

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, REVOKING THE WAIVER OF ALLOCATION OF BUILD AMERICA VOLUME CAP; AUTHORIZING THE EXECUTION OF DOCUMENTS IN CONNECTION WITH THE REVOCATION OF A WAIVER OF ALLOCATION OF VOLUME CAP FOR RECOVERY ZONE FACILITY BONDS AND RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS; AND AUTHORIZING THE CHAIRMAN TO SIGN THE REVOCATION OF WAIVER AND OTHER DOCUMENTS TO ACCOMPLISH THE WILL OF THE BOARD OF ADA COUNTY COMMISSIONERS

At a meeting of the Board of Ada County Commissioners, State of Idaho, on the 10th day of November 2009, the following Resolution was adopted, to-wit:

WHEREAS, Ada County, Idaho (the “County”), by Section 1400U-1 of the Internal Revenue Code (the “Law”) IRS Notice No. 2009-50 (the “Notice”) and Office of the Governor, Executive Department, State of Idaho Executive Order No. 2009-15 is authorized to allocate volume cap authority (“Volume Cap”) for Recovery Zone Facility Bonds and Recovery Zone Economic Development Bonds; and

WHEREAS, the County has received an allocation of such Volume Cap to allocate to ultimate beneficiaries under the Law and the Notice; and

WHEREAS, the County in Resolution No. 1637 authorized the Chairman to execute any documents in connection with said Volume Cap for purposes including, without limitation, allocation to ultimate beneficiaries or waiver of the County’s Volume Cap to the Idaho Department of Commerce to make such allocations; and

WHEREAS, the Chairman executed a waiver pursuant to Resolution No. 1637; and

WHEREAS, the waiver of allocation was contingent on portions of said Volume Cap being utilized by Canyon County for a jail; and

WHEREAS, the bond election for a jail in Canyon County was not successful;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Board of Ada County Commissioners (the “Board”) hereby revokes its waiver of allocation of said Volume Cap authority dated October 20, 2009.

Section 2. The Chairman of the Board of Ada County Commissioners be and is hereby authorized to execute the revocation of waiver of allocation of said Volume Cap authority.

Section 3. The Chairman of the Board of Ada County Commissioners be and is hereby authorized to execute any documents which may be necessary to carry out the intent of the Board in connection with revoking the waiver of allocation of said Volume Cap authority.

Section 4. This Resolution shall take effect immediately from and after its adoption and approval as required by law.

APPROVED AND ADOPTED this 10th day of November, 2009

Board of Ada County Commissioners

By: _____
Fred Tilman, Chairman

By: _____
Sharon M. Ullman, Commissioner

By: _____
Rick Yzaguirre, Commissioner

ATTEST:

J. David Navarro, Ada County Clerk