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From the Director of Economic Development, Department of Administrative Services, requesting authorization to adopt procedures to review Public Finance Authority requests for Milwaukee County consent of conduit revenue bond issuance to be included within the Administrative Manual of Operating Procedures, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, conduit financing is a funding mechanism for projects through the issuance of tax-exempt municipal bonds that can support a wide variety of projects including public works projects and private development; and

WHEREAS, the Public Finance Authority (PFA) is a unit of government and body corporate and politic of the State of Wisconsin (the State) created pursuant to the provisions of Sections 66.0301, 66.0303, and 66.0304, Wisconsin State Statutes (State Statutes), that is authorized to, among other things, issue bonds, notes, or other evidences of indebtedness in connection with, and to make loans to assist in the financing of, projects located inside and outside of the State; and

WHEREAS, Section 66.0304(11)(a), State Statutes, provides that the PFA may not issue bonds to finance a capital improvement project in the State unless all of the political subdivisions within whose boundaries the project is to be located have approved the financing of the project; and

WHEREAS, the bonds, when and if issued, do not constitute a debt or pecuniary liability, or a legal or moral obligation of Milwaukee County for any reason whatsoever; and

WHEREAS, pursuant to Amendment No.1 to File No.16-418, which states “the Director, Department of Economic Development is designated as the primary contact person for Milwaukee County PFA projects and is authorized and requested to develop a procedure to evaluate such requests received by Milwaukee County” such procedures are herein provided; and

WHEREAS, in the March 2017 meeting cycle of the Milwaukee County Board of Supervisors, File No. 17-156 was provided, which outlined the following procedures; and

WHEREAS, this and all future actions having to do with the issuance of debt shall be reviewed by the Office of the Comptroller; and

WHEREAS, the Committee on Economic and Community Development, at its meeting of June 12, 2017, recommended adoption of File No. 17-365 (vote 5-0); now, therefore,

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BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) hereby recommends adoption of the following procedures to the Administrative Manual of Operating Procedures or any applicable ordinance:

1. The Public Finance Authority (PFA) or bond counsel representing a conduit revenue bond transaction will contact Milwaukee County’s Director of Economic Development at least ninety (90) days prior to when Milwaukee County (the County) consent is required. This initial communication will contain at least:
  - a. A project description and economic impact analysis as described in 4(a) and 4(b) below; and
  - b. A written request for County Board consent of bond issuance; and
  - c. Evidence of support from the local municipality as described in 4(e) below.
2. A copy of this request will be sent to the Director of the Department of Administrative Services, the Office of Comptroller, and the County Board Chairperson.
3. The Director of Economic Development will acknowledge receipt of a request by providing a written response within seven (7) days of receiving such a request. In that acknowledgment, the Director of Economic Development will describe the procedures and criteria for review prior to the County issuing its consent.
4. The Director of Economic Development and Office of the Comptroller will review requests within thirty (30) days of acknowledging receipt. The following criteria will be applied to that review:
  - a. Project Description
    - i. A description of the project including the borrower, municipality where the issuance will occur, project end use, and
    - ii. A description of the type of bond being issued.
  - b. Economic Impact
    - i. Estimated total jobs created in the project and induced through construction; and
    - ii. Anticipated tax base created.
  - c. Project Viability
  - d. No County Liability
    - i. Bond counsel must confirm as a condition of the County’s consent that the bonds, when and if issued, do not constitute a debt or pecuniary liability, or a legal or moral obligation of the County for

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any reason whatsoever. A written statement or other similar contract from the requesting entity declaring the same shall be submitted with the request for consent to the County Board.

e. Municipal Support

i. The County will begin its review after receiving written consent from the local municipality where the bonds will be issued. A certified resolution of this support shall be submitted with the initial request.

- 5. If it is determined that the project and request for consent of conduit revenue bonding is sufficient, the request will be sent to the County Board for action along with the (1) Project Description, (2) Economic Impact Analysis, (3) Statement of No Liability, and (4) Resolution indicating municipal approval.
- 6. If the issuance is consented by the County, the PFA shall provide the Office of the Comptroller the following items:
  - a. Bond closing transcripts; and
  - b. A final report listing the assets or portions of assets that are financed or refinanced with the proceeds; and
  - c. Notification of any violations that are discovered relating to bond financed or refinanced assets.

; and

BE IT FURTHER RESOLVED, the County Executive and County Clerk are authorized to execute any required documents regarding the execution of this resolution.

srb  
06/12/17  
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