

RESOLUTION NO. 24-03-09PA

A RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE LEE COUNTY PORT AUTHORITY REGARDING REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS FOR THE PORT AUTHORITY'S AIRPORT SYSTEM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Lee County Port Authority (the "Port Authority") has incurred and/or will incur various costs in relation to the acquisition, construction and equipping of certain capital improvements for the Port Authority's Airport System; and

WHEREAS, the Port Authority has determined it is in its best interest to reimburse such costs from proceeds of tax-exempt debt; and

WHEREAS, the United States Department of Treasury has issued various regulations in regard to reimbursement of governmental costs through the issuance of tax-exempt debt;

BE IT RESOLVED BY THE BOARD OF PORT COMMISSIONERS OF THE LEE COUNTY PORT AUTHORITY:

SECTION 1. It is the intent of the Port Authority to reimburse various costs and expenditures relating to the acquisition, construction and equipping of certain capital improvements for the Port Authority's Airport System. A description of such capital improvements is attached as Exhibit A. The Port Authority has paid for, and/or reasonably anticipates that it will pay for, such costs and expenditures from moneys on deposit in the Port Authority's RSW Capital/Construction Fund. Certain costs and expenditures may also be paid from draws made under the Amended and Restated Subordinate Revolving Credit Facility Agreement, dated as of November 4, 2022. It is reasonably expected that reimbursement of such costs and expenditures shall come from the issuance of tax-exempt debt which is not expected to exceed \$650,000,000 aggregate principal amount. It is currently the intention of the Port Authority to principally secure and pay for such tax-exempt debt with net revenues derived from the Airport System. The expenditures to be reimbursed shall be consistent with the Port Authority's budgetary and financial policy as being the type of expenditures which shall be paid on a long-term basis.

SECTION 2. The Port Authority shall comply with all applicable law in regard to the public availability of records of official acts by public entities such as the Port Authority, including making this Resolution available for public inspection.

SECTION 3. It is the intent of the Port Authority that the purpose of this Resolution is to meet the requirements of Treasury Regulations Section 1.150-2 and to be a declaration of official intent under such Section.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED, in Regular Session this 7th day of March, 2024.

LEE COUNTY PORT AUTHORITY

(SEAL)

By: 
Mike Greenwell, Chairman

ATTEST:

KEVIN C. KARNES, CLERK


DEPUTY CLERK



APPROVED AS TO FORM
FOR THE RELIANCE OF LEE COUNTY
ONLY:


Port Authority Attorney

EXHIBIT A

General Description of Improvements

Capital improvements to the Port Authority's Southwest Florida International Airport, including, but not limited to:

1. Concourse E Project, including relocation of Gates D2 and D4 in Concourse D.
2. New public safety building.
3. Improvements to baggage handling system.
4. Runway 6-24 rehabilitation/renovation.
5. New consolidated maintenance building.

BOARD OF PORT COMMISSIONERS OF THE LEE COUNTY PORT AUTHORITY

1. **REQUESTED MOTION/PURPOSE:** Request the Board approve a reimbursement resolution allowing the Port Authority to reimburse certain projects that will be paid for out of the Port Authority's RSW capital/construction fund and/or the Port Authority's revolving credit facility (line of credit). Reimbursement will be made utilizing the issuance of future tax-exempt debt.
2. **FUNDING SOURCE:** Reimbursement to RSW Capital / Construction Fund utilizing future tax-exempt debt
3. **TERM:** N/A
4. **WHAT ACTION ACCOMPLISHES:** Allows for the reimbursement of certain Port Authority capital expenditures utilizing future tax-exempt debt

5. **CATEGORY:** 3
Consent Agenda

6. **ASMC MEETING DATE:** 2/20/2024

7. **BoPC MEETING DATE:** 3/7/2024

8. AGENDA:

- CEREMONIAL/PUBLIC PRESENTATION
- CONSENT
- ADMINISTRATIVE

9. REQUESTOR OF INFORMATION:
(ALL REQUESTS)

NAME Brian W. McGonagle

DIV. Administration

10. BACKGROUND:

The Lee County Port Authority has / will incur expenditures for a variety of projects as part of its capital improvement program. A list of such projects is provided in Exhibit A to the reimbursement resolution that is attached. The Port Authority seeks to reimburse certain costs within the capital improvement program utilizing proceeds from future tax-exempt debt.

The U.S. Department of Treasury has various regulations in regard to reimbursement of government costs through the issuance of tax-exempt debt. One such regulation requires the governmental entity to declare its intent to seek reimbursement for project expenditures for a future borrowing. This declaration allows an issuer to make capital expenditures for a project(s) while preparations are being made to secure financing. The attached resolution provided for Board approval serves as declaration of intent

Attached is a copy of the reimbursement resolution.

Attachments:

1. Reimbursement Resolution

11. RECOMMENDED APPROVAL

<u>DEPUTY EXEC DIRECTOR</u>	<u>COMMUNICATIONS AND MARKETING</u>	<u>OTHER</u>	<u>FINANCE</u>	<u>PORT ATTORNEY</u>	<u>EXECUTIVE DIRECTOR</u>
Brian W. McGonagle	Victoria B. Moreland	N/A	David W. Amdor	Andrea R. Fraser	Benjamin R. Siegel

12. SPECIAL MANAGEMENT COMMITTEE RECOMMENDATION:

- APPROVED (7-0)
APPROVED as AMENDED
DENIED
OTHER

13. PORT AUTHORITY ACTION:

- APPROVED Hamman/Ruane (5-0)
APPROVED as AMENDED
DENIED
DEFERRED to
OTHER

3-3/7/2024