

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE CITY TO CAUSE TO BE ISSUED CERTIFICATES OF PARTICIPATION EVIDENCING UNDIVIDED PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN BASIC RENT PAYMENTS TO BE MADE BY THE CITY, AS LESSEE, PURSUANT TO A LEASE-PURCHASE AGREEMENT WITH THE POMPANO BEACH FINANCE CORPORATION, AS LESSOR, TO FINANCE CERTAIN COSTS OF ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF A PUBLIC PIER AT THE PUBLIC BEACH WITHIN THE CITY AND VARIOUS RELATED PUBLIC IMPROVEMENTS AND TO CAUSE A PORTION OF THE PROCEEDS OF SUCH CERTIFICATES OF PARTICIPATION TO BE APPLIED TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF, IN THE EVENT GENERAL OBLIGATION BONDS OF THE CITY ARE NOT ISSUED FOR THAT PURPOSE; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. FINDINGS.

A. The City of Pompano Beach, Florida, (the "City") intends to cause to be issued Certificates of Participation (the "Certificates") evidencing undivided proportionate interests of the owners thereof in basic rent payments to be made by the City, as lessee, pursuant to a lease-purchase agreement with the Pompano Beach Finance Corporation, as lessor, to finance certain costs of acquisition, construction, equipping and installation of a public pier at the public beach within the City's boundaries and various related public improvements (collectively, the "Project").

B. Section 1.150-2 of the Federal income tax regulations requires the City to officially declare its intent to use proceeds of the Certificates as a prerequisite to the proceeds of such Certificates being treated as used for reimbursement purposes, in the event such proceeds are used to reimburse expenditures paid prior to issuance thereof.

C. The City desires to officially declare its intent to use proceeds of the Certificates to reimburse expenditures paid with respect to the Project prior to issuance thereof.

D. Notwithstanding anything herein to the contrary, the Project may instead be financed by the City's general obligation bonds ("GOBs"), rather than by the Certificates, if (i) the City Commission of the City (the "City Commission") hereafter determines to call a bond referendum within the City (which, if called, is expected to be held in March, 2018) (the "Referendum") to seek approval for the issuance of the GOBs to finance the Project and any other capital projects that may be the subject of the Referendum; (ii) a majority of the qualified electors of the City voting at the Referendum, if held, approve the issuance of the GOBs for purposes that include, at a minimum, the Project; and (iii) assuming the Referendum is held and the GOBs approved at the Referendum, the City Commission, by subsequent proceedings, authorizes the issuance of the GOBs for purposes that include, at a minimum, the Project. Accordingly, the Project is also subject to a separate reimbursement resolution of the City relating to said general obligation bonds for purposes of Section 1.150-2 of the Federal income tax regulations.

SECTION 2. REIMBURSEMENT. Subject to the issuance of the GOBs in lieu of the issuance of the Certificates to finance the Project, the City intends to issue the Certificates in an amount, at a minimum, that is necessary to finance the costs of the Project, including the reimbursement of Project costs paid before the issuance of such Certificates. Nothing herein shall be deemed to require the City to apply the proceeds thereof to reimburse expenditures relating to

the Project. The maximum principal amount of the Certificates, if any, expected to be issued to finance the Project is \$9.2 million.

SECTION 3. REPEALING CLAUSE. All resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

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7/6/17
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