



# RESOLUTION No. 16-434

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION REGARDING THE INTENTION OF THE COUNTY OF NEVADA TO DELIVER A NEW CLEAN RENEWABLE ENERGY BOND LEASE OBLIGATION

WHEREAS, the Nevada County Board of Supervisors expects to finance the costs of acquiring, constructing, reconstructing and/or equipping of County property (the "Project") that constitutes a "qualified renewable energy facility" within the meaning of Section 54C(d)(1) of the Internal Revenue Code of 1986, as amended (the "Code") and that is described in the County's application for the New CREBs Allocation (as defined below), from proceeds of a financing lease to be entered into by the County (the "Obligations"); and

WHEREAS, the County expects to designate the Obligations as "new clean renewable energy bonds" for purposes of Section 54C of the Code; and

WHEREAS, the County expects to make an irrevocable election to apply Section 6431(f)(3)(B) of the Code to the Obligations; and

WHEREAS, the County has received an allocation of new clean renewable energy bond volume cap under Section 54C of the Code (the "New CREBs Allocation"); and

WHEREAS, prior to the delivery of the Obligations the County desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the County, which Expenditures were and will be paid after the date on which the County received the New CREBs Allocation and after the date hereof; and

WHEREAS, the Nevada County Board of Supervisors has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors hereby resolves, orders, and determines as follows:

SECTION 1. The County hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the delivery of the Obligations with proceeds of the Obligations. Exhibit A hereto describes the general character, type, purpose, and function of the Project.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$10,900,000.

SECTION 3. This resolution is being adopted prior to the payment of the earliest original Expenditures (the "Expenditures Dates or Dates").

SECTION 4. The County will make a reimbursement allocation, which is a written allocation that evidences the County's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the date on which the earliest Expenditure is paid.

SECTION 5. Each Expenditure will be of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), and incurred solely for the Project.

SECTION 6. This resolution is consistent with the budgetary and financial circumstances of the County, as of the date hereof. No moneys from sources other than the Obligations are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the County (or any related party) pursuant to their budget or financial policies with respect to the Project costs. To the best of our knowledge, the members of the Nevada County Board of Supervisors are not aware of any previous adoption of official intents by the County that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-advantaged obligations have not been issued.

SECTION 7. This resolution is adopted as official action of the County in order to comply with Section 54A(d)(2)(D) of the Code and Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of County expenditures incurred prior to the date of issue of the Obligations.

SECTION 8. All the recitals in this resolution are true and correct and this Board of Supervisors so finds, determines and represents.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 16th day of August, 2016, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By:  \_\_\_\_\_

 \_\_\_\_\_  
Dan Miller, Chair

8/16/2016 cc: CEO\*  
AC\*(hold)

3/10/2017 cc: CEO\*  
AC\*(release)

## Exhibit A

The County wishes to finance the acquisition, installation and equipping of certain solar systems and photovoltaic power generating systems and related improvements on and to certain of the County's public buildings and other facilities.