

#5(I)

SECOND AMENDED RESOLUTION EXPRESSING INTENT TO REIMBURSE EXPENDITURES TO BE INCURRED BY POLK COUNTY, TEXAS

WHEREAS, Polk County, Texas (the "Issuer") is a Texas County and a political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to various Texas statutes, including anticipation notes pursuant to Chapter 1431, Texas Government Code, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Issuer has previously made a resolution to authorize the reimbursement of certain expenditures on September 12, 2006 which authorized the reimbursement of \$1,000,000 from its General Fund and \$1,000,000 from its Road and Bridge Fund; and

WHEREAS, the Issuer has previously amended its estimate of the projected expenditures needed for the General Fund by an additional \$500,000; and

WHEREAS, the Issuer finds that the costs associated with its projected expenditures will exceed the \$1,000,000 for the expenditures to be paid from the Road and Bridge Fund, and that such amount should be increased by an additional \$500,000 as the expenditure authorized on May 22, 2007 will exceed the currently authorized amount; and

WHEREAS, the Issuer now finds that it should increase the amount projected for reimbursement from the Road and Bridge Fund by an additional \$500,000 to cover future expenditures before it issues obligations to reimburse itself from such funds; and

WHEREAS, the Issuer finds that it will make, or has made not more than 60 days prior to the date of the original resolution or the date hereof for the increased amount of the General Fund portion, payments from funds from interfund transfers, as authorized by Section 1431.005, Texas Government Code, with respect to the acquisition, construction and improvements to the projects listed on Exhibit "A" attached hereto;

WHEREAS, the Issuer has concluded that it does not currently desire to issue tax-exempt obligations to finance the costs associated with the projects listed on Exhibit "A" attached hereto;

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto, which it funded from interfund transfers, from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that are 60 days prior to the date of the original resolution and 60 days prior to the date hereof for this Resolution and that are to be paid in connection with the acquisition, construction and improvements to the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.


Section 2. This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. § 1.150-2 and Section 1201.042, Texas Government Code.

Section 3. Incorporation of Recitals. The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

Section 4. The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit "A" attached hereto will not exceed \$3,000,000.



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ADOPTED this 12th day of June, 2007, by the Polk County Commissioners Court.



County Judge
Polk County, Texas

ATTEST:

 by 

County Clerk
Polk County, Texas

[COMMISSIONERS COURT SEAL]



EXHIBIT "A"

DESCRIPTION OF PROJECTS

The construction and improvements of roads and bridges in the County.

The acquisition of road right-of-way.

The construction of improvements to county buildings.

The acquisition of road maintenance equipment.

The acquisition of vehicles.

The acquisition of computer equipment and software.

Such financing to be in an amount not to exceed \$1,500,000 from the General Fund and \$1,500,000 from the Road and Bridge Fund of Polk County, Texas.