

REIMBURSEMENT RESOLUTION

RESOLUTION NO. 2018-2019-024

RESOLUTION OF THE BOARD OF EDUCATION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT REGARDING ITS INTENTION TO ISSUE TAX-EXEMPT GENERAL OBLIGATION BONDS

WHEREAS, the Beverly Hills Unified School District (the “District”) has passed a \$385,000,000 general obligation bond measure on the June 5, 2018 ballot (“Measure BH”); and

WHEREAS, the Board of Education (the “Board”) of the District desires to finance the costs of acquiring, constructing, reconstruction and/or equipping of school facilities (the “Projects”) as provided in Exhibit B to the Resolution No. 2017-18-022 (the “Election Resolution”) approved by the Board on February 27, 2018; and

WHEREAS, the District intends to finance the acquisition, construction, reconstruction and/or equipping of the Projects or portions of the Projects with the proceeds of the sale of general obligation bonds or other forms of debt, the interest on which is excluded from gross income for federal income tax purposes (the “Obligations”); and

WHEREAS, prior to the issuance of the Obligations, the District desires to incur certain capital expenditures (the “Expenditures”) with respect to the Projects from available moneys of the District; and

WHEREAS, the Board of Education 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 District for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, ORDER, AND DETERMINE AS FOLLOWS:

SECTION 1. The District hereby states its intention to and reasonably expects to reimburse Projects costs incurred prior to the issuance of the Obligations with proceeds of the Obligations. Exhibit B of the Election Resolution describes the general character, type, purpose, and function of the Projects.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$160,000,000.

SECTION 3. This resolution is being adopted not later than sixty (60) days after the payment of the original Expenditures (the “Expenditures Date” or “Expenditures Dates”).

SECTION 4. The District will make a reimbursement allocation, which is a written allocation that evidences the District’s use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Projects are placed in service or abandoned, but in no event more than three years after the date

on which the Expenditure is paid. If both the District and a licensed architect or engineer certify that at least 5 years is necessary to complete construction of the Projects, the maximum reimbursement period is changed from 3 years to 5 years.

SECTION 5. Each Expenditure will be either (a) 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), (b) a cost of issuance with respect to the Obligations, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the District so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the District.

SECTION 6. This resolution is consistent with the budgetary and financial circumstances of the District, 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 District (or any related party) pursuant to their budget or financial policies with respect to the Projects costs. To the best of our knowledge, this Board is not aware of the previous adoption of official intents by the District that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

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

SECTION 8. The limitations described in Section 3 and Section 4 do not apply to (a) costs of issuance of the Obligations, (b) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Obligations, or (c) any preliminary expenditures, such as architectural, engineering, surveying, soil testing, and similar costs other than land acquisition, site preparation, and similar costs incident to commencement of construction, not in excess of twenty percent (20%) of the aggregate issue price of the Obligations that finances the Projects for which the preliminary expenditures were incurred.

SECTION 9. All the recitals in this resolution are true and correct and this Board of Education so finds, determines and represents.

SECTION 10. This Resolution shall take effect immediately upon its passage.

ADOPTED, SIGNED AND APPROVED this 14th day of May, 2019

BEVERLY HILLS UNIFIED SCHOOL
DISTRICT BOARD OF EDUCATION

By _____
Board President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
LOS ANGELES COUNTY)

I, Dr. Michael Bregy, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2018-2019-024, which was duly adopted by the Board of Education of the Beverly Hills Unified School District at meeting thereof held on the 14th day of May, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary