

RESOLUTION 2020-06

A RESOLUTION OF TRIVIEW METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO, EXPRESSING THE INTENT OF THE DISTRICT TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO THE CONSTRUCTION AND/OR ACQUISITION OF CERTAIN WATER AND/OR SEWER IMPROVEMENTS.

WHEREAS, Triview Metropolitan District, in the County of El Paso and State of Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado (the “State”) duly organized and existing under the Constitution and laws of the State, in particular Title 32, Article 1, C.R.S. (the “Act”); and

WHEREAS, the members of the Board of Directors of the District (the “Board”) have been duly elected or appointed and qualified; and

WHEREAS, the District now owns and operates a water system and a wastewater system (collectively, the “System”); and

WHEREAS, it is the current intent of District to acquire and/or construct certain capital improvements of the District for water purposes (the “Project”); and

WHEREAS, the District has determined that it is in the best interest of the District to finance the Project through the issuance of water and sewer revenue bonds of the District or by any other means legally available to the District; and

WHEREAS, the Board has determined that it is necessary to make capital expenditures to acquire and construct the Project prior to the time that the District arranges for the specific financing of such Project; and

WHEREAS, it is the District’s reasonable expectation that when such financing occurs, the capital expenditures will be reimbursed with the proceeds of the financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), it is the District’s desire that this resolution shall constitute the “official intent” of the District to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TRIVIEW METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO:

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the Board and the officers, employees and agents of the District directed toward the Bonds is hereby ratified, approved and confirmed.

Section 2. The District intends to finance approximately \$8,000,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the District prior to the receipt of any proceeds of a financing, upon terms acceptable to the District, as authorized in a resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the District shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution.

Section 4. The officers and employees of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 5. The District shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All acts, orders and resolutions of the District, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED May 20, 2020.



TRIVIEW METROPOLITAN DISTRICT

By Maria Melin
President

[SEAL]

Attest:

By [Signature]
Secretary