

RESOLUTION NO. 696

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

**AUTHORIZING THE REIMBURSEMENT OF PRIOR EXPENDITURES OF
THE BOROUGH RELATING TO CONSTRUCTION OF A NEW TRUNK SEWER LINE
FROM THE PROCEEDS OF BONDS TO BE ISSUED**

Recitals

WHEREAS, the Borough of Malvern, Chester County, Pennsylvania (the "Borough") is a political subdivision of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough will soon undertake the construction of additions and improvements to the Valley Creek Trunk Sewer (the "Project"); and

WHEREAS, the Borough intends to finance some or all of the costs of the Project by the issuance of its bonds, notes or other obligations (the "Bonds") and intends to use a portion of the proceeds of the Bonds to reimburse itself for original expenditures made for the Project prior to the date of issuance of the Bonds; and

WHEREAS, no portion of the Project to be financed with proceeds of the Bonds has yet been placed in service; and

WHEREAS, this Resolution is intended to constitute a statement of "Official Intent" pursuant to United States Treasury Regulations §1.150-2, T.D. 8476 (the "Treasury Regulations").

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Malvern that:

1. In accordance with the Treasury Regulations, the Borough hereby states its intention that a portion of the proceeds of the Bonds will be used to reimburse itself for expenditures paid for costs of the Project prior to the date of issuance of the Bonds. All capitalized terms used herein and not otherwise defined have the meanings given to them in the Treasury Regulations.

All original expenditures to be reimbursed will be capital expenditures (as defined in the Treasury Regulations) and other amounts permitted to be reimbursed pursuant to the Treasury Regulations.

The Borough intends to reimburse the original expenditures through the Borough's incurrence of debt to be evidenced by the Bonds.

The estimated maximum principal amount of the Bonds to be issued to reimburse the costs of the Project paid prior to their issuance and to complete the Project is \$2,000,000 including the costs of issuance of the Bonds.

2. Once the Bonds are issued, the Borough shall allocate Bond proceeds to reimburse a prior expenditure by making the allocation on its books and records maintained with respect to the Bonds; provided that such costs to be reimbursed were paid not more than 60 days prior to the date hereof, except to the extent that such costs constitute preliminary costs within the meaning of the Treasury Regulations. Such allocation shall specifically identify the actual original expenditure to be reimbursed. Such allocation shall occur not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

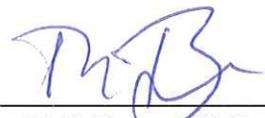
3. The Bond proceeds used to reimburse the Borough for original expenditures will not be used within 1 year after the allocation in a manner that results in the creation of replacement proceeds (as defined in the Treasury Regulations) for the Bonds or for other bonds.

4. The Borough will not use the proceeds of the Bonds to reimburse, refinance or refund an original expenditure paid by another obligation (either tax-exempt or taxable).

5. This Resolution shall be effective immediately.

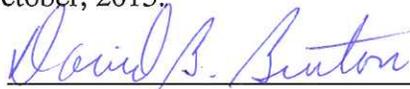
6. All resolutions heretofore adopted to the extent the same are inconsistent herewith are hereby repealed.

PASSED by Borough Council this 20th day of October, 2015.



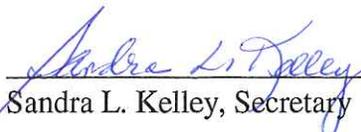
David G. Bramwell, President

APPROVED by the Mayor, this 20th day of October, 2015.



David B. Burton, Mayor

ENACTED, this 20th day of October, 2015.



Sandra L. Kelley, Secretary