

HYATTSVILLE RESOLUTION 2013-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, authorizing, directing and empowering certain officials to approve and to amend, modify and replace from time to time written post-issuance tax compliance procedures pertaining to the \$2,500,000 City of Hyattsville Infrastructure Bond, 2012 Series B and other non-conduit tax-exempt obligations of the City; and generally relating to the development of such written post-issuance procedures.

RECITALS

WHEREAS, City of Hyattsville, a municipal corporation of the State of Maryland (the "City"), is authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (West 2002, as replaced, supplemented or amended) (the "Enabling Act") and Section C5-23A of the Charter of the City of Hyattsville, as published in Municipal Charters of Maryland, Volume 5, 2008 Replacement Edition, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), authorizes the Community Development Administration (the "Administration"), an agency in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith; and

WHEREAS, pursuant to Hyattsville Ordinance 2012-05, passed pursuant to the authority of the Act, the Enabling Act and the Charter by the City Council of the City (the "City Council") on August 6, 2012 and effective on August 6, 2012 (the "Ordinance"), the City authorized the issuance and sale to the Administration by the City from time to time, upon its full faith and credit, of one or more series of general obligation bonds in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) in order to finance, reimburse or refinance the costs of certain projects identified in the Ordinance; and

WHEREAS, on December 19, 2012, the City issued and delivered to the Administration its \$2,500,000 City of Hyattsville Infrastructure Bond, 2012 Series B (the "Bond"); and

WHEREAS, the City will be required to file a Form 8038-G pertaining to the Bond with the Internal Revenue Service (the "IRS") by February 15, 2013; and

WHEREAS, the IRS has strongly recommended that issuers of tax-exempt obligations such as the Bond put in place written procedures designed to address post-issuance compliance with provisions of the Internal Revenue Code of 1986, as amended, and the related Treasury Regulations; and

WHEREAS, the City will have to indicate on the Form 8038-G required to be signed and filed with respect to the Bond whether or not it has written procedures in place with regard to certain specific post-issuance tax compliance matters; and

WHEREAS, bond counsel to the City has advised that it is appropriate to have the City Council authorize and empower certain officials to develop, and to amend, modify or replace from time to time, written post-issuance compliance procedures with respect to tax-exempt obligations issued by the City for non-conduit borrowings, including the Bond.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hyattsville, in regular session assembled:

SECTION 1. (a) The Recitals to this Resolution are incorporated herein by reference and deemed a substantive part of this Resolution. Capitalized terms used in this Resolution and not otherwise defined in the Sections of this Resolution shall have the definitions provided for in the Recitals to this Resolution.

(b) References in this Resolution to any official by title shall be deemed to refer (i) to any official authorized under the Charter or other applicable law to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter or other applicable law, (iii) to any person who serves in a "Deputy" or "Assistant" capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy or assistant in accordance with applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. The Mayor, the City Administrator and the Treasurer, on behalf of the City, working with bond counsel to the City, are hereby authorized and directed to provide for the preparation of and to approve comprehensive written post-issuance tax compliance procedures to be followed with respect to tax-exempt obligations of the City (including the Bond), excluding conduit issues. The Mayor's, the City Administrator's and the Treasurer's approval of such written procedures shall be evidenced conclusively by their signature thereon. The Mayor, the City Administrator and the Treasurer, on behalf of the City, working with bond counsel to the City, are hereby further authorized and empowered to approve the amendment, modification or replacement of the then-existing post-issuance tax compliance procedures from time to time, such approval to be evidenced conclusively by such officials' signatures thereon. Any such post-issuance tax compliance procedures shall be maintained in the records of the City but need not be filed in any court records. The City Council shall be promptly notified of any such amendments, modifications or replacements.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

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INTRODUCED and **ADOPTED** by the Mayor and City Council of the City of Hyattsville, Maryland, at a regular meeting on January 22, 2013, at which meeting copies were available to the public for inspection.

ATTEST:



Laura Reams, City Clerk



Marc Tartaro, Mayor

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