



City of Conway, Arkansas  
Resolution No. R-09-15

**A RESOLUTION OF INTENT REGARDING THE REIMBURSEMENT OF CERTAIN COSTS AND EXPENSES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WASTEWATER SYSTEM OF THE CITY**

**WHEREAS**, the City of Conway, Arkansas (the "City") owns a wastewater collection and treatment system (the "System") serving the residents of the City, which System is operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to an exclusive franchise arrangement granted to the Corporation by the City; and

**WHEREAS**, the Corporation has requested that the City assist in obtaining financing for certain improvements to the System, including the acquisition, construction and equipping of the proposed Tupelo Basin Wastewater Treatment Plant, improvements to the Tucker Creek Wastewater Treatment Plant, collection system improvements, including new Central and Donnell Ridge Road Pump Stations, force mains, and a gravity collection line leading to the Donnell Ridge Road Pump Station (collectively, the "Project"); and

**WHEREAS**, the total costs of the Project, including expenses associated with the financing thereof, are presently estimated to be approximately \$98,500,000; and

**WHEREAS**, the Corporation and the City do not have adequate funds on hand to pay the estimated costs of the Project and related expenses; and

**WHEREAS**, the City proposes to obtain the necessary funds to accomplish the Project and to pay related expenses through the issuance of tax-exempt or taxable revenue bonds issued by the City and sold through an underwriter or to a bank or governmental entity (the "Bonds"); and

**WHEREAS**, the principal amount of the Bonds is not presently expected to exceed \$109,500,000; and

**WHEREAS**, the purpose of this Resolution is for the City to declare its "official intent" to reimburse itself or the Corporation for certain preliminary costs (incurred by or on behalf of the City and related to the Project) pursuant to Section 1.150-2 of the Regulations of the U.S. Department of Treasury promulgated pursuant to the provisions of the Internal Revenue Code of 1986, as amended;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:**

**Section 1.** That the adoption of this Resolution is intended as the City's "official intent" to reimburse itself or the Corporation from the proceeds of Bonds for preliminary costs of the Project and related expenses advanced by the City or the Corporation.

**Section 2.** That a copy of this resolution shall be furnished by the Mayor to any entity requesting such a copy in connection with the financing of the Project.

**PASSED AND APPROVED** this 28<sup>th</sup> day of April, 2009

**APPROVED:**

By:   
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Mayor Tab Townsell

**ATTEST:**

By:   
\_\_\_\_\_  
Michael O. Garrett  
City Clerk/Treasurer