



Recommendation for Action

File #: 22-1001, Agenda Item #: 2.

1/27/2022

**Posting Language**

Approve a resolution declaring the City of Austin's official intent to reimburse itself from the proceeds of tax-exempt obligations in an aggregate maximum principal amount of \$130,000,000 for expenditures related to the acquisition and construction of electric utility capital improvement projects.

**Lead Department**

Austin Energy

**Fiscal Note**

Funding is available in the Austin Energy Capital Budget. A fiscal note is attached.

**For More Information:**

John Davis, AE Budget Director, 512-505-3724; Nabil Khazei, AE Financial Manager III, 512-322-6538

**Additional Backup Information:**

Austin Energy requests approval, in accordance with Federal Treasury Regulations, of an Official Declaration of Intent to Reimburse acquisition and construction costs of the Fiscal Year 2021-2022 capital improvement projects. Austin Energy reasonably expects to issue debt through October 2022, with an aggregate maximum principal amount of \$130,000,000 for the purpose of paying for costs incurred from October 1, 2021, through October 31, 2022, which are associated with Austin Energy Capital Improvement Projects. All costs to be reimbursed will be capital expenditures within the meaning of Section 1.103-18(c)(2)iii of the Treasury Regulations.

A city must have budgeted for and provided a source of funds in order to enter into a contract. For the City to spend money today but reimburse itself from the issuance of debt obligations in the future, a reimbursement resolution is required by state and federal law. The resolution must contain certain information and is generally reviewed by bond counsel to protect the tax-exempt status of the future issuance. The resolution must be passed not more than 60 days after the date that the cost to be reimbursed is paid. Failure to adopt a qualified declaration of official intent will prohibit the City from reimbursing the cost with the proceeds of tax-exempt obligations. Reimbursement bonds generally must be issued no later than 18 months after the later of, the date the expenditure was made, or the date that the project, with respect to which the expenditure was made, is placed in service.

FUND	FUND DESCRIPTION
3120	E-Alternate Energy Capital
3220	E-Power Production Capital
3230	E-Transmission Capital
3240	E-Distribution Substations Capital
3250	E-Distribution Capital
3310	E-Support Services Capital

**Strategic Outcome(s):**  
Government that Works for All.