

RESOLUTION NO. #2024-04
COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN

June 19, 2024

**RESOLUTION DECLARING OFFICIAL INTENT TO
REIMBURSE EXPENDITURES FROM LOAN
DISBURSEMENT PAYMENTS**

TO THE CITY OF APPLETON COMMON COUNCIL

WHEREAS, the City of Appleton (the "Municipality") plans to undertake a project to replace private lead service water lines servicing City of Appleton customers (the "Project");

WHEREAS, the Municipality has applied to the Safe Drinking Water Loan Program (the "SDWLP") for financial assistance in the form of a loan made by the SDWLP to the Municipality of which all the principal will be forgiven at the time loan disbursements are made to the Municipality;

WHEREAS, the Municipality expects to finance the Project entirely using the funds made available through the SDWLP;

WHEREAS, because the loan funds will not be disbursed prior to completion of work, the Municipality must provide interim financing to cover the costs of the Project incurred prior to receipt of the disbursements of the loan; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the loan funds are issued.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Loan disbursements become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent to reimburse said expenditures with disbursements of the Loan, the principal amount of which is not expected to exceed \$550,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Loan are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Application of Resolution. Before the date that is 60 days prior to the date of this resolution, no payments have been made by the Municipality for the expenditures to be reimbursed relating to the Project, other than for preliminary expenditures that are incurred prior to commencement of construction, rehabilitation, or acquisition of the Project, and these preliminary expenditures do not exceed 20% of the aggregate issue price of that portion of the borrowing or borrowings that finance or are reasonably expected to finance the Project. The term "**preliminary expenditures**" means architectural, engineering, surveying, soil testing, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

Section 5. Expiration of Resolution. The borrowing from which an expenditure for the Project is to be reimbursed will be issued within 18 months following the later of (i) the date of the expenditure, or (ii) the date on which the Project is placed in service, but no later than 3 years after the date of the expenditure.

Section 6. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at City Hall within 30 days of its approval in compliance with applicable State law governing the availability of records of official acts and shall remain available for public inspection until the Loan is disbursed.

Section 7. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted: June 19, 2024

Approved June __, 2024

Signed: _____
Jake Woodford, Mayor

Kami Lynch, City Clerk