# THE AMERICAN RECOVERY & REINVESTMENT ACT (STIMULUS) BOND PROGRAM OVERVIEW



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## Traditional Tax-Exempt Bonds (TEBs)

#### Build America Bonds (BABs) Recovery Zone Economic Development Bonds (RZEDBs)

### Recovery Zone Facility Bonds (RZFBs)

Public issuers secure lower cost financing or refinancing through federal and state tax-exempt project financing, which lowers cost of funds by 150-200 basis points (1.5-2%) compared to taxable borrowing.

Utilizes features like fixed interest rates, longer debt service terms, flexible payoff and repayment terms, capitalized interest, deferral of principal, investment of bond proceeds, and joint financing with government sources.

Additional cost saving tools include bank qualified issuance, credit enhancement, and if feasible, lower debt coverage ratios.

Eligible projects include acquisition, construction and equipping of government buildings and infrastructure, water and wastewater systems, school projects, healthcare facilities, industrial development, and housing.

Eligible borrowers include states, municipalities, public authorities and districts, and not-for-profit issuers.

Federal Stimulus Bill (ARRA) temporarily changes rules of the game until 12-31-10 to raise bank qualified issuance limit to \$30MM from \$10MM, and a 2008 housing bill expands authority for FHLBank members to issue letters of credit for borrowers to credit enhance non-housing projects (most any tax-exempt activity).

Bank qualified issuance can lower cost of funds 40-75 basis points, letters of credit can lower rates 100-200 basis points (1-2%), and bond insurance is competitive, limited, and difficult to estimate at this time.

Davis Bacon not applicable.

Public issuers who otherwise qualify for TEBs can issue taxable BABs for themselves or for another public borrower and elect to either grant bondholders a 35% tax credit or select the borrower to receive the 35% direct-pay subsidy (new money only), which is reimbursed from Treasury based on bondholder's or issuer's IRS filing of Form 8038-CP.

Recent BAB transactions indicate direct subsidy reimbursement is preferred, where issuer submits reimbursement form to IRS directing Treasury to reimburse borrower no earlier than 90 days and no later than 45 days before each interest payment date.

BABs have no cap on volume or size, are used for public infrastructure, and must be issued by 12-31-10.

IRS/Treasury begin subsidy payments July 1, 2009.

The direct-pay subsidy can lower the cost of funds by expanding the market of investors for municipal securities.

BABs can be combined with other bond programs such as issuance of TEBs for short end savings and BABs on the long end where savings can be as much as 30-50 basis points over TEBs.

Issuer can use BAB proceeds for capital expenditures, reserve funds, cost of issuance up to 2% of bond proceeds, investment earnings on bond proceeds, but not working capital. Davis Bacon not applicable.

In the current market, underwriter's cost benefit analysis show BABs pricing as much as 1% lower than TEB rates with present value savings in excess of 10% over TEB debt for longer term maturities. If a RZEDB allocation is received, public issuers who otherwise qualify for TEBs can issue taxable RZEDBs themselves or for another public borrower and elect to either grant bondholders a 45% tax credit or select the borrower to receive the 45% direct-pay subsidy, which is reimbursed from Treasury based on bondholder's or issuer's IRS filing of Form 8038-CP.

RZEDB cap is \$10BB nationally, is allocated to the states, then sub-allocated to each county or large municipality (+100,000 population) in proportion to the local level's respective 2008 job losses (U.S. Department of Labor); however, all states receive minimum allocations of .9% of the national allocation.

If a county or large municipality receives an allocation, it must first designate a recovery zone (simple resolution by governing body), then determine how to allocate its amount of RZEDB issuing authority, issue the bonds for themselves, or issue bonds and lend the proceeds to another public borrower.

RZEDBs must be issued by 12-31-10 and pooling of local allocations is an option. A 2% limit on issuance costs.

Eligible projects include capital expenditures to acquire, construct and equip public facilities, public infrastructure, and job training or education programs within a designated recovery zone.

Qualified Tax Increment Finance Bonds (land, infrastructure, and rehabilitation costs) may be issued as RZEDBs.

Federal Davis-Bacon prevailing wage rules apply to projects financed with RZEDBs.

County or large municipality works with underwriter and bond counsel to file Form 8038-CP for interest reimbursement, satisfy state law requirements, and prepare documentation.

If a RZFB allocation is received, tax-exempt RZFBs, which are private activity bonds, can be issued for privately used or privately owned facilities in a designated recovery zone.

RZFBs have a national volume cap of \$15BB, expire 12-31-10, and are allocated to states and sub-allocated to counties and large municipalities with the same allocation method as RZEDBs (see RZEDBs).

County or large municipality issues tax-exempt private activity bonds up to the allocation awarded and lends the proceeds to the borrower.

The facility must be constructed, renovated, or acquired by purchase AFTER the designation of the recovery zone by the county or large municipality. A 2% limit on issuance costs.

Most any business activity qualifies (no private use restrictions or rule against acquisition of existing property) except that residential property, golf courses, gambling facilities, and liquor stores are ineligible.

Office buildings, research parks, shopping centers, warehouses, resorts and hotels, manufacturing plants, and other commercial facilities are eligible.

Tax increment finance bonds may be issued as RZFBs if applicable requirements are met and an allocation is received.

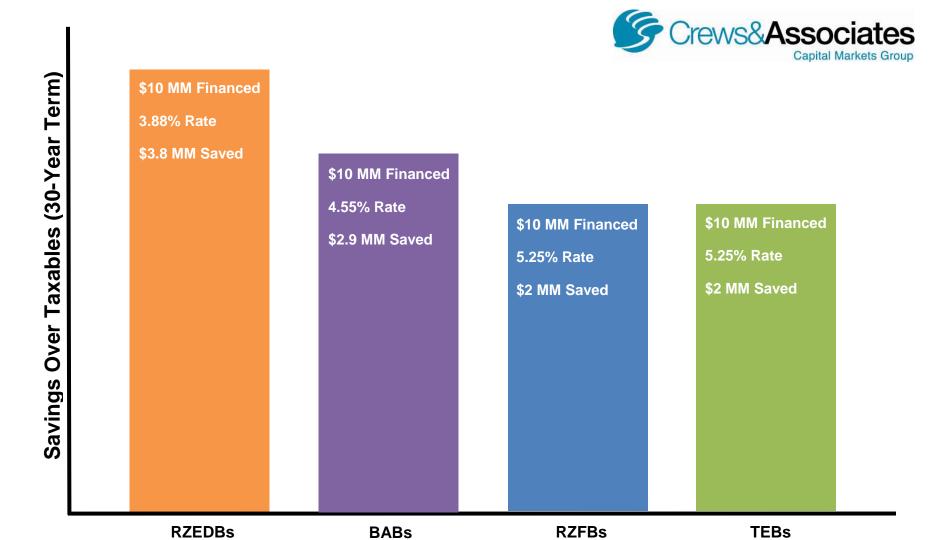
RZFBs expand the definition of eligible uses to include intangible property like patents, formulas, designs (essentially research and development facilities and software companies).

Davis Bacon not applicable and pooling of local allocations is an option.



Tax-Exempt Bonds (TEBs)	Build America Bonds (BABs)	Recovery Zone Economic Development Bonds (RZEDBs)	Recovery Zone Facility Bonds (RZFBs)
Hypothetical 1: Assumes issuer is a governmental entity eligible for tax-exempt financing.	Hypothetical 2: Assumes issuer is a governmental entity eligible for tax-exempt financing.	Hypothetical 3: Assumes issuer is a governmental entity eligible for tax-exempt financing and receives a Recovery Zone allocation for its own use or for use by a designated recipient.	Hypothetical 4: Assumes issuer is a governmental entity and receives a Recovery Zone allocation to be designated for use by a private entity that can now borrow using tax-exempt financing.
\$10MM Financed 30 Year Term 7% Taxable Rate vs. 5.25% Tax-Exempt Rate Result: 175 Basis Points in Savings (1.75%) over taxable rates (7% - 5.25%)  Gross Savings Over Taxable Debt: \$4,092,287  Adjusted Present Value Savings: \$2,056,455, or a savings of 20.56% of the total amount borrowed.  Note-Issuing bank qualified bonds or credit enhanced bonds can lower interest rates and the overall cost of funds even lower. A cost benefit analysis can determine if credit support achieves enough savings given the credit enhancement fees that are required.	\$10MM Financed 30 Year Term 7% Taxable Rate (Less 35% Fed Subsidy) vs. 4.55% Subsidized Rate Paid by Borrower Result: 70 Basis Points in Savings (.70%) over tax-exempt rates (5.25% - 4.55%)  Gross Savings Over Tax-Exempt Debt: \$1,558,252  Adjusted Present Value Savings: \$806,734, or a savings of 8.07% of the total par amount borrowed.  Important Note-By issuing BABs for all or a portion of the financing, issuers can achieve the combined total savings of tax-exempt debt plus the subsidized BAB savings, which would be \$2,056,455 + \$806,734 = \$2,863,189. This is a savings over taxable debt of 28.63% of the total amount borrowed.	\$10MM Financed 30 Year Term 7% Taxable Rate (Less 45% Fed Subsidy) vs. 3.88% Subsidized Rate Paid by Borrower Result: 137 Basis Points in Savings (1.37%) over tax-exempt rates (5.25% - 3.88%)  Gross Savings Over Tax-Exempt Debt: \$3,051,212  Adjusted Present Value Savings: \$1,752,873, or a savings of 17.53% of the total amount borrowed.  Important Note-By issuing RZEDBs for all or a portion of the financing, issuer can achieve the combined total savings of tax-exempt debt together with the subsidized RZEDB savings, which would be \$2,056,455 + \$1,752,873= \$3,809,328. This is a savings over taxable debt of 38.09% of the total amount borrowed.	\$10MM Financed 30 Year Term 7% Taxable Rate (Corporate Rate) vs. 5.25% Tax-Exempt Rate Result: 175 Basis Points in Savings (1.75%) over taxable rates (7% - 5.25%)  Gross Savings Over Taxable Debt: \$4,092,287  Adjusted Present Value Savings: \$2,056,455, or a savings of 20.56% of the total amount borrowed.  Important Note-RZFBs allow private entities to borrow on a tax-exempt basis up to the allocation awarded by the governmental entity.





<sup>\*</sup>Hypothetical Example

#### HYPOTHETICAL MIXED-USE PROJECT RATE COMPARISONS (RATES ARE APPROXIMATE)

Recovery Zone Economic Development Bonds (45% Reimbu	rsement) Without Reimbursement	With Reimbursement
Public Infrastructure (Utilities, Roads, etc.)	7%	3.85-4%
Qualified TIF Activities (Land, Infrastructure, Rehabilitation	Costs) 11%	6%

Recovery Zone Facility Bonds (Tax-Exempt Private Activity Bond Issuance)	Without Reimbursement	With Subsidy
Commercial Activities (Shopping, Hotel, Office, etc.)	7%	5.5%

Build America Bonds (35% Reimbursement)	Without Reimbursement	With Reimbursement		
Public Infrastructure (Utilities, Roads, etc.)	7%	4.5%		
Qualified TIF Activities (Land, Infrastructure, Rehabilitation Costs)	11%	7%		

### Form **8038-CP** (April 2009)

Department of the Treasury Internal Revenue Service

### **Return for Credit Payments** to Issuers of Qualified Bonds

OMB No. 1545-2142

Pa	rt I	Information on Entity That Is To Receive Payment of Credit	t	Check	box if Ame	nded Return ▶ □
1	Name of e	entity that is to receive payment of the credit	2	Employer ider	ntification nui	mber (EIN)
3	Number a	nd street (or P.O. box no. if mail is not delivered to street address)	•		Room/suit	e
4	City, town	, or post office, state, and ZIP code				
5	Name and	title of officer or legal representative whom the IRS may call for more information	6	Telephone num	ber of officer of	or legal representative
Pa	rt II	Reporting Authority		, ,		
7		ame (if same as line 1, enter "SAME" and skip lines 8, 9, 11, 15, and 16)	8	EIN		
9	Number a	nd street (or P.O. box no. if mail is not delivered to street address)  Room/suite	10	Report number	(For IRS Use	Only)
11	City, town	, or post office, state, and ZIP code	12	Date of issue		
13	Name of i	ssue	14	CUSIP number		
15	Name and	I title of officer or legal representative whom the IRS may call for more information	16	Telephone num	ber of officer of	or legal representative
17a	Type of i	ssue ►	lss	sue price ►	17b	
Pa	rt III	Payment of Credit				
18 19		payment date to which this payment of credit relates (MMDDYYYY) payable to bondholders on the interest payment date			19	
20		of credit payment to be received as of the interest payment date (com	plete li	ine 20a OR		
а	Build Am	nerica bonds. Multiply line 19 by 35% (0.35)			20a	
b		y zone economic development bonds. Multiply line 19 by 45% (0.45)			20b	
21	Adjustme	ent to previous credit payments (complete line 21a OR line 21b only):				
а	-	ease to previous payments (attach explanation)			21a	
b		ease to previous payments (attach explanation)			21b (	
22	Amount	of credit payment to be received. Combine line 20a or line 20b with line 21a o	r line 2	1b	22	
23		e final interest payment date?			Ye	s No
24	If the en	tity identified in Part I is not the issuer, check this box to indicate that the eturn information on behalf of the issuer			to receive	payment and
Sig He		Under penalties of perjury, I declare that I have examined this return, and accompanying and belief, they are true, correct, and complete.	schedule	es and statement	ts, and to the	best of my knowledge
		Signature of issuer's authorized representative Date	Туре	or print name ar	nd title	
Pai	d parer's	Preparer's signature Date		eck if f-employed	Preparer's	SSN or PTIN
	e Only	Firm's name (or yours if self-employed), address, and ZIP code		EIN Phone no.	( )	

(Rev. November 2000)

#### **Information Return for Tax-Exempt Governmental Obligations**

► Under Internal Revenue Code section 149(e) ► See separate Instructions.

OMB No. 1545-0720

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	art I Reporting Authority If Amended					d Ret	urn, check here ▶ □		
1									ver identification number
3	Numbe	er and stree	t (or P.0	D. box if mail is not delive	ered to	street address)	Room/suite	4 R	leport number
5	City, town, or post office, state, and ZIP code							<b>6</b> D	ate of issue
7	Name of issue 8						<b>8</b> C	CUSIP number	
9	Name	and title of	officer of	or legal representative wh	om the	e IRS may call for more informatio	n 10 Telephone r	number (	of officer or legal representative
Pai	rt II	Type of	Issue	(check applicable	box(	es) and enter the issue pr	i <b>ce)</b> See instru	ctions	and attach schedule
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20						nt sale, check box			
Pai	rt III					for the entire issue for which		beir	ng filed.
		nal maturity o		(b) Issue price		(c) Stated redemption price at maturity	(d) Weighted average maturit		(e) Yield
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Pa	rt IV	Uses of	Proc	eeds of Bond Issue	(inc	luding underwriters' disco	unt)		
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