

Executive Order Number Seventeen - Allocation And Sub-Allocation Of State Private Activity Bond Volume Cap For Calendar Year 2010 And Reallocation Of State Private Activity Bond Volume Cap For Calendar Year 2009

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ALLOCATION AND SUB-ALLOCATION OF STATE PRIVATE ACTIVITY BOND VOLUME CAP FOR CALENDAR YEAR 2010 AND REALLOCATION OF STATE PRIVATE ACTIVITY BOND VOLUME CAP FOR CALENDAR YEAR 2009

WHEREAS, the Internal Revenue Service issued Revenue Procedure 2009-50, which provides the State of Delaware (the "State") with \$273,775,000 in private activity bond volume cap ("Volume Cap") for 2010, and pursuant to 29 Del. C. § 5091(a), the State's 2010 Volume Cap is to be allocated among the various State and local government issuers; and

WHEREAS, the Governor hereby confirms the initial allocation of the 2010 Volume Cap as set forth in 29 Del. C. § 5091(a) to various State and local government issuers; and

WHEREAS, pursuant to 29 Del. C. § 5091(b), the State's allocation of 2010 Volume Cap of \$136,885,000 is to be sub-allocated by the Governor between the Delaware State Housing Authority and the Delaware Economic Development Authority; and

WHEREAS, pursuant to 29 Del. C. § 5091(d), the Governor has the right, by Executive Order, to modify the allocations made under 29 Del. C. § 5091(a), provided that no such modification shall cause any obligation issued prior to the date of such modification to lose its qualification for tax-exempt treatment under the Internal Revenue Code of 1986, as amended; and

WHEREAS, the allocation of Volume Cap for 2009 in Executive Order Five is subject to modification by further Executive Order; and

WHEREAS, pursuant to Executive Order Number Five, \$136,635,000 of 2009 Volume Cap that had been allocated to the State of Delaware was further sub-allocated between the Delaware Economic Development Authority and the Delaware State Housing Authority; and

WHEREAS, also pursuant to Executive Order Number Five, \$136,635,000 of 2009 Volume Cap which had been allocated to local government issuers as described in 29 Del. C. § 5091(a) has been reassigned as follows:

New Castle County has reassigned \$47,825,000 of its unallocated Volume Cap for 2009 to the State of Delaware;

Kent County has reassigned \$27,325,000 of its unallocated Volume Cap for 2009 to the State of Delaware;

Sussex County has reassigned \$27,325,000 of its unallocated Volume Cap for 2009 to the State of Delaware;

The City of Wilmington has reassigned \$34,160,000 of its unallocated Volume Cap for 2009 to the State of Delaware; and

WHEREAS, the Secretary of Finance recommends: (i) that the State's \$136,885,000 of 2010 Volume Cap be allocated equally between the Delaware State Housing Authority and the Delaware Economic Development Authority; and (ii) that the \$136,635,000 of unallocated 2009 Volume Cap reassigned to the State of Delaware by local issuers be sub-allocated to the Delaware Economic Development Authority for carry forward for use in future years; and

WHEREAS, the Chairperson of the Delaware Economic Development Authority and the Chairperson of the Delaware State Housing Authority concur in the recommendation of the Secretary of Finance; and

NOW, THEREFORE, I, JACK A. MARKELL, by the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER that:

1. The \$136,885,000 allocation to the State of Delaware of the 2010 Volume Cap is hereby sub-allocated: \$68,442,500 to the Delaware State Housing Authority and \$68,442,500 to the Delaware Economic Development Authority.
2. \$136,890,000 of the 2010 Volume Cap is hereby allocated to the various local government issuers as follows:

\$47,910,000 of the 2010 Volume Cap is hereby allocated to New Castle County;
\$34,220,000 of the 2010 Volume Cap is hereby allocated to the City of Wilmington;
\$27,380,000 of the 2010 Volume Cap is hereby allocated to Kent County; and
\$27,380,000 of the 2010 Volume Cap is hereby allocated to Sussex County.

3. The \$136,635,000 of unallocated 2009 Volume Cap that has been reassigned by New Castle County, Kent County, Sussex County and the City of Wilmington to the State of Delaware is hereby re-allocated to the Delaware Economic Development Authority for carry forward use. In addition, the \$68,317,500 of 2009 Volume Cap previously sub-allocated to the Delaware Economic Development Authority under Executive Order Number Five is to be carried forward for a total carry forward amount of \$204,952,500. Further, total carry forward of 2009 Volume Cap by the Delaware State Housing Authority is \$68,317,500.

4. The aforesaid sub-allocations have been made with due regard to actions taken by other persons in reliance upon previous sub-allocations to bond issuers.

APPROVED this 15th day of February, 2010