

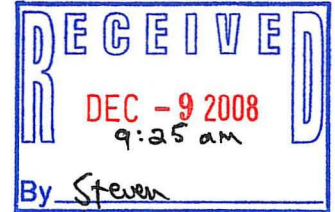
DANIEL A. MULE'
CITY TREASURER

SALT LAKE CITY CORPORATION

DEPARTMENT OF MANAGEMENT SERVICES
TREASURER'S DIVISION

RALPH BECKER
MAYOR

CITY COUNCIL TRANSMITTAL





David Everitt, Chief of Staff

Date Received: 12/9/08
Date sent to Council: 12/9/08

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: December 8, 2008

FROM: Lyn Creswell, Management Services Director

 Dec 9, 2008

SUBJECT: Sales Tax Revenue Bonds, Series 2009A, Resolution Authorizing a Public Hearing for the Purpose of Financing the Acquisition, Improvement and Remodeling of a Building for Use as City Offices

STAFF CONTACT: Daniel A. Mulé, City Treasurer (535-6411)



DOCUMENT TYPE: Briefing/Resolutions

RECOMMENDATION: 1) That the City Council hold a discussion in anticipation of approving a Parameters Resolution on January 6, 2009 for the aforementioned bond issue; 2) That the City Council adopt a *Resolution Authorizing Public Hearing* on December 9, 2008 that will a) authorize a *Notice of Public Hearing* to be published twice prior to the date set for the public hearing; and b) set January 6, 2009 as the date to hold the public hearing.

BUDGET IMPACT: Based on preliminary estimates and the current interest rate environment, annual debt service costs funded through the CIP would average \$493,400 per year for 20 years.

BACKGROUND/DISCUSSION: In accordance with provisions of the Local Government Bonding Act, the City is required to hold a public hearing to receive input from the public with respect to: a) the issuance of our sales tax revenue bonds; and b) the potential economic impact that the Project will have on the private sector. The financing team is requesting that the City Council approve a motion on December 9, 2008 setting Tuesday, January 6, 2009 as the date to hold the public hearing. A *Notice of Public Hearing* is required to be published once a week for two consecutive weeks, with the first publication being at least 14 days prior to the date set for the public hearing.

The Parameters Resolution for the above-referenced bond issue will contemplate the issuance of up to \$8 million principal amount of bonds bearing interest at a rate not to exceed 7% and maturing in not more than 21 years. The Parameters Resolution is scheduled for adoption on January 6, 2009.

Attached is the draft of the *Resolution Authorizing Public Hearing*.

Attachment

cc: Gina Chamness, Boyd Ferguson, Gordon Hoskins, Daniel A. Mulé, Marina Scott

RESOLUTION NO. _____ OF 2008

CONSIDERATION OF A RESOLUTION PROVIDING FOR THE HOLDING OF A PUBLIC HEARING RELATING TO THE ISSUANCE OF SALES TAX REVENUE BONDS TO FINANCE THE ACQUISITION, IMPROVEMENT AND REMODELING OF A BUILDING FOR USE AS CITY OFFICES AND PROVIDING FOR RELATED MATTERS.

*** *** ***

WHEREAS, the City Council (the "*Council*") of Salt Lake City, Utah (the "*City*") considers it desirable and necessary and for the benefit of the City to issue up to \$8,000,000 of its sales tax revenue bonds (the "*Bonds*"), in one or more series, for the purpose of (a) financing all or a portion of the cost of the acquisition, improvement and remodeling of a building for use as City offices and various other capital improvement program projects (collectively, the "*Project*"), (b) funding any necessary reserves and contingencies in connection with the Bonds, and (c) paying the costs incurred in connection with the issuance and sale of the Bonds;

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "*Act*"), the City has the authority to issue its sales tax revenue bonds for the foregoing purposes;

WHEREAS, Section 11-14-318 of the Act requires that a public hearing be held to receive input from the public with respect to the issuance of Bonds and the potential economic impact that the Project will have on the private sector and that notice of such public hearing be given as provided by law and, in satisfaction of such requirement, the City desires to publish a Notice of Public Hearing and Intent to Issue Sales Tax Revenue Bonds (the "*Notice of Public Hearing*") pursuant to such Section;

WHEREAS, Section 11-14-307(7) of the Act requires the City to submit the question of whether or not to issue the Bonds to voters for their approval or rejection if, within 30 calendar

days after the publication of the Notice of Public Hearing, a written petition requesting an election and signed by at least 20% of the registered voters in the City is filed with the City; and

WHEREAS, the City desires (a) to provide for the holding of a public hearing and (b) to direct the publication of the Notice of Public Hearing and to provide for the form of the written petition requesting an election, as required by law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Salt Lake County, Utah, as follows:

Section 1. Findings and Determinations. The Council hereby finds, determines and declares that the financing of the Project is in the public interest and is in the best interest of the City and the businesses, residents and consumers within the City.

Section 2. Public Hearing. In satisfaction of the requirements of Section 11-14-318 of the Act, a public hearing shall be held by the Council on Tuesday, January 6, 2009, during the Council meeting which begins at 7:00 p.m., at the regular meeting place of the Council in the Council Chambers, Room 315 in the City and County Building, 451 South State Street, in Salt Lake City, Utah, to receive input from the public with respect to the issuance by the City of the Bonds and the potential economic impact that the Project will have on the private sector.

Section 3. Publication of Notice of Public Hearing. The City Recorder or any Deputy City Recorder (the "City Recorder") shall publish or cause to be published the Notice of Public Hearing in *The Salt Lake Tribune* and the *Deseret News*, newspapers having general circulation in Salt Lake City, Utah, and in which notices relative to the City are customarily published. Such notice shall be published once a week for two consecutive weeks, with the first

publication being at least 14 days prior to the date set for the public hearing. The Notice of Public Hearing shall be in substantially the form attached hereto as *Annex 1*.

Section 4. Form of Petition. The form of the petition to be used by registered voters in requesting that an election be called to authorize the Bonds shall be in substantially the form attached hereto as *Annex 2*.

Section 5. City Recorder to Perform Certain Acts. The City Recorder is hereby directed to maintain a certified copy of this Resolution on file in office of the City Recorder during regular business hours for inspection by registered voters of the City, and other interested persons, and upon request to supply copies of the form of petition specified in Section 4 hereof.

Section 6. Issuance of Bonds After Thirty-Day Period. In accordance with the provisions of Section 11-14-307(7) of the Act, if within thirty days after the final publication of the Notice of Public Hearing, a petition or petitions, in the form specified by Section 4 hereof, are filed with the City Recorder, signed by not less than twenty percent (20%) of the registered voters of the City (as certified by the County Clerk of Salt Lake County) requesting that an election be called to authorize the Bonds, then the Council shall proceed to call and hold an election on the Bonds. If such election is held and a majority of the registered voters of the City voting thereon approve the Bonds, then, in accordance with the provisions of the Act, the City shall thereupon be authorized to issue the Bonds. If no petition is filed within the thirty-day period after the date of the final publication of such notice, or if it is determined that the number of signatures on the petitions filed within the thirty-day period after the date of the final publication of such notice is less than the required number, the City shall proceed to issue the Bonds.

Section 7. Bonds Combined With Another Series. The Bonds may be combined with other City sales tax revenue bonds for which a public hearing has previously been held.

Section 8. Reimbursement. This Resolution is a declaration of official intent under Treas. Reg. Section 1.150-2. In satisfaction of the requirements thereof:

(a) The Council is planning to raise money for the purpose of paying a portion of the costs of the Project.

(b) Expenditures relating to paying the costs of the Project have been paid within sixty days prior to the passage of this Resolution or will be paid on or after the passage of this Resolution (the "*Expenditures*").

(c) The Council reasonably expects to reimburse the Expenditures with proceeds of the Bonds.

(d) The maximum principal amount of such bonds expected to be issued for the Expenditures is an amount not to exceed \$8,000,000.

Section 9. Severability. It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 10. Repealer. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 11. Effective Immediately. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this day, December 9, 2008.

SALT LAKE CITY, UTAH

By _____
Chair, City Council

[SEAL]

ATTEST:

By _____
Deputy City Recorder

APPROVED:

Mayor

APPROVED AS TO FORM:

Senior City Attorney

ANNEX 1

SALT LAKE CITY, UTAH NOTICE OF PUBLIC HEARING AND INTENT TO ISSUE SALES TAX REVENUE BONDS

PUBLIC NOTICE IS HEREBY GIVEN that on December 9, 2008, the City Council (the "Council") of Salt Lake City, Utah (the "City"), adopted a resolution (the "Resolution"), calling a public hearing to receive input from the public with respect to the issuance of its sales tax revenue bonds (the "Bonds") to finance all or a portion of the cost of the acquisition, improvement and remodeling of a building for use as City offices (the "Project") and the potential economic impact that the Project will have on the private sector, pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act").

PURPOSE FOR ISSUING BONDS

The City intends to issue the Bonds for the purpose of (1) financing all or a portion of the costs of the acquisition, improvement and remodeling of the Project, (2) funding any necessary reserves and contingencies in connection with the Bonds, and (3) paying the costs incurred in connection with the issuance and sale of the Bonds. The Bonds may be combined with other City sales tax revenue bonds for which a public hearing has previously been held.

MAXIMUM PRINCIPAL AMOUNT OF THE BONDS

The City intends to issue the Bonds in an aggregate principal amount not exceeding Eight Million Dollars (\$8,000,000).

SALES TAXES PROPOSED TO BE PLEDGED

The City proposes to pledge to the payment of the Bonds all of the legally available revenues from Local Sales and Use Taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended (currently levied and collected pursuant to Chapter 3.04 of the Salt Lake City Code).

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The City will hold a public hearing during its City Council meeting which begins at 7:00 p.m. on January 6, 2009. The public hearing will be held at the regular meeting place of the Council in the Council Chambers, Room 315 in the City and County Building, 451 South State Street, in Salt Lake City, Utah. All members of the public are invited to attend and participate in the public hearing. Written comments may be submitted to the City, to the attention of the City Recorder, prior to the public hearing.

PURPOSE FOR HEARING

The purpose of the hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the Project will have on the private sector.

NOTICE OF RIGHT TO FILE PETITION TO HOLD AN ELECTION

NOTICE IS FURTHER GIVEN that pursuant to Section 11-14-307(7), Utah Code, if within 30 calendar days of the final publication of this notice on December 22, 2008, a written petition requesting an election and signed by at least twenty percent (20%) of the registered voters of the City is filed with the City, then the City shall submit the question of whether or not to issue the Bonds to the voters of the City for their approval or rejection.

If no written petition is filed or if fewer than 20% of the registered voters of the City sign a written petition, in either case, within 30 calendar days of the final publication of this notice on December 22, 2008, the City may proceed to issue the Bonds without an election.

SALT LAKE CITY, UTAH

By _____
Deputy City Recorder

ANNEX 2

PETITION

To: City Recorder
Salt Lake City, Utah

We, the undersigned citizens and registered voters of Salt Lake City, Utah, respectfully request that an election be called by the City Council of Salt Lake City, Utah, pursuant to the provisions of Section 11-14-307(7), Utah Code Annotated 1953, as amended, to authorize the issuance by Salt Lake City, Utah, of its sales tax revenue bonds, in a maximum principal amount not exceeding \$8,000,000, as to which notice of intention to issue was published on December 15, 2008 and December 22, 2008, in *The Salt Lake Tribune* and the *Deseret News* pursuant to the provisions of a resolution passed by the City Council of Salt Lake City, Utah, at a regular meeting of the City Council held on December 9, 2008, and each for himself or herself says: I have personally signed this petition; I am a registered voter of Salt Lake City, Utah; my residence and post office address are correctly written after my name:

[The following certification shall appear on the reverse side of each page attached to the Petition containing the signature of voters]

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

I, _____, of _____, hereby certify that I am a registered voter of Salt Lake City, Salt Lake County, Utah, that all the names which appear on this sheet were signed by persons who professed to be the persons whose names appear thereon, and each of them signed his or her name thereto in my presence, I believe that each has printed and signed his or her name, and written his or her post office address and residence correctly, and that each signer is a registered voter of Salt Lake City, Salt Lake County, Utah.

Subscribed and sworn to before me this _____ day of _____, 2008.

Notary Public (or other official title)