

RESOLUTION 2026-106
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING THE INTENT OF THE CITY TO BE REIMBURSED
FOR CERTAIN EXPENSES RELATING TO THE
CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S
WASTEWATER SYSTEM AND OTHER CAPITAL ASSETS OF
THE CITY THROUGH THE ISSUANCE OF BONDS

A. The City of Fort Collins, Colorado (the "City"), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City.

B. The members of the City Council of the City (the "Council") have been duly appointed and qualified

C. It is the current intent of the City to make capital expenditures for the acquisition, construction and equipping of improvements to the City's wastewater system, including but not limited to improvements to the Drake Water Reclamation Facility and the construction of a new water laboratory, and for the construction, equipping, remodeling and improvement of other capital assets owned by the City (collectively, the "Project").

D. The City has determined that it is in the best interest of the City to finance the Project through a tax-exempt financing which may include the issuance of revenue bonds; or by any other means legally available to the City (the "Financing").

E. The City has determined that it is necessary to make capital expenditures in connection with the Project prior to the time that the City arranges for the specific Financing for the Project.

F. It is the City's reasonable expectation that when such Financing occurs, the capital expenditures will be reimbursed with the proceeds of the Financing.

G. In order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the City's desire that this resolution shall constitute the "official intent" of the Council to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. All action (not inconsistent with the provisions of this Resolution) heretofore taken by the City and the officers, employees and agents of the City directed toward the Financing and the Project is hereby ratified, approved and confirmed.

Section 2. The City intends to finance approximately \$75,000,000 to pay the costs of the Project through the execution of the Financing, including the reimbursement of certain costs incurred by the City prior to the receipt of any proceeds of the Financing, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this Resolution.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this Resolution.

Section 5. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This Resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All acts, orders and resolutions of the City, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. The Resolution shall be in full force and effect upon its passage and approval by City Council.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026
Approving Attorney: Dianne Criswell

Exhibit: None