RESOLUTION NO. 38-10

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA TO USE $40,000 OF PROCEEDS FROM THE QUALIFIED ENERGY CONSERVATION BOND FOR THIS PURCHASE BEFORE THE BOND IS ISSUED IN JUNE OF 2010

WHEREAS, the City of Richmond (the "Issuer") intends to purchase Utility Manager Software (the "Software") and turn-key consulting and installation services from Utility Management Services for a total amount not to exceed $40,000; and

WHEREAS, the Issuer expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Software prior to the issuance of indebtedness for the purpose of financing costs associated with the Software on a long-term basis; and

WHEREAS, the Issuer reasonably expects that debt obligations in an amount not expected to exceed $ 1.5 million dollars will be issued in the Qualified Energy Conservation Bond and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, Section 1.103-8(a)(5) and Section 1.150-2 of the Treasury Regulations require the Issuer to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing;

NOW, THEREFORE, the City Council of the City of Richmond hereby resolves as follows:

Section 1. The City Council finds and determines that the foregoing recitals are true and correct.

Section 2. This declaration is made solely for purposes of establishing compliance with the requirements of Sections 1.103-8(a)(5) and 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures.

Section 4. This resolution shall take effect from and after its adoption.

I hereby certify that the foregoing resolution of the Council of the City of Richmond was duly passed and adopted at a meeting thereof held April 6, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

_____DIANE HOLMES_____
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN_____
Mayor

Approved as to form:

RANDY RIDDLE_____
City Attorney

State of California   }
County of Contra Costa   : ss.
City of Richmond   }

I certify that the foregoing is a true copy of **Resolution No. 38-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 6, 2010.