

**RESOLUTION NO. \_\_\_\_\_**  
**SECOND SERIES**

**CITY OF MARSHALL, MINNESOTA**

**DECLARING THE OFFICIAL INTENT OF THE CITY OF MARSHALL,  
MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE  
PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treasury Regulations, Section 1.150-2, as the same may be amended or supplemented (the "Reimbursement Regulations"), that establish the requirements under which an allocation of a portion of the proceeds of tax-exempt bonds, as defined in Section 150 of the Internal Revenue Code of 1986, as amended, to an expenditure that is originally paid from a source other than such tax-exempt bonds will be treated as an expenditure of the proceeds of such tax-exempt bonds on the date of such allocation; and

WHEREAS, the Reimbursement Regulations require that (i) not later than sixty (60) days after payment of the original expenditure, the issuer of the tax-exempt bonds must adopt an official intent for the original expenditure (in any reasonable form, including issuer resolution or action by an appropriate representative of the issuer), (ii) the official intent generally describes the project for which the original expenditure is paid and states the maximum principal amount of obligations expected to be issued for the project, and (iii) on the date of the declaration of official intent, the issuer must have a reasonable expectation that it will reimburse the original expenditure with proceeds of the tax-exempt bonds; and

WHEREAS, the original expenditure must be a capital expenditure or a cost of issuance for the tax-exempt bonds, and the reimbursement allocation (except with respect to (i) costs of issuance; (ii) amounts not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the tax-exempt bonds; and (iii) preliminary expenditures (as defined in Section 1.150-2(f)(2) of the Reimbursement Regulations) not in excess of twenty percent (20%) of the aggregate issue price of the tax-exempt bonds), must be made not later than eighteen (18) months after the later of (i) the date the original expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid; and

WHEREAS, the City of Marshall, Minnesota, a home rule charter city organized and existing under its Charter and the Constitution and laws of the State of Minnesota (the "City") expects to incur certain expenditures with respect to various capital improvement projects identified in the five-year capital improvement plan for the City, including the acquisition, construction, and equipping of a new city hall (the "Project"), that may be financed temporarily from sources other than tax-exempt bonds and other obligations; and

WHEREAS, the City expects to reimburse expenditures with respect to the Project from the proceeds of tax-exempt bonds or other obligations expected to be issued for the Project in an estimated maximum principal amount of \$8,000,000; and

WHEREAS, the City has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALL, MINNESOTA AS FOLLOWS:

1. The City reasonably intends to make expenditures for the Project. A portion of such expenditures may be temporarily financed with cash assets of the City or from other sources. The City reasonably intends to reimburse itself for such expenditures from the proceeds of tax-exempt bonds or other obligations that are proposed to be issued by the City in an estimated maximum principal amount of \$8,000,000.

2. All reimbursed expenditures will be capital expenditures, costs of issuance of bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of the lesser of \$100,000 or five percent (5%) percent of the proceeds of an issue of bonds or other obligations; or (c) "preliminary expenditures" up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, 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.

4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the tax-exempt bonds or other obligations described in paragraph 1 are consistent with the City's budgetary and financial circumstances. No sources other than proceeds of tax-exempt bonds or other obligations to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City's budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Approved by the Council of the City of Marshall, Minnesota this 23rd day of July, 2019.

**CITY OF MARSHALL, MINNESOTA**

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Robert J. Byrnes  
Mayor

Attest:

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Kyle Box  
City Clerk