Legislation Details (With Text)

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Title:	Resolution authorizing the issuance of short-term general obligation notes for funding the City's matching share of a Federal National Recreational Trails grant that will be administered through the Wisconsin Department of Natural Resources for providing improvements to the Hawthorne Glen Outdoor Educational Center. (Comptroller's Office)		
Sponsors:	ALD. MURPHY		
Indexes:	FEDERAL GRANTS, PROMISSORY NOTES, RECREATION		
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Date	Ver.	Action By	Action	Result	Tally
9/4/2002	0	COMMON COUNCIL	ASSIGNED TO		
9/4/2002		FINANCE & PERSONNEL COMMITTEE	REFERRED TO		
9/10/2002	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
9/10/2002	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
9/10/2002	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
9/18/2002	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
9/24/2002	0	COMMON COUNCIL	ADOPTED	Pass	17:0
10/3/2002	0	MAYOR	SIGNED		

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020218
THE CHAIR

Resolution authorizing the issuance of short-term general obligation notes for funding the City's matching share of a Federal National Recreational Trails grant that will be administered through the Wisconsin Department of Natural Resources for providing improvements to the Hawthorne Glen Outdoor Educational Center. (Comptroller's Office)

Resolution authorizing the issuance of short-term general obligation notes under s. 67.12(12), Stats., funding the City's matching share of a Federal National Recreational Trails grant that will be administered through the Wisconsin Department of Natural Resources for providing improvements to the Hawthorne Glen Outdoor Educational Center. The grant is in a total amount of $134,600 of which 50% ($67,300) would be Grantor funding and 50% ($67,300)

would be City borrowed Grantee funding.

Whereas, The 2002 budget of the City of Milwaukee authorizes general obligation short-term borrowing under § 67.12(12) for paying the City's share of the costs under Grant and Aid Projects; and

Whereas, The City of Milwaukee is desirous of issuing and selling short-term promissory notes for the purpose of paying its share of the Grant and Aid Project for providing the City's "match" for the funding of a Federal National Recreational Trails grant that will be administered through the Wisconsin Department of Natural Resources for providing improvements to the Hawthorne Glen Outdoor Educational Center. The grant is in a total amount of $134,600 of which 50% ($67,300) would be Grantor funding and 50% ($67,300) would be City borrowed Grantee funding; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue general obligation short-term promissory notes pursuant to the provisions of § 67.12(12), Stats., in the amount of $67,300 to provide the City's "match" for the funding of a Federal National Recreational Trails grant that will be administered through the Wisconsin Department of Natural Resources for providing improvements to the Hawthorne Glen Outdoor Educational Center; and, be it

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at a public competitive sale with bids invited from local banks 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 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 public competitive sale or to the Public Debt Amortization Fund as an investment, the Common Council hereby declares that it will levy an irrepealable tax sufficient to pay each installment of principal and interest as it becomes due and payable; and, be it

Further Resolved, That said notes are not intended to be arbitrage notes and that there is no reasonable expectation of the City of Milwaukee realizing arbitrage proceeds; and, be it

Further Resolved, That until such time as the notes are sold that unencumbered funds of the Capital Fund not exceeding $67,300 are to be used to finance this project; and, be it

Further Resolved, That upon the sale of the notes, the funds heretofore advanced from the Capital Fund shall be repaid out of the proceeds of such notes sale; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized

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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 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 irrepealable 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 next-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

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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 to the beneficial 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 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; and, be it

Further Resolved, That a Continuing Disclosure Certificate, in substantially the form customarily provided by the City to be dated the date of initial delivery of the Notes, is authorized to be executed and delivered by the Comptroller; and, be it

Further Resolved, That the obligation of the City of Milwaukee under the aforementioned disclosure certificate under the terms therein specified is determined to be contractual for the benefit of the note holders from time to time; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employes 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.

City Attorney
TEH:kef
August 13, 2002
1035-2002-2449:56572