



Legislation Text

File #: 050990, **Version:** 1

050990

SUBSTITUTE 1

THE CHAIR

Substitute resolution authorizing the issuance of \$16,000,000 general obligation notes pursuant to 67.12(12), Wis. Stats., to pay a general and current municipal expense associated with the Community Development Block Grant and other grant programs. (Comptroller)

The federal government provides grant funding to the City for various community purposes. The City, in turn, provides grant funding to various community organizations. The City has good estimates on the amount of grants to be awarded, but the actual grants are usually not received until later in the year. However, the various community organizations are relying upon a steady funding source from the City.

In order to facilitate the even payment of grants to the organizations, the City advances funding in anticipation of receiving grants from the federal government. Until such grants are received, an alternative funding source is required, and usually Contingent Borrowing is used.

This resolution authorizes the issuance of general obligation notes under s. 67.12(12), Wis. Stats., for the financing of the City's Community Development Block Grant and other grant programs prior to the receipt of Community Development Block Grant and other grant funding.

Whereas, The budget for the fiscal year 2006 (the "Fiscal Year") of the City of Milwaukee authorizes contingent borrowing in the form of general obligation bonds or notes, for any purposes not contemplated at the time the budget was adopted in the amount of at least \$20,000,000; and

Whereas, Section 67.12(12), Wis. Stats., authorizes the issuance of general obligation notes for the purpose of paying a general and current municipal expense, such as expenses associated with the Community Development Block Grant and other grant programs; and

Whereas, For the Fiscal Year, under the City of Milwaukee Community Block Grant Agreement it is anticipated that grant award funds will be approved but such funds have not been released to the City; that under other grant programs, it is anticipated that funds will be approved but such funds have not been released to the City; that the City anticipates receiving \$26.8 million in grant funds; and the City needs \$16,000,000 to fund the aforementioned programs pending approval and receipt of the grant funds; and

Whereas, The Common Council is desirous of issuing and selling up to \$16,000,000 of promissory notes for Fiscal Year operation costs in the event such grants are not received as anticipated; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioners of the Public Debt are authorized to sell and issue general obligation short-term promissory notes under s. 67.12(12), Wis. Stats., in an amount not to exceed \$16,000,000 for the purpose of funding the difference between the amount budgeted and the grants received for the Fiscal Year for the Community Development Block Grant Award Program, and other grant programs; and, be it

Further Resolved, That said promissory notes shall be issued pursuant to amounts provided for in the Fiscal Year's budget for Contingent Borrowing; and, be it

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at a private sale; or public competitive sale; or to the Public Debt Amortization Fund for the purpose of investment; or to the Public Debt Amortization Fund for immediate cancellation; and, be it

Further Resolved, That the promissory notes shall be issued on or before December 31, 2006; and, be it

Further Resolved, That said promissory notes with interest shall be payable periodically as determined by the Commissioners of the Public Debt within a period not to exceed 10 years from the date of the issuance of said notes; and, be it

Further Resolved, That in the event the Commissioners of the Public Debt advise the Common Council that said notes have been sold at a private sale or public competitive sale or to the Public Debt Amortization Fund as an investment, the Common Council hereby declares that it will levy an irrevocable tax sufficient to pay each installment of principal and interest as it becomes due and payable; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold by the Commissioners of the Public Debt at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, That the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation short-term promissory notes herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such notes to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold at a price of not less par and accrued Interest thereon; and, be it

Further Resolved, That such general obligation short-term promissory notes shall be dated as of the expected date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.25%; with an issue True Interest Cost Rate not to exceed 7.25%; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of principal of said notes, not to exceed 10 years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, That a direct annual irrevocable tax shall be levied in each year that such notes are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said notes, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll

of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such notes so long as any notes of said issue remain outstanding; and, be it

Further Resolved, That interest on or principal of the notes falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of Cede & Company as nominee of the Depository Trust Company, New York, New York for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the notes. The City will make payment of principal, redemption, premium if any, and interest on the notes on the due dates to the Depository Trust Company, or its nominee, as registered owner of the notes, in same-day funds. Notices, if any, given by the City to the registered owner of the notes will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the notes is terminated and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated notes in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding as directed by the registered owners of the notes; and, be it

Further Resolved, That the City covenants with the holders from time to time of said notes that (i) throughout the term of said notes and (ii) through the date that the final rebate, if any must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said notes shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103; and, be it

Further Resolved, That the Continuing Disclosure Certificate, in substantially the form of the Supplemental Certificate authorized by File Number 031384 adopted on February 10, 2004, is authorized to be executed and delivered by the Comptroller for the notes; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That the cost of-Issuing the notes and marketing same shall be paid from the proceeds of the note sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

Comptroller

RSL 11/28/2005

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