

RESOLUTION NO. 08-28

RESOLUTION RELATING TO FINANCING OF CERTAIN PUBLIC IMPROVEMENTS BY THE CITY OF WILLISTON;
ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL
REVENUE CODE

BE IT RESOLVED by the City Commission (the "Commission") of the City of Williston (the "City")
as follows:

1. Recitals.

- (a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures made by the City prior to the date of issuance of the bonds.
- (b) The Regulations generally require that the City, as issuer of the bonds, make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds.
- (c) The City desires to comply with requirements of the Regulations with respect to certain public improvement projects to be undertaken within the City.

2. Official Intent Declaration.

- (a) The City expects to make original expenditures with respect to the following described projects prior to the issuance of reimbursement bonds for such projects in the maximum principal amount shown below:

Project	Maximum Amount of Bonds Expected to be Issued for Project
Water, Sewer, Street Improvement District 08-2	\$1,100,00
Water, Sewer, Street Improvement District 08-3	\$301,000

- (b) Other than (i) de minimis amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(1) of the Regulations or (ii) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the City will not seek reimbursement for any original expenditures with respect to the foregoing projects paid

more than 60 days prior to the date of the adoption of this resolution. All original expenditures for which reimbursement is sought will be capital expenditures or costs of issuance of the reimbursement bonds.

3. Budgetary Matters. As of the date hereof, there are no City funds reserved, pledged, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long term basis or otherwise set aside) to provide permanent financing for the original expenditures related to the projects, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

4. Reimbursement Allocations. The City's financial officer shall be responsible for making the reimbursement allocations described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the City to make payment of the original expenditures relating to the projects. Each reimbursement allocation shall be made within 30 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the City maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

Adopted this 23rd day of December, 2008, by the following vote:

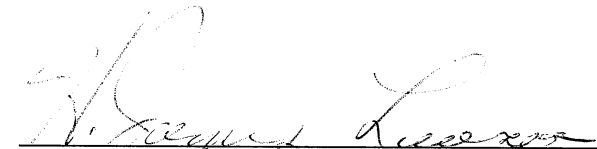
Voting Aye: Howard Klug, Brent Bogar, Brad Bekkedahl, H. James Lawson

Voting Nay: None

Absent: E. Ward Koeser



ATTEST:


H. JAMES LAWSON, Vice-President
Board of City Commissioners


JOHN KAUTZMAN, City Auditor