



Louisville Metro Government

Legislation Text

File #: R-137-17, Version: 1

RESOLUTION NO. _____, SERIES 2017

A RESOLUTION OF OFFICIAL INTENT OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT TO FINANCE THE BUTCHERTOWN STADIUM DISTRICT REDEVELOPMENT PROJECT WHICH INCLUDES THE ACQUISITION AND REDEVELOPMENT OF BROWNFIELDS AND ADJACENT PROPERTIES AND THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE BUTCHERTOWN STADIUM DISTRICT DEVELOPMENT AREA FROM THE PROCEEDS OF ONE OR MORE PROPOSED ISSUES OF GENERAL OBLIGATION BONDS AND GENERAL OBLIGATION NOTES.

SPONSORED BY: COUNCIL MEMBERS SEXTON SMITH AND AUBREY WELCH

WHEREAS, Treasury Regulations §1.150-2 (the "Reimbursement Regulations"), issued pursuant to §150 of the Internal Revenue Code of 1986, as amended (the "Code") prescribes certain requirements by which proceeds of tax-exempt bonds, notes, certificates or other obligations included in the meaning of "bonds" under §150 of the Code ("Obligations") used to reimburse advances made for Capital Expenditures (as hereinafter defined) paid before the issuance of such Obligations may be deemed "spent" for purposes of §§103 and 141 through 150 of the Code are not subject to any other requirements or restrictions under those sections of the Code;

WHEREAS, the Reimbursement Regulations require that an issuer or borrower make a Declaration of Official Intent (as hereinafter defined) to reimburse any Capital Expenditure paid prior to the issuance of the Obligations intended to fund such Capital Expenditure and require that such Declaration of Official Intent be made no later than sixty (60) days after payment of the Capital Expenditure and further require that the Allocation (as hereinafter defined) of the proceeds of such Obligations to reimburse such Capital Expenditures occur no later than eighteen (18) months after the later of the date the Capital Expenditure was paid or the date the property acquired with the

Capital Expenditure was placed in service, except that any such Allocation must be made no later than three (3) years after such Capital Expenditure was paid;

WHEREAS, the Louisville/Jefferson County Metro Government ("Louisville Metro") on behalf of itself and its agencies and departments wishes to ensure compliance with the Reimbursement Regulations; and

WHEREAS, Louisville Metro desires to make a Declaration of Official Intent to reimburse certain Capital Expenditures from the proceeds of tax-exempt or taxable bonds and notes.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, AS FOLLOWS:

Section 1. Definitions. The following definitions apply to the terms used herein:

"*Allocation*" means written evidence that proceeds of Obligations issued subsequent to the payment of a Capital Expenditure are to effect the reimbursement of Louisville Metro for such payments.

"*Capital Expenditures*" means any expense for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Code, as well as costs of issuing Reimbursement Obligations.

"*Declaration of Official Intent*" means a written declaration that Louisville Metro intends to fund a Capital Expenditure with an issue of Reimbursement Obligations and reasonably expects to be reimbursed from the proceeds of such an issue.

"*Reimbursement*" means restoration to Louisville Metro of money temporarily advanced from other funds of Louisville Metro to pay for Capital Expenditures before the issuance of Obligations intended to fund such Capital Expenditures. "To reimburse" means to make such a restoration.

"*Reimbursement Obligations*" means Obligations that are issued to reimburse Louisville Metro for Capital Expenditures previously paid by or for Louisville Metro.

"*Reimbursement Regulations*" means Treasury Regulations §1.150-2 and any amendments thereto or superseding regulation, whether in proposed, temporary or final form, as applicable, prescribing conditions under which the proceeds of Obligations when allocated or applied to a reimbursement will be treated as "spent" for purposes of §§103 and 141 through 150 of the Code.

Section 2. Declaration of Official Intent.

(a) Louisville Metro declares that it reasonably expects that the Capital Expenditures described in Section (b), which will be paid prior to the issuance of any Obligations intended to fund such Capital Expenditures, will be reimbursed with the proceeds of Obligations, representing a borrowing of Louisville Metro in the anticipated aggregate principal amount of \$30,000,000 of tax-exempt obligations and taxable obligations.

(b) The Capital Expenditures to be reimbursed are to be used for the Butchertown Stadium District Redevelopment Project which includes the acquisition and redevelopment of brownfields and adjacent properties and the construction of public infrastructure improvements located in the Butchertown Stadium District Development Area (the "Project").

(c) The fund or account from which the Capital Expenditures will be paid and which will be reimbursed from the proceeds of Obligations is the General Fund, the Capital Cumulative Reserve Funds, and other funds or accounts of Louisville Metro.

Section 3. Reasonable Expectations. Louisville Metro does not expect any other funds (including the money advanced to make the Capital Expenditures that are to be reimbursed), to be reserved, allocated on a long-term basis, or otherwise set aside by Louisville Metro or any other entity affiliated with Louisville Metro, with respect to the Capital Expenditures described in Section 2 (b) hereof.

Section 4. Effective Date. This Resolution shall be effective upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By _____

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