

1 [Reimbursement Resolution.]

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3 **Resolution declaring the intent of the City and County of San Francisco to reimburse**
4 **certain expenditures from proceeds of future indebtedness; and approving and**
5 **ratifying previous actions in connection therewith.**

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7 WHEREAS, The City and County of San Francisco (the "City") desires to pay for the
8 acquisition, construction and reconstruction of certain improvements to the Steinhart
9 Aquarium and the California Academy of Sciences, and all other works, property and
10 structures necessary or convenient for the foregoing purposes, in accordance with Proposition
11 C approved by the voters in November 1995 and Proposition B approved by the voters in
12 March 2000, respectively, (the "Project"); and,

13 WHEREAS, The City expects to pay sixty (60) days prior to the date hereof and on and
14 after the date hereof certain costs incurred in connection with the Project; and,

15 WHEREAS, The City intends to issue general obligation bonds in accordance with
16 Proposition C and Proposition B, described above, to finance the costs of the Project; and,

17 WHEREAS, The Board of Supervisors (the "Board") hereby determines that the
18 moneys advanced and to be advanced to pay certain expenditures are or will be available
19 only for a temporary period and it is necessary to reimburse all such expenditures, including
20 expenditures made by the California Academy of Sciences, made within 60 days prior to or on
21 and after the date hereof with respect to the Project from the proceeds of one or more issues
22 of tax-exempt bonds (the "Bonds"); and,

23 WHEREAS, Section 1.150-2 of the Treasury Regulations requires the Board to declare
24 its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a
25 borrowing; now, therefore, be it

1 RESOLVED, by the Board of Supervisors of the City and County of San Francisco as
2 follows:

3 Section 1. The Board hereby finds and determines that the foregoing recitals are
4 true and correct.

5 Section 2. This Resolution is adopted by the Board solely for purposes of
6 establishing compliance with the requirements of Section 1.150-2 of the Treasury
7 Regulations. This Resolution does not bind the Board to make any expenditure, incur any
8 indebtedness or proceed with the Project.

9 Section 3. The Board hereby declares its official intent under Treasury Regulations
10 Section 1.150-2 and declares its intent to use proceeds of indebtedness to reimburse all
11 expenditures incurred in the future, or within 60 days prior to the date hereof, in connection
12 with the Project. The Board hereby further declares its intent to use such proceeds to
13 reimburse the City or the California Academy of Sciences, as the case may be, for actual
14 expenditures made by the City or the California Academy of Sciences on the Project.

15 Section 4. Each expenditure was and will be either (a) of a type properly chargeable
16 to a capital account under general federal income tax principles (determined in each case as
17 of the date of the expenditure), (b) a cost of issuance with respect to the Bonds, (c) a
18 nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a
19 party that is not related to or an agent of the City so long as such grant does not impose an
20 obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the
21 City.

22 Section 5. The maximum principal amount of debt expected to be incurred for the
23 Project is \$116,690,000.

24 Section 6. All actions heretofore taken by any appropriate official or employee of the
25 City with respect to the Project are hereby approved, confirmed and ratified.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 Theresa Alvarez Hackett
5 Deputy City Attorney
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