

**IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

\_\_\_\_\_ day August, 2015

PRESENT:

ABSENT:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK FOR FINANCING OF THE CONSTRUCTION OF A NEW AIRPORT TERMINAL AT THE SAN LUIS OBISPO COUNTY REGIONAL AIRPORT, DECLARATION OF OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF OBLIGATION, AND APPROVING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the California Infrastructure and Economic Development Bank (“IBank”) administers a financing program to assist local governments with the financing of eligible projects in accordance with Section 63000 *et seq.* of the California Government Code (the “Act”); and

WHEREAS, IBank created the Infrastructure State Revolving Fund Program (“ISRF Program”) pursuant to the provision of the Act; and

WHEREAS, the IBank has instituted an application process for financing under its ISRF Program; and

WHEREAS, the IBank’s Criteria, Priorities and Guidelines for the Selection of Projects for Financing under the ISRF Program, adopted by the IBank’s Board of Directors on June 25, 2015, as may thereafter be amended from time to time (the “Criteria”), establishes requirements for the financing of projects under the ISRF Program; and

WHEREAS, the County of San Luis Obispo (“Applicant”) desires to submit an application (“Financing Application”) to the IBank for the ISRF Program for the financing of construction of a new passenger terminal at the San Luis Obispo County Regional Airport (“Project”) in an amount not to exceed \$6,000,000; and

WHEREAS, the Act requires the Applicant to certify by resolution certain findings prior to a Project being selected for financing by the IBank; and

WHEREAS, the Applicant expects to pay certain expenditures (the “Reimbursement

Expenditures”) in connection with the Project prior to incurring indebtedness for the purpose of financing costs associated with the Project on a long-term basis; and

WHEREAS, the Applicant reasonably expects that a financing arrangement (“Obligation”) in an amount not expected to exceed \$6,000,000 will be entered into, under a financing agreement (the “Financing Agreement”) and that certain proceeds of such Obligation will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Applicant acknowledges that the IBank funds the ISRF Program, in part, with the proceeds of tax exempt bonds and, as such, has certain compliance obligations that may require it to have the Applicant enter into a new financing agreement to replace the Financing Agreement (the “Replacement Agreement”) on terms and conditions substantially identical to the original Financing Agreement.

NOW, THEREFORE, be it resolved by the Board of Supervisors of San Luis Obispo County (the “Board”) as follows:

Section 1. The Board hereby approves the filing of an ISRF Program Financing Application with the IBank for the Project; and in connection therewith finds and certifies:

- a. That the Project is consistent with the General Plan of the County of San Luis Obispo;
- b. The proposed financing is appropriate for the Project;
- c. The Project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and conservation of natural resources;
- d. The Project develops and enhances public infrastructure in a manner that will attract, create, and sustain long-term employment opportunities;
- e. The Project is consistent with the IBank’s Criteria for the ISRF Program; and
- f. It has considered (i) the impact of the Project on California’s land resources and the need to preserve such resources; (ii) whether the Project is economically or socially desirable; and (iii) whether the project is consistent with, and in furtherance of the State Environmental Goals and Policy Report (as defined in the Criteria).

Section 2. The Applicant hereby declares its official intent to use proceeds of the Obligation to reimburse itself for Reimbursement Expenditures with the proceeds of tax exempt bonds or other tax exempt securities issued under the provisions of the Internal Revenue Code of 1986, as amended, and those Treasury Regulations implementing such provisions (collectively, “Federal Tax Law”). This declaration is made solely for purposes of establishing compliance with applicable requirements of Federal Tax Law. This declaration does not bind the Applicant to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. All of the Reimbursement Expenditures were made no earlier than 60 days prior to the date of this Resolution. The Applicant will allocate proceeds of the Obligation to pay Reimbursement Expenditures within eighteen (18) months of the later of the date the original

expenditure is paid or the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 4. The County Auditor-Controller-Treasurer-Tax Collector and his or her designee is hereby authorized and directed to act on behalf of the County of San Luis Obispo in all matters pertaining to the Financing Application, and the execution of related financial documents, including but not limited to, the authority to pledge General Fund revenues to the repayment of the Obligation and provide covenants relating to rates and charges pledged and as to any other security or collateral securing the Obligation.

Section 5. If the Financing Application and the Obligation is approved by the IBank, the County Auditor-Controller-Treasurer-Tax Collector and his or her designee is authorized to negotiate, enter into and sign financing documents and any amendments thereto, including, but not limited to the Financing Agreement and the Replacement Agreement, with the IBank for the purposes of financing the Obligation.

Section 6. This resolution shall become effective immediately upon adoption.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

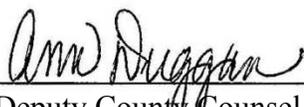
ATTEST:

APPROVED AS TO FORM AND LEGAL EFFECT:

\_\_\_\_\_  
TOMMY GONG  
Clerk of the Board of Supervisors

RITA NEAL  
County Counsel

By: \_\_\_\_\_  
Deputy Clerk

By:   
Deputy County Counsel

Dated: July 31, 2015