

Mark W. Smith, Chairman  
John Sullivan, Vice Chairman  
Doug McLinko, Commissioner



Gayle Kershner, Chief Clerk  
Jonathan Foster, Solicitor

**Bradford County Commissioners Office**

**BOARD OF COMMISSIONERS  
COUNTY OF BRADFORD  
COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION DESIGNATING RECOVERY ZONE  
AND DELEGATING CERTAIN POWERS TO THE  
CENTRAL BRADFORD DEVELOPMENT AUTHORITY**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) (“ARRA”) modifies the Internal Revenue Code of 1986, as amended (the “Code”) to authorize, among others, two new types of bonds entitled "recovery zone economic development bonds" and “recovery zone facility bonds”; and

WHEREAS, there are limits on the principal amount of recovery zone economic development bonds and recovery zone facility bonds which may be issued, and, based on these limits, the U.S. Department of the Treasury has allocated to the County of Bradford (the “County”) an issuance limit of \$1,185,000 for recovery zone economic development bonds and a limit of \$1,778,000 for recovery zone facility bonds (such limits are referred to as “volume caps”); and

WHEREAS, the County may allocate such volume caps to ultimate beneficiaries in any reasonable manner as the County shall determine in good faith in its discretion; and

WHEREAS, Section 1400U-1(b) of the Code defines a recovery zone as any area designated by the County as an area of significant poverty, unemployment, rate of home foreclosure, or general distress;

WHEREAS, the County has determined that the entire County has experienced significant poverty, unemployment, rate of home foreclosures or general distress; and

WHEREAS, the County has determined that it is in the best interest of the County and its citizens to designate the entire County as a “recovery zone” for purposes of Sections 1400U-1 through 1400U-3 of the Code (the “Recovery Zone Act”); and

WHEREAS, all bonds authorized hereby are to be issued prior to January 1, 2011, and

WHEREAS, the County wishes to delegate to the Central Bradford Development Authority (the “Authority”) the power and authority to delegate the volume caps for recovery zone economic development bonds and recovery zone facility bonds to specific ultimate beneficiaries and projects within the County; and

WHEREAS, the County wishes to authorize the Authority to (1) issue the recovery zone facility bonds and (2) designate the municipalities or other appropriate issuers to issue the recovery zone economic development bonds; and

WHEREAS, “recovery zone economic development bonds” are a subcategory of taxable Build America Bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, “qualified economic development purposes” means expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the recovery zone, expenditures for public infrastructure and construction of public facilities, and expenditures for job training and educational purposes; and

WHEREAS, ARRA also authorizes a new type of federally tax exempt private activity bonds entitled “recovery zone facility bonds” in Sections 1400U-1 and 1400U-3 of the Code to finance construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with “qualified business” defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Bradford, that:

1. The County hereby finds that there is significant poverty, unemployment, rate of home foreclosures or general distress in the County, and therefore the County hereby designates the entire County as a recovery zone for purposes of the Recovery Zone Act.
2. The County hereby determines in good faith that a reasonable manner in which to allocate the volume caps for recovery zone economic development bonds and recovery zone facility bonds to specific ultimate beneficiaries and projects within the County is to delegate such power and authority to the Authority.
3. The County hereby authorizes the Authority to (a) issue the recovery zone facility bonds, (b) delegate in a reasonable manner, in the Authority’s discretion, the volume caps for recovery zone economic development bonds and recovery zone facility bonds to specific ultimate beneficiaries and projects within the County, and (c) designate the municipalities or other appropriate issuers to issue the recovery zone economic development bonds. The County is not in any way guaranteeing or otherwise responsible for the payment of debt service on the recovery zone economic development bonds or the recovery zone facility bonds.
4. The Authority is hereby further authorized and directed to take all actions as may be necessary or proper to facilitate the issuance of recovery zone economic development bonds and recovery zone facility bonds within the County as contemplated by the Recovery Zone Act and as further interpreted by the Internal Revenue Service, including Notice 2009-50.

**CERTIFICATE OF CHIEF CLERK**

The undersigned, Chief Clerk of the County of Bradford, HEREBY CERTIFIES that:

The foregoing Resolution designating recovery zones and delegating certain powers to the Central Bradford Development Authority was duly moved and seconded and adopted by a majority vote of all the Board of Commissioners of said County at a duly called and convened meeting of said Board of Commissioners held on February 4, 2010; that public notice of said meeting was given as required by law; and that the roll of the Board of Commissioners was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
_____ Mark W. Smith, Chairman	
_____ John Sullivan	
_____ Doug McLinko	

and that such Resolution and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the County this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Gayle Kershner, Chief Clerk

(SEAL)