

**RESOLUTION NO. R-111324-3**

**RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES  
TO BE INCURRED BY THE CITY OF PORT LAVACA, TEXAS**

**WHEREAS**, the City of Port Lavaca, Texas (the “Issuer” or “City”) is a political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to CHAPTER 271, TEXAS LOCAL GOVERNMENT CODE, and other provisions, the interest on which is excludable from gross income for federal income tax purposes (“tax-exempt obligations”) pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”);

**WHEREAS**, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition of the equipment listed on Exhibit “A” attached hereto;

**WHEREAS**, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit “A” attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

**WHEREAS**, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit “A” attached hereto.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:**

**Section 1.** The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that are 60 days prior to the date hereof and that are to be paid in connection with the acquisition of the equipment listed on Exhibit “A” attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

**Section 2.** This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. Section 1.150-2 and Section 1201.042, Texas Government Code.

**Section 3.** The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the project listed on Exhibit “A” attached hereto will not exceed \$2,000,000.

**Section 4.** The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the project is a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit “A” that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

**ADOPTED** this 13th day of November, 2024.

\_\_\_\_\_  
Jack Whitlow, Mayor

ATTEST:

\_\_\_\_\_  
Mandy Grant, City Secretary

[CITY SEAL]

## **EXHIBIT “A”**

### **DESCRIPTION OF PROJECTS**

Paying contractual obligations of the City to be incurred for the expansion of the City of Port Lavaca’s Lynn’s Bayou Wastewater Treatment Plan, including the Design, Engineering, Planning, Equipping, Constructing, Improving, Renovating, Updating and Expansion of the treatment plant, being identified as Texas Water Development Board Project No. 73963, and the payment of professional services, costs to be incurred for developing specifications, and costs of issuance related thereto.

The City reasonably expects that the original expenditures from the projects will be paid from the City’s Public Utility Fund.

The City intends to reimburse such expenditures with the proceeds of certificates of obligation to be issued in an amount not to exceed \$2,000,000.