

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Rebecca Trevino, CPA, Chief Financial Officer
Todd Chenoweth, General Counsel

FROM: Georgia Sanchez, Debt Portfolio Manager and Development Fund Manager

DATE: September 6, 2018

SUBJECT: Annual Delegation of Authority for Defeasance of General Obligation Bonds

ACTION REQUESTED

Consider approving by resolution delegation to the Executive Administrator and the Development Fund and Debt Portfolio Manager the authority to utilize prepayments and other lawfully available funds to pay, redeem, and defease General Obligation Bonds.

BACKGROUND

Typically, when prepayments from debt service on outstanding political subdivision obligations held by the Texas Water Development Board (TWDB) are received, they are recycled into new loans. This utilization of prepayments can create a mismatch in funds available for paying the TWDB's semi-annual debt service on its General Obligation Water Financial Assistance Bonds. To avoid this, each bond resolution allows for such prepayments to be used for the redemption of the original funding source bond series within 90 days of the receipt of the prepayments. In addition to prepayments, other lawfully available funds may be used for the redemption of the bonds.

Historically, the Executive Administrator has received delegation authority to defease General Obligation Bonds on an annual basis since fiscal year 2010, and the authority was expanded to include the Development Fund Manager in fiscal year 2015. The last delegation authority expires on September 30, 2018.

KEY ISSUES

The use of prepayments originally funded with tax-exempt bond proceeds is restricted under Internal Revenue Service (IRS) regulations. The IRS regulations also provide specific time constraints for the disposition of those prepayments.

If current market rates are lower than the borrower's rate on its loan, a market refunding can provide the borrower with debt service savings. Due to economic conditions and

Our Mission : **Board Members**

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas : Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member
: Jeff Walker, Executive Administrator

historically low market rates, the TWDB has received prepayments from political subdivisions and without significant market rate changes, anticipates continued receipt of prepayments.

The Executive Administrator proposes that the TWDB consider delegating authority to the Executive Administrator and the Development Fund and Debt Portfolio Manager to take all necessary actions to pay, redeem and defease Water Financial Assistance Bonds through September 30, 2019. Such delegation would provide staff flexibility to address the use of the prepayment proceeds and meet IRS regulations related to prepayments originally funded with tax-exempt bond proceeds.

RECOMMENDATION

To efficiently manage prepayments, the Executive Administrator recommends adoption of a resolution delegating authority to him and the Development Fund and Debt Portfolio Manager to utilize prepayments and other lawfully available funds to pay, redeem and defease General Obligation Bonds.

Attachments: 1 – Resolution

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
AUTHORIZING THE EXECUTIVE ADMINISTRATOR
TO UTILIZE PREPAYMENTS AND ALL LAWFULLY AVAILABLE FUNDS
TO PAY, REDEEM, AND DEFEASE
STATE OF TEXAS, GENERAL OBLIGATION WATER FINANCIAL ASSISTANCE BONDS

(18-)

WHEREAS, utilizing the authority provided by Section 49-d-8, Section 49-d-9, Section 49-d-10, and Section 49-d-11 of Article III of the Constitution of the State of Texas, the Texas Water Development Board (TWDB) has issued State of Texas General Obligation Water Financial Assistance Bonds for one or more accounts of the Texas Water Development Fund II (DFund II) Financial Assistance Account (including DFund II Bonds and Water Infrastructure Fund Bonds, *collectively herein* the DFund Bonds), Economically Distressed Areas Program Account (EDAP Bonds), and State Participation Account (State Participation Bonds); and

WHEREAS, applicable sections of each of the Bond Resolutions authorizing the issuance of the DFund Bonds, EDAP Bonds, and State Participation Bonds (collectively herein referred to as the Bond Resolutions) generally establish, respectively, the Financial Assistance Account, Economically Distressed Areas Program Account, and State Participation Account each as a special account to be utilized to provide financial assistance to political subdivisions of the State of Texas; and

WHEREAS, the Financial Assistance Bond Payment Account, Economically Distressed Areas Program Bond Payment Account, and State Participation Bond Payment Account may each be utilized as a special account to pay the principal and interest on, respectively, the DFund Bonds, EDAP Bonds, and State Participation Bonds; and

WHEREAS, applicable sections of each of the Bond Resolutions further provide that money in the Financial Assistance Account representing prepayments of financial assistance from political subdivisions provided from the Financial Assistance Account by the TWDB, money in the Economically Distressed Areas Program Account representing prepayments of financial assistance from political subdivisions provided from the Economically Distressed Areas Program Account by the TWDB, and money in the State Participation Account representing prepayments of financial assistance from political subdivisions provided from the State Participation Account by the TWDB shall not be available for transfer(s), respectively, to the Financial Assistance Bond Payment Account, Economically Distressed Areas Program Bond Payment Account, and State Participation Bond Payment Account unless specifically authorized by a resolution of the Board; and

WHEREAS, the TWDB has received and continues to receive prepayments of financial assistance from political subdivisions provided from the Financial Assistance Account, Economically Distressed Areas Program Account, and the State Participation Account by the TWDB; and

WHEREAS, the flexibility to promptly manage incoming prepayments by the Executive Administrator allows for the mitigation of any negative impact to the TWDB's portfolio of the receipt of such prepayments; and

WHEREAS, the TWDB, through Resolution No. 06-10, granted the Executive Administrator the blanket authority to transfer, as necessary, prepayments of financial assistance located in the Financial Assistance Account, Economically Distressed Areas Program Account, and the State Participation Account to the respective Financial Assistance Bond Payment Account, Economically Distressed Areas Program Bond Payment Account, and State Participation Bond Payment Account.

NOW, THEREFORE, based on said considerations and findings, the Texas Water Development Board resolves as follows:

1. The TWDB authorizes the Executive Administrator and the Development Fund and Debt Portfolio Manager to pay, redeem, and defease, as necessary, Water Financial Assistance Bonds with money representing prepayments of financial assistance, and all lawfully available funds, in the Financial Assistance Account, money representing prepayments of financial assistance, and all lawfully available funds, in the Economically Distressed Areas Program Account, money representing prepayments of financial assistance, and lawfully available funds, in the State Participation Account, that have been transferred to, respectively, the Financial Assistance Bond Payment Account, Economically Distressed Areas Program Bond Payment Account, and State Participation Bond Payment Account, pursuant to the authorization granted to the Executive Administrator under Board Resolution No. 06-10.
2. The authorization granted in this Resolution is effective October 1, 2018 and expires September 30, 2019, except that the Executive Administrator and Development Fund and Debt Portfolio Manager may complete any transactions initiated prior to that date, but not yet completed. The authority in Board Resolution No. 06-10 shall continue to be effective.
3. The Executive Administrator shall report at least annually to the TWDB Board members the amount of bonds paid, redeemed, or defeased, under authority granted by this Resolution, during the period between regular meetings of the TWDB.

APPROVED and ordered of record this the 20th day of September, 2018.

TEXAS WATER DEVELOPMENT BOARD

Peter M. Lake, Chairman

DATE SIGNED: _____

ATTEST:

Jeff Walker
Executive Administrator