintenance Facility	Solar Power Facility Installations
Cypress Lake	New HHUFA #2 Well
CRUSA Tanamora WPT Decom	Cherry Hill WPF
Sherwood Lakes WPF Improvements	SE Well Field SFWMD
PRWC West Polk LFA Deep Wells	Misc Developers Agreement
Babson Park 1 WPF GSR and HSP	Lakeland Bartow Water Int
Water Treatment Facility SCADA Upgrades	Sun Ray WM Upgrades
Rolling Hills WM Upgrades	Northwest Regional Utility Service Area Gibson Oaks Water
Water Main Looping	ERUSA PRWC AWS
CRUSA PRWC AWS Receiving Facility	US Hwy 17/92 Potable WM Extensions
Oakhills/Providence Well #4 Wellhead Installation	Lk Wilson Rd RWM Improvements
Truck Wash Facility	Reclaimed Water Main Looping
US HWY 98 and Duff RD Reclaimed Water main Loop	NERWWTF Expansion 6 to 9 MGD
SCADA Cybersecurity Impr	ECB FM and Master LS
Upgrade LS No 253 Providence	Deeson Rd LS and FM
Lift Station Upgrades (CIP)	Septage Receiving Station
SWRWWTF Ops Building Annex	Pole Barn Improvements
Jordons Grove GSR and HSPS	WWTF SCADA Controls Upgrades
NERUSA PRWC AWS Rec Facility	NWRWWTF/SWRWWTF Dewatering System Improvements
FDC Grove Rd Reclaimed WM Loop	AMI Meter Change-out
SWRWWTF Motor Controls Center Electrical Improvements	R&R Potable Water Projects
R&R Reclaim Projects	Waverly Conv and CS Lining
R&R Wastewater Projects	Crooked Lake Park Receivership
NE Elect/Comm Network Conv	Such other water and wastewater projects included in the capital improvement plan
R and R Bldgs and Non-Prod	