



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2019-10

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
DECLARING ITS INTENTION TO REIMBURSE CERTAIN EXPENDITURES
FROM THE PROCEEDS OF TAXABLE OR TAX-EXEMPT
OBLIGATIONS AND DIRECTING CERTAIN ACTIONS WITH RESPECT
THERE TO AS REQUIRED BY UNITED STATES
DEPARTMENT OF TREASURY REGULATIONS SECTION 1.150-2**

WHEREAS, the Town of Discovery Bay Community Services District (the "District") desires and intends to finance the costs of acquiring, constructing, repairing, expanding, modernizing, and/or equipping of its Wastewater Enterprise, as provided in the Town of Discovery Bay NPDES Permit No. CA0078590 adopted by the California Regional Water Quality Control Board (RWQCB) on June 14, 2014; and

WHEREAS, NPDES Permit No. CA0078590 includes the requirement that the Town of Discovery Bay wastewater enterprise design and construct Title 22 Wastewater Denitrification Facilities (Project); and

WHEREAS, Wastewater Treatment Plant 1 needs to be upgraded or decommissioned and moved to Plant 2 (Project); and

WHEREAS, the District intends to finance the acquisition, construction, repairing, expanding, modernizing, and/or equipping of the Project(s) or portions of the Project(s) with the proceeds of the sale of taxable or tax-exempt bonds, notes, certificates of participation, revenue bonds or other forms of debt, the interest upon which is excluded from gross income for federal income tax purposes (the "Bonds"); and

WHEREAS, prior to the issuance of the Bonds the District desires to incur certain capital expenditures (the "Expenditures") with respect to the Project(s) from available moneys of the District; and

WHEREAS, the Board of Directors has determined that those moneys advanced within sixty (60) days from the date hereof, and those moneys which will be advanced on and after the date hereof, to pay Expenditures are available only for a temporary period, and it is necessary to reimburse the District for such Expenditures from the proceeds of the Bonds, all as set forth pursuant to Section 1.150-2 of the regulations (the "Treasury Regulations") promulgated under the Internal Revenue Code of 1986, as amended (the "Tax Code"); and

WHEREAS, this Resolution will be reasonably available for public inspection within a reasonable period of time after its date of adoption and in the same manner governing the public availability of records of other official acts of the Board of Directors; and

WHEREAS, this Resolution is intended to be a "declaration of official intent" in accordance with Section 1.150-2 of the Treasury Regulations.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. All of the recitals herein contained are true and correct and the District so finds.

SECTION 2. The District hereby states its intention and reasonably expects to reimburse itself for the Expenditures made by the District in anticipation of the issuance of the Bonds with proceeds from the sale of the Bonds. The Expenditures will be expenditures of a type that are properly chargeable to a capital account under general Federal income tax principles. The reimbursement of the expenditure is consistent with the District's budgetary and financial circumstances. There are no funds or other sources of money of the District, or any related person or controlled entity that have been, or are reasonably expected to be reserved, allocated on a long term basis, or otherwise set aside to pay the costs of the Project to be paid or reimbursed out of the proceeds of the Bonds.

SECTION 3. The maximum principal amount of the Bonds from which Expenditures are to be made is reasonably expected to be \$30,000,000. The obligation to be represented by the Bonds may be incurred by the District by means of the execution and delivery of certificates of participation or revenue bonds, or, in the alternative, the Bonds may be issued by a joint exercise of powers authority which will make the Bond proceeds available to the District through a loan, lease, or installment purchase arrangement.

SECTION 4. The proceeds from the Bonds are to be used for the financing, acquisition, design and/or construction of the Project(s), funding a reserve fund, a capitalized interest fund, and paying certain costs of issuance related thereto.

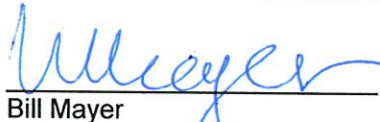
SECTION 5. This Resolution is adopted as official action solely for purposes of establishing compliance with the requirements of section 1.150-2 of the Treasury Regulations. This Resolution does not bind the District to make any expenditure, incur any indebtedness or proceed with the financing, acquisition or construction of the Project(s). All of the Expenditures covered by this Resolution were made not earlier than 60 days prior to the date of adoption hereof.

SECTION 6. All actions heretofore taken by the officers, or their respective designees, employees and agents of the Board of Directors of the District in connection with the financing of the Project(s) are hereby ratified and confirmed.

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

SECTION 8. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF SEPTEMBER, 2019.


Bill Mayer
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on September 18, 2019, by the following vote of the Board:

AYES: 4 - President Mayer, Vice President Reese, Director Graves, Director Gorton
NOES: 0
ABSENT: 1 - Director Leete
ABSTAIN: 0


Michael R. Davies
Board Secretary